

FMA-INDIA Child Protection Policy



(An Auxilium Commitment to Safeguarding of Children)

1. Introduction

We are Daughters of Mary Help of Christians (FMA) known as Salesian Sisters of Don Bosco. This International religious Congregation was founded in 1872 by Don Bosco and Mother Mazzarello¹. We live our charism amidst the challenges of the world today as signs and bearers of hope to children and young people following the Preventive System².

Presently, we are working in 94 countries³ across the world reaching out to millions of children and young girls especially the poor, excluded and the most vulnerable.

¹ St. John Bosco and St. Mary Mazzarello were educators par excellence of children and young people. They dedicated their lives for them. They loved them, accompanied them and were ever ready to protect them from all dangers.

² The Preventive System is the educational method of Don Bosco based on reason, religion and loving kindness

³ As on December, 2018

In India, since 1922, the number of service-oriented formal and non-formal FMA⁴ institutions, has grown steadily to serve the most deprived and discriminated communities in 20 states today.

Urged by the call to love God and our fellow human beings, we take due note of the increasing abuse and violence against children in the world and India today. Each day brings before us the plight of the children and the young being subjected to the cruelest forms of dehumanization. At the same time, it is also heartening to note that the global community has come forward to take proactive measures to protect and promote the basic rights, welfare and development of the children by progressively eliminating all forms of abuse, violence and discrimination against them. UN documents, National and State legislations⁵ continue to be our guiding force in our response to live and work for the holistic development of children.

As FMA educators, we are inspired by our faith in Jesus Christ. We are engaged in the education of youth in all our formal institutions and non-formal centres. We seek to create a holistic and child friendly atmosphere, demonstrating God's preferential love for the last and the least.

This policy document is our pledge to be a voice to the voiceless, through a comprehensive policy framework, leading to prevention, protection, preservation, participation and promotion of life.

2. What is FMA Child Protection Policy?

It is FMA's commitment to protect children from abuse, exploitation, organizational negligence, discrimination and intentional and unintentional harm by setting professional and ethical standards and preparing policies, guidelines, systems, mechanisms and procedures to realize them.

3. Need for Child Protection Policy

Challenged by the Word of Jesus, the Good Shepherd who came so "that all may have life in its fullness" (Jn:10:10),

Inspired and motivated by our Charism to reach out to the children and youth and the teachings of the recent General Chapter documents and

⁴ FMA is an international religious congregation. As this document pertains to India, FMA refers here to FMA-India, unless otherwise specified.

⁵ United Nations Convention on the Rights of the Child, 1989 (UNCRC); Right to Free and Compulsory Education Act, 2009 (RTE Act) Edu Protection of Children from Sexual Offences Act, 2012 (POCSO); Juvenile Justice Act, 2015 (JJ Act).

Recognizing that Crimes against children have gone up in recent years, and so have the pendency in the special children courts set up to deal with such crimes⁶,

We, more than ever, consider it as an urgent call of the hour, to set Standard Operating Procedures through systems and mechanisms in all FMA Institutions, while working with minors from the perspective of prevention of atrocities and defense of their rights for their holistic development.

Therefore, this policy is a concrete expression of our loving commitment to the welfare and well-being of the children under our care, assuring protection from abuse, neglect, exploitation and violence.

The policy will help FMA provinces to develop a common understanding of child protection issues, develop good practices and increase accountability in safeguarding the children. It will also help in motivating the staff and protect actions done in good faith by the staff and other representatives, adhering to the policy.

4 Coverage

FMA India Child Protection Policy concerns everyone directly and indirectly associated with the FMA and all our formal and non-formal institutions.

1. FMA-India
2. The staff at all levels full time or part time service in our institutions.
3. Educating community⁷
4. Volunteers
5. Parents
6. Networking agencies⁸
7. Visitors, Well-wishers and Benefactors

⁶

http://timesofindia.indiatimes.com/articleshow/62903646.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

⁷ Educating community consists of all partners, those who are connected to FMA one way or another

⁸ Networking agencies include government, non-government and collaborating organizations

5. Definitions:

- a. **Child:** A child is a person who has not completed 18 years since his/her birth as per the official records⁹.
- b. **Child abuse:** It is “any act, deed or word which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being.
- c. **Child Protection:** Child protection consists of the responsibilities, measures and activities that are undertaken to safeguard children from both intentional and unintentional harm, particularly arising from child exploitation and abuse
- d. **Child exploitation:** Child exploitation is act of using child for profit, Labor, or some other personal or financial advantage.
- e. **Child sexual exploitation** is when someone grooms and controls a child for sexual purposes. Grooming children for sexual purpose involve befriending the children, gaining their trust, giving drugs, alcohol or gifts and asking them to perform sexual acts as a favour or in exchange for something.
- f. **Child Protection Officer (CPO):** CPO is a designated FMA or any other person, appointed by the Animator¹⁰ of each FMA community in consultation with the Provincial, or appointed by the Provincial for a region, who will function as Protection Officer in a designated formal / non-formal centre or a region.
- g. **Child Protection Committee (CPC):** CPC is an advisory committee, composed of at least three experts, appointed by the Animator, in consultation with the Provincial, in each formal / non-formal centre or for a region to evaluate and advise or monitor the implementation of FMA child protection policy.
- h. **Local Enquiry Commission:** Local Enquiry commission will consist of three members appointed by the Animator on the recommendation of CPO, on a case-by-case basis, to deal with complaints that need to be further probed after preliminary inquiry by the CPO, related to lay staff and collaborators in our mission.
- i. **Province Enquiry Commission**

The Province Enquiry commission is formed by the Provincial, on a case by case basis, to deal with specific complaints that are related to FMA which will consist of Vice Provincial, an FMA and an expert (Doctor/Advocate/ Psychologist/Counselor/ Social worker) appointed by the Provincial to deal with

⁹ This is subject to change as per the prevailing / changing law of India, at present JJ Act 2015, Sec 2 (12).

¹⁰ Animator refers to the head of the religious community missioned by the congregation, who is also known as ‘Superior’

complaints related to FMA that needs to be further probed, after preliminary inquiry, at the recommendation of the local Animator.

- j. **Complaint Box:** Every FMA-India institution will have a red-coloured complaint box in an appropriate place of the institution / centre, with the caption 'FMA upholds Child Protection', under "Complaint Box"

k. Children and online grooming

Child grooming (enticement of children or solicitation of children for sexual purposes) "can be described as a practice by means of which an adult 'befriends' a child (often online, but offline grooming also exists and should not be neglected) with the intention of sexually abusing her/him" (Interagency Working Group, 2016, p. 49). Grooming for sexual purposes is one of the many risks children may encounter on the Internet. It can take place in Internet chat rooms, social networking sites or game sites. The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) is the first international instrument to criminalise the solicitation of children for sexual purposes through information and communication technologies.

6. Types of Abuse

Physical Abuse: Any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of a child, such as hitting, shaking, throwing, burning, scolding, drowning, suffocating, slapping, punching, pinching, kicking, biting, strangling, poisoning or causing physical harm to a child in anyway resulting ill health in him/her and includes assault, criminal intimidation and criminal force.

Verbal and Emotional Abuse: This is the persistent emotional ill-treatment of a child, such as insults, ridicule, humiliation, name calling or threats, causing severe and long-lasting effects on the child's emotional development. It may involve conveying to children that they are worthless and unloved, inadequate, or valued only so far as they meet the needs of another person. It can also involve developmentally inappropriate expectations being imposed on children or causing children frequently to feel frightened or in danger, either in person or virtually using technological tools. Some level of emotional abuse is involved in all types of ill-treatment of a child.

Neglect: This is the persistent failure to meet the child's basic physical or psychological needs, likely to result in the serious impairment of the child's

physical or cognitive development. For example, inadequate care and supervision which leaves a child in a dangerous situation where he/she could be harmed.

Sexual Abuse: This involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening or gives consent. The activities may involve physical contact, including penetrative (e.g., rape) or non-penetrative acts. They may also include non-contact activities, such as involving children in looking at, or in the production of pornographic materials¹¹ or watching sexual activities or encouraging children to behave in sexually inappropriate ways.

Exploitation: Child exploitation is the act of using a minor child for profit, labor, sexual gratification, or some other personal or financial advantage.

7. Fact file: The figures say it all¹²

Sinking so low:

- There were 1,48,185 cases of crime against children recorded in 2019 which meant that each day over 400 such crimes are committed in the country.
- 33 different forms of violence and abuse against children are observed by parents of children aged 0-6 years.
- A study in 2019 by The Teacher Foundation, in association with Wipro Applying Thought in Schools (WATIS) in 15 cities found that 42 per cent of students of Class 4 to 8 and 36 percent of Class 9 to 12 said they are subjected to bullying and harassment in school campuses
- A national mapping done by MWCD/Childline in 2016, identified 3,70,227 children in need of care and protection and at least 9,589 in childcare institutions. 39 Children's vulnerability to violence increases when they are without parental care and a study in 2018 identified as many as 1,575 victims of sexual abuse (1286 girls and 286 boys) of children in institutions.
- Reports of POCSO cases have increased steadily since 2014 (except for a slight dip in 2017) - reaching 39,827 cases in 2018. Of the total reported child victims under POCSO, 85.8% were girls in the age group of 12-18 years, up slightly from 83 per

¹¹ In accordance with the optional protocol to the Convention on the Rights of the child, 'child pornography' means 'any representation, by whatever means,' of a child engaged in real or simulated explicit sexual activity on any representation of the sexual parts of the child for primarily sexual purposes.

¹² Sources: Children Each Day In 2020: NCRB Data, <https://www.outlookindia.com/website/story/india-news-india-recorded-over-350-crimes-against-children-each-day-in-2020/3963943>

- In 94.6 per cent of cases of child sexual abuse, the perpetrators were known to child victims in one way or the other; in 53.7 per cent of cases they were close family members or relatives/friends.
- 60 percent of online users in India are children and young people. In a 2019 UNICEF U-Report poll, one in three children in India reported that they experienced cyber bullying. Of these, more than half the respondents were not aware of services to report online violence.
- At least 25,000 images of child sexual abuse were uploaded every day from India. This amounts to 12 per cent of the child sexual abuse images circulation globally being generated in India.

8. The FMA Child Protection Policy

I. Preamble:

We the Salesian Sisters of Don Bosco, belonging to the International Congregation of Daughters of Mary Help of Christians (FMA) recognize and affirm that

1. A child is any person who has not completed the age of 18 years.
2. Every child has the right to childhood and development as a person.
3. The children must have the right to express their views freely in all matters affecting them. Their views shall be given due weight, in accordance with their age and maturity.
4. All children have the right to be protected from any employment till the age of 14 and any form of hazardous job till the age of 18, as per The Child and adolescent Labour (Prohibition and Regulation) Act, 1986.
5. Although the Right to Free and Compulsory Education Act, 2009 recognizes the right to free and compulsory elementary education for all children in the 6 to 14 year age group, we agree with India's ratification to the UNCRC on 11th December 1992 that education for children should be from birth to 18 years.
6. All children have the right to equal opportunities and facilities to develop in a healthy manner and in an atmosphere of freedom and dignity. They have the right to guaranteed protection of childhood and youth against exploitation and against moral and material abandonment.

II. The Guiding Principles of the Policy

1. The legal basis: The FMA Child Protection Policy is firmly based on the principles of the UN Convention on the Rights of the child (UNCRC). The CRC provides a comprehensive framework for the provision of protection and participation of all children without discrimination to ensure their survival and development to the maximum extent possible.
2. Moral basis: The FMA believes that the institutions working for children's Rights have an absolute duty to protect them from abuse, maltreatment and exploitation within the organizations intended for their benefit. This duty is imperative and non-negotiable.
3. There shall be Zero tolerance regarding the abuse of and violence against children
4. The Best interests of the child are paramount and shall be the primary consideration in our planning and decision.
5. The Child centered and Child rights-based approach will be pursued in order to keep children sharply in focus in our planning and direct work.
6. Non-discrimination and equal participation shall be ensured so that all children may have the opportunity to enjoy all our activities safely, regardless of their gender, race, caste, creed, culture, ethnicity, circumstances or age as per their ability. Further, special privileges will be extended to children and the young from disadvantaged communities in ensuring social justice.
7. Confidentiality be maintained to protect sensitive personal data, information should only be shared on a need to know basis, by the legitimate individuals only, for the conduct of their official duties.
8. Shared Responsibility will be by the stakeholders for the protection of minors.
9. The help and intervention of Law enforcement agencies and child welfare organizations will be continually sought.

III. The Objectives of the policy

1. To create child friendly environment within the formal / non-formal institutions
2. To ensure appropriate operational mechanisms in all our centres and institutions.
3. To promote the rights to life, development, protection and participation of children.

4. To protect and safeguard the children from all forms of abuse and reduce the risks of harm.
5. To provide guidance on how to respond concretely to the allegations of child abuse and negligence.
6. To closely work with the Government, Child Protection Mechanisms and NGOs to create child safety nets.
7. To set Standard Operating Procedures, putting mechanisms in place and ensure credibility for the Institutions.

IV. General Guidelines for Child-friendly Organizational Governance

1. Staff Recruitment Procedure

- a. During recruitment, the candidate should be clearly informed that the Salesian Sisters have a child protection policy and he/she shall be required to abide by it.
- b. All recruits who will have direct or regular contact with children later, shall undergo a screening procedure to check for any child abuse related record.
- c. The job interview should include at the first stage, specific questions relevant to the post applied for¹³, on child protection issues to probe the applicant's attitude and aptitude to working with children.
- d. Two references to respectable persons should be referred from applicants before appointment to the post. These may include (where possible) an employer who can comment on the applicant's work with children.
- e. During the induction or training of a new employee, the respective Coordinator and Child Protection Committee Members should observe the 'child friendly personality' of the staff and give feedback to the Management before the appointment.
- f. During the induction / training period, feedback should be taken from children about the staff and opinion of children should be evaluated.
- g. Along with the appointment letter, a copy of the Child Protection Policy and the Employee Manual shall be given to the new employee. Child Protection Policy may be included in the employee manual. The employee shall be asked to sign a statement that he/she has read the policy and shall abide by it.

¹³ Behavior based interview questions will be helpful in probing into the applicant's past behavior in specific situations relevant to the positions. Behavioral questions give interviewers additional information as to the applicant's suitability to work with children.

- h. Staff should be asked to sign a self-declaration statement confirming that they have no convictions for any offence¹⁴ involving any type of harm to children, and should declare anything that may affect their suitability to work with children.
- i. Where allegations are made about staff, careful consideration must take place about the appropriateness of the person continuing to work with the FMA. This may include suspension for a time an external investigation and dismissal if a serious allegation is proved

2. Training and Orientation of Staff

- a. The Staff need to be adequately trained, supervised and followed up, to ensure that risks to children are minimized.
- b. All¹⁵ in FMA Institutions will study the FMA-Child Protection Policy and imbibe its principles. They will be trained in implementing and reporting mechanisms.
- c. Members of the FMA family will be trained to be “culture sensitive”¹⁶, critically approaching and avoiding cultural stereotypes, labeling and branding negatively.
- d. All staff should sign a Code of Conduct specific to the protection of children before starting to work with children. Staff should be informed about the policy of the institutions in relation to the use of technology (such as computers and mobile phones). They should undertake not use this technology for the purpose of accessing, producing or distributing any information or violent or sexual images that are harmful to children.
- e. All the staff members will be trained on understanding the non-verbal signs of children who may be victims of any form of violence will also be trained on appropriate mechanisms to address the violence and protect the children and young people.
- f. The Management shall provide necessary resources for training of staff and other stakeholder to understand imbibe and put into practice the policy, with follow-up refresher workshops.

¹⁴ At times Police clearance certificates demonstrating nonexistence of criminal record will be useful.

¹⁵ Employee, officer, staff member, intern, volunteer, researcher, consultant, or adviser

¹⁶ A culturally sensitive person seeks always to work in ways which are culturally acceptable and respects the diverse natures of the children he/she works with. We recognize that there are many different ways of thinking and taking care of children and making sure that they are protected. Culture must not be used as a reason or excuse to abuse children.

3. Preventive Measures:

- a. The Code of Conduct and key elements of Child Protection Policy should be displayed visibly on the Board for every child and adult to know their rights.
- b. Children of our institutions and invitees are allowed to use our premises for all events, activities, recreations, exposures, and residential programmes. In such cases privacy will be ensured for children based on their sex and needs¹⁷.
- c. Children of the same sex need to be accompanied by one or more of our staff in all circumstances. Wherever it is not possible it is advised to call one of the community members of the same sex to accompany the child.
- d. Children are not to be sent in an isolated environment with anyone.
- e. All trips, rides, vacations, camps and other such activities of children must have written approval of the parents, guardian and/or the appropriate authority.
- f. During interviews, counseling or tuitions, the doors should be left open or transparent glass doors are to be used.
- g. No telephone calls or emails will be allowed to minor without the knowledge of the Director, Warden or Parents. Only, when necessary, emails and calls may be made to Parents or guardians, which will be monitored, respecting the privacy of the children.
- h. Use of vocabulary, recordings, songs, films, pornographic materials, games, and software that are indecent have no place in FMA institutions. Any form of personal interaction for education or entertainment which is offensive to public sentiment and against the best interest of children is also banned within our premises. Any efforts to utilize the above will be considered as a violation of children rights.

4. Prohibitive Behaviors

Prudence demands that the following must be avoided and prevented.

- a. All kinds of physical, verbal and emotional abuses, neglect and sexual abuses.
- b. Sexual advances and various types of inappropriate physical contact and any form of sexual harassment.
- c. Use of inappropriate language with sexual connotations and lewd jokes that cause scandal and may be construed as a form of sexual harassment.
- d. Requests for sexual favours in return for some benefit.

¹⁷ It is highly recommended that records of registration of such children entry could be maintained.

- e. Viewing or portraying any sexually oriented or morally inappropriate materials in printed, audiovisual, electronic media.
- f. No member of the FMA institutions shall possess or distribute any sexually explicit depiction of children or adults. No immoral dialogues are permitted. Everyone will resist from the use of banned or seductive material in the print or the electronic media.

5. Code of Conduct

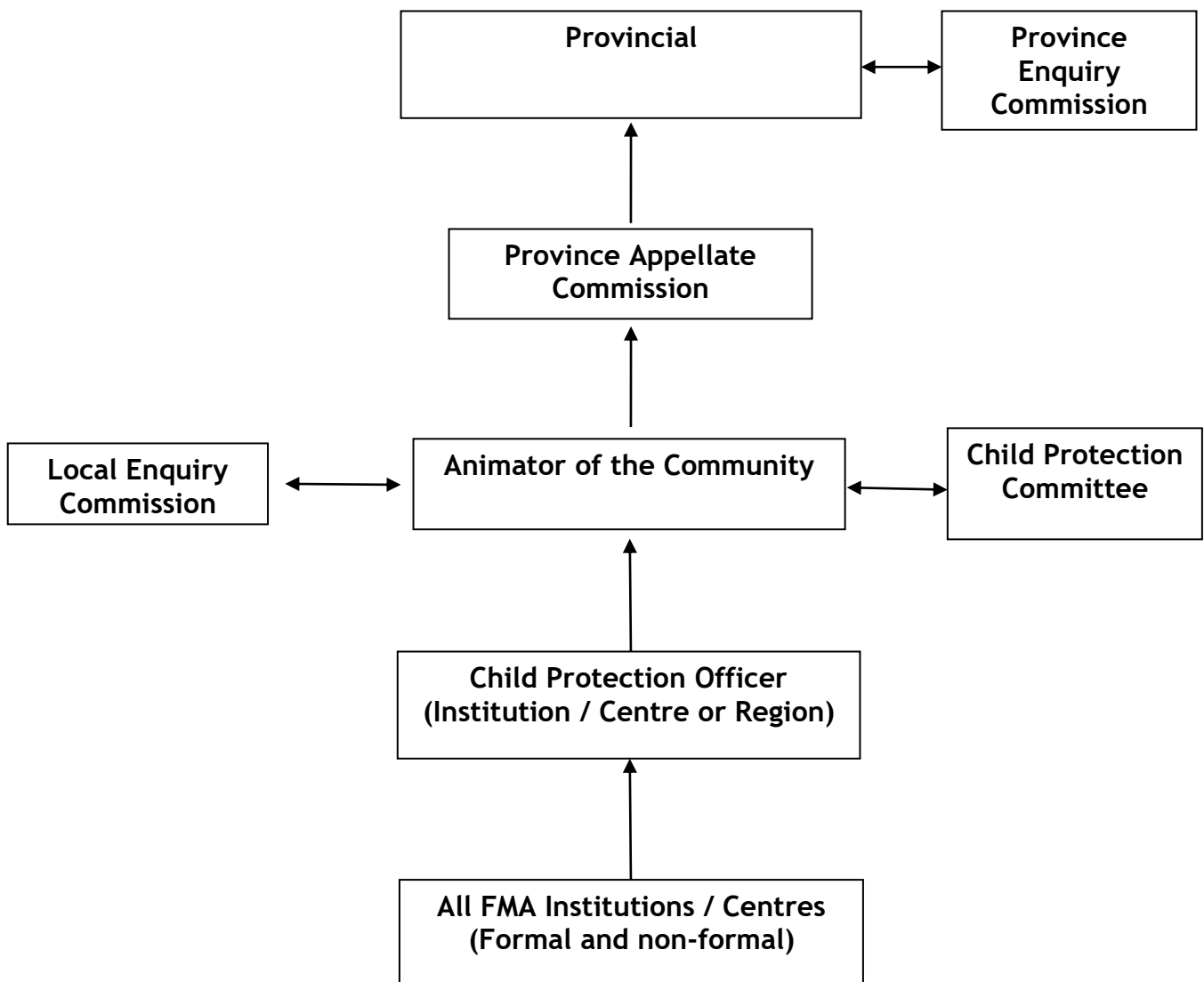
- a. The Behaviour of all classes of members of the FMA family has to be edifying, decent, dignified and respectful while communicating with the children.
- b. We should encourage children always to speak out abuses of any sort even minor ones from anyone.
- c. We should never shame or belittle a child.
- d. Do not reveal the identity or provide any information about a child without the consent of the parents for any purpose.
- e. Do not engage in any physical punishment of a child in public or in private.
- f. Do not take photographs or videos of children or adults while they are nude, partially nude or undressing.
- g. Every individual has to maintain his/her dignity or decorum while discharging responsibilities in the organization.
- h. To report any concerns regarding the children in accordance with the policy.
- i. No child should be left unsupervised with a visitor under any circumstances.

V. Complaint Mechanism

The complaint mechanism in the FMA Child protection system is as follows

1. Structure of the complaint mechanism
2. Role and functions of the designated officers
3. General Procedures to be followed in all cases of complaint

1. Structure of the Complaint Mechanism



2. Role and functions of the designated officers

A. Role and functions of the Child Protection Officer (CPO):

1. CPO is the first officer in the complaint redressal mechanism of FMA-India institutions / centres
2. Generally, the CPO in FMA institution will be one who is child friendly, knows the language of the children, has adequate knowledge of child rights and child protection policies and services.

3. All complaints received in any form - oral, written, over the phone by anyone in or connected with the organization will be forwarded to the CPO.
4. She will function as interlocutor between the management and complainants
5. She will be the member of the Child Protection Committee (CPC)
6. She will open the complaint box on a weekly basis
7. Based on complaints found in the complaint box or on receiving complaints in any form, she will carry out preliminary enquiry within 24 hours to assess the genuineness and gravity of the complaint.
8. She is authorized to interview those accused in the complaint and the complainant, in the presence of a witness, a respected person.
9. If a complaint is made by a third party, she will first dialogue with the third party to ascertain the facts of the complaint.
10. If she considers a case to be frivolous or motivated and does not require further action, she will put down her reasons in writing and forward any relevant documents to the Animator.
11. If CPO considers that a specific complaint warrants detailed investigation she is expected to submit the matter to the Animator, putting her reasons in writing
12. If a complaint requires a procedural enquiry, she is authorized to conduct necessary enquiry, receiving written statements, statements on oath and record the proceedings.
13. Based on the enquiry conducted, she will make her recommendations and submit the same to the Animator of the community.
14. In case of complaint received against FMA, the CPO will forward the complaint to the Animator, who in turn will refer the matter to the Provincial.
15. She will network with the child support systems and make their services available to all the children who may need them.
16. She is responsible for the maintenance and updating of the records of the children related to the complaints
17. She is responsible to organize the CPC meetings and record the minutes
18. She takes initiative to organize regularly awareness sessions for children of the institution/ centre

B. Role and Functions of the Child Protection Committee (CPC)

1. The CPC will be a three-member body appointed by the Animator of the institution / centre comprising of the CPO, a teacher / Coordinator and an external expert.
2. The CPC is an advisory body of the institution / centre.
3. The CPC holds meetings once in three months to discuss the problems, protection procedures and offer appropriate guidelines for better implementation of the policy
4. The CPC members should know the language of the children, be available for meetings, listen to the problems, be child-friendly in their dealings at all times and know the institution and stand by the mission as collaborators for the common cause.
5. The CPC will monitor and evaluate the implementation of FMA- India Child protection policy in each institution.

C. Role and Functions of the Animator:

1. The Animator is the designated authority in the religious houses of FMA- India.
2. The Animator is the appointing authority of CPO and CPC, who will hold office for a minimum of one year, in consultation with the Provincial.
3. The Animator will make it known to all in the institutions / centres the CPO responsible in their place and the role and function of CPO.
4. In case of complaints on any FMA the Animator will refer the matter to the Provincial
5. The Animator will make sure that everyone in the FMA institution / centre is fully aware of FMA Child protection policy.
6. The Animator will be responsible for implementing the child protection principles and guidelines.
7. On receiving recommendations from CPO on specific cases, in consultation with her council, she will decide on appropriate penal actions and execute the same.
8. Where there is no local council, the Animator consults the Headmistress of the school and the Director of Non-Formal Sector before taking decisions in this domain.

9. Based on the recommendations of CPO, the Animator, along with the house council will decide whether to have the matter dropped, further investigated internally or referred to the police depending on the level of gravity and complexity within 48 hours.
10. After enquiry by CPO if a complaint is submitted to the Animator for a detailed investigation, she will form Local Enquiry Commission who will be mandated to do the necessary investigation.
11. Except on complaints related to FMA, in all other matters the Animator will be the final authority to decide, in consultation with her council.
12. In case a person is convicted for an offence, she will inform the person concerned about the right of appeal to the person.
13. The Animator will hold confidential the reports and the findings of the cases relevant to the complaints under her jurisdiction.
14. The Animator is the authorized person to represent the FMA institution / centre, if a matter is taken to public domain.

D. Role and Function of the Local Enquiry Commission:

1. The Local Enquiry Commission is formed by the Animator as and when required to deal with specific complaints.
2. The commission will include experts in the field of child protection, with minimum of three members.
3. Specific complaints will include complaints that require detailed investigation related to any of the lay members engaged in FMA institutions / centres.
4. After detailed enquiry within the stipulated time given by the Animator, the commission will submit its report and all other relevant documents to her with their recommendations.

E. Role and Function of Province Appellate Commission:

1. Province Appellate Commission is formed by the Provincial, as and when required on a case-by-case basis, comprising of not less than three experts, only to deal with appeal cases arising after the decision of the Animator.
2. After detailed enquiry within the stipulated time given by the Provincial, the Appellate Commission will submit its report and all other relevant documents to her with their recommendations.

F. Role and Function of the Province Enquiry Commission

1. Specific complaints are ones, which require detailed investigation based on preliminary inquiry made by the local Animator or someone delegated by the Animator.
2. Province Enquiry Commission is appointed by the Provincial, as and when required on a case-by-case basis, comprising of not less than three experts, only to deal with cases related to FMAs.
3. After detailed enquiry within the stipulated time given by the provincial, the commission will submit its report and all other relevant documents to the provincial with their recommendations.
4. The Vice-Provincial or the one who is delegated by the Provincial will represent the Province if a particular case is taken to public domain.

G. Role and Functions of the Provincial¹⁸:

1. Provincial is the head of the province.
2. Provincial is the appointing authority of Province Appellate Commission and Province Enquiry Commission.
3. On receiving the report and recommendations submitted by the Province Enquiry Commission or Province Appellate Commission, she will decide on appropriate action and implement the same.
4. In all such cases, she will inform her decision to the person concerned and make sure that the person is treated with basic human considerations.
5. She will keep confidential all the reports and the findings of the cases relevant to the complaints on FMA and others.

3. General Procedures in all cases of complaints

1. All matters are to be treated in strict confidence in the interest of our children and institutions.
2. All inquiries and investigation must be done with due respect to privacy, rights of individuals and dignity of persons.

¹⁸ Provincial refers to the head of the FMA Province who is also called Mother Provincial. She is appointed by the Mother General, who is in Rome

3. Reports that are made maliciously or falsely shall warrant strict disciplinary action by appropriate authority against the complaints.
4. The process leading to decision making should be well documented and all facts, written allegations and responses should be reserved in files.
5. When a case is dropped, the reasons for doing so shall be communicated to the complainant.
6. Thorough investigations should be carried out before punitive decisions or actions are taken, following principles of natural justice¹⁹ and if required, canonical procedures.

4. Specific guidelines to ensure child friendly ambience

1. It is the responsibility of all who have observed breach of Child Protection Policy to report to the CPO within 24 hours, in writing. The report should contain what has been observed personally, and potential/actual risk.
2. The CPO shall ensure that the child is removed from any imminent danger immediately by preventing contact with the person involved. The CPO will ensure that the child is not further questioned or interrogated. The CPO will liaise to reassure the child that the problem will be attended to, and he/she is safe and protected.
3. The CPO will conduct a risk assessment of the reported concerns and inform the relevant authorities as appropriate who will ensure that child is provided care and protection. The CPO also will ensure medical assistance, as required.
4. In matters of grave violation, the CPO will inform the Animator, who will inform the parents/guardians. The Animator also will inform local authorities, such as, CWC and/or police, if the case so warrants.

9. Review

A comprehensive review of the FMA India Child Protection Policy will be taken up once in three years²⁰ by the Provincial Conference of India (PCI) in consultation with all the Provincials to update, identify lessons learnt and to improve the implementation and governance of FMA Child protection policy.

¹⁹ Natural justice requires that an alleged person is heard of his / her views and given space to represent his / her views in appropriated forum or before competent authority

²⁰ This policy was amended in 2018.

10. Conclusion

We, the FMA-India, believe that child protection is mandatory and that children under 18 years of age need to grow in a safe environment where they can make choices, express their views and communicate effectively with other children and adults. Children cannot be empowered if they are not safeguarded from abuse, discrimination or harm of any kind. It is hoped that if this Child Protection Policy is properly implemented the chances of actual situations of abuse occurring within the organization will be reduced, and the number of false and malicious accusations will come down drastically.

Hence, it is the responsibility of every FMA member in India to abide by these policy guidelines and procedures in order to accompany the victims in fighting justice and the offenders with compassion, thus enabling everyone to claim their individual rights. However, it must be remembered that it is children and not the standards set that are sacrosanct, although abuse must never be tolerated. The standards are no more than tools in the service of promoting the welfare of the children.

Keeping in mind the universal human rights principles, Constitutional mandate and the preferential option of the FMA for the children and young, every province of FMA- India commits to implement this Child Protection Policy to improve the quality of life and rights of the children and youth. It is therefore appropriate for all of us to recognize that abusive conduct towards children or shielding any information of their abuse constitutes a profound violation of trust and can cause pain and damage. Hence, these guidelines categorically affirm the moral responsibility and obligation of every FMA to assist the victims, by creating a safe and homely atmosphere for all under such care.

Annexure - 1

FMA Child Protection Policy

Declaration form

(To be signed by all FMA, teaching and non-teaching staff, engaged in both formal and non-formal institutions of FMA)

I,..... a member / an employee of the Salesian Sisters ofProvince, pledge to hold the principles of child protection policy. I further understand that adherence to the FMA child protection policy will involve the following:

- To treat the children with respect regardless of race, colour, gender, language, religion, region, caste, opinions, nationality, ethnic or social origin and disability.
- To avoid using language or behaviour which is harmful, abusive, sexually provocative, demeaning and culturally inappropriate for children.
- To desist from being alone with the child that is not my own, unless there is a situation of immediate risk, harm or physical danger, to the child.
- To abstain from inflicting corporal punishment on children.
- To immediately report incidents of allegations of child abuse in accordance with the prescribed procedures.
- To report at the earliest to the CPO (Child Protection Officer) any abuse or misconduct that may take place within the institutions / centres.
- To safeguard the names and identities of the abused children and not to disclose any information to anyone, except what is permitted in this policy.

Name:

Witness

Signature:

1.

2.

Job title:

Date:

Annexure - 2

FMA Child Protection Policy

Date:

Sub: Appointment of Child Protection Officer (CPO) - Model format

I, hereby, appoint, Ms. / Sr. / Mr. _____ as Child Protection Officer (CPO) for the following institutions functioning in the campus of Auxilium Girls Higher Secondary School, Katpadi, Vellore - 632006.

- a. Auxilium Girls Higher Secondary School
- b. Auxilium Primary School
- c. Boarding
- d. Auxilium Social Centre

Her appointment as CPO will be w.e.f. 01.06.2019, until further notice. I seek cooperation of all in the FMA campus to support her/him so as to fulfil her/his responsibilities in this important mission.

Signature of the Animator

Date / seal

Annexure - 3

FMA Child Protection Policy

Sub: Model Complaint Format

Note:

- a) Any complaint should have the following information clearly articulated to the extent possible.*
- b) All complaints should be addressed to the CPO and put inside Compliant Box or handed over to CPO.*

1. Name of the complainant child
2. Age
3. Name of the School / centre
4. Class and Section and / Roll no
5. Names of the Father and / or the Mother
6. House address
7. Name and identity of the Abuser
8. Date and time of Abuse
9. Location where the abuse took place
10. Names and identity of witnesses, if any
11. Physical and or mental condition of the child
12. Brief narration of the incident
13. Signed by the complainant or the parents

Annexure - 4

Web links to useful laws

1. The Juvenile Justice (Care and Protection of Children) Act, 2015 -
<http://cara.nic.in/PDF/JJ%20act%202015.pdf>
2. The Protection of Children from Sexual Offences (POCSO) Act, 2012 -
<http://wcd.nic.in/sites/default/files/childprotection31072012.pdf>
3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 -
http://www.iitg.ac.in/iitgicc/docs/Sexual_Harassment_Act_2013.pdf
4. The Child Labour (Prohibition and Regulation) Act, 1986 -
https://labour.gov.in/sites/default/files/act_3.pdf
5. The Prohibition of Child Marriage Act, 1929 -
<https://www.advocatekhoj.com/library/bareacts/prohibitionofchildmarriage/index.php?Title=Prohibition%20of%20Child%20Marriage%20Act,%202006>
6. The Commissions for the Protection of Child Rights Act, 2005 -
<http://www.wcd.nic.in/sites/default/files/TheGazetteofIndia.pdf>
7. Universal Declaration of Human Rights, 1948 -
http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf
8. Convention on the Rights of the Child, 1989 -
<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Note:

Child to Child Abuse: At times children abuse other children. Allegations or concerns regarding the abuse of a child by another child need to be responded to with particular sensitivity, taking into account the vulnerabilities of the alleged perpetrator, who in this case is also a child. Nevertheless, they have to be dealt with through the child protection procedures, and in accordance with the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. Working with children who have committed abuse requires an effective approach which ensures the protection of children affected, while at the same time supporting the child in challenging and changing his/her behavior.