

Child Protection and Safeguarding Policy



**Prabhu Prakash Province
Nagpur**

Foreword

Dear Confreres,

Jesus pointed to the child as the ultimate symbol of the Kingdom of God. “Whoever does not receive the kingdom of God like a child shall not enter it” (Lk 18,17). Thus, children occupy a central role in the teachings of Jesus.

This places a sacred duty on everyone in our Prabhu Prakash Province, called to bear witness to the presence of the kingdom of God in the world, to ensure that children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church.

Therefore, we have a collective obligation to ensure the care and protection of children, young people and also vulnerable adults. Our children's safety is every member's responsibility; there is no substitute for care and vigilance. We attach the utmost importance to ensuring the safety and welfare of children and vulnerable adults in our Province and I commit all of our confreres and those who work for our Province to the implementation of this policy.

In addition, we shall set up a Child Protection Committee (CPC) and charge it with the responsibility of implementing the Child Protection Policy. Together, let us pledge to uphold the principles enshrined in this policy and to work tirelessly towards a future where every individual can live free from harm and exploitation.

Yours in Christ,



Fr Joy Palachuvattil SAC
Provincial Rector



Introduction

Children and vulnerable adults are special in the heart of God, and they have the right to live, the right to have a name and dignity, the right to freedom, and the right to have protection from all forms of violence. The Prabhu Prakash Province has consistently enhanced our grassroots-level implementation strategies, policies, and advocacy efforts to support the Catholic Church's mission in India, focusing on establishing a nurtured, secure, and sustainable environment for children and vulnerable adults.

The Prabhu Prakash Province acknowledges that the evolving development frameworks have subjected and vulnerable adults' well-being and rights to various risks, spanning mental, physical, emotional, and sexual abuse and threats, both in routine and disaster scenarios. The written policy of the Prabhu Prakash Province is based on the conviction that each child and vulnerable adult should be nourished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which must be respected, nurtured and protected by all. The policy communicates the commitment of the Prabhu Prakash Province at all levels to keep children and vulnerable adults safe by creating a safe environment. It aims to prevent abuse and to make sure that the members of the Prabhu Prakash Province are aware of situations that reasonably lead to abuse. It takes into account the provisions of state law. By enacting the child protection and sexual harassment policy, Prabhu Prakash Province intends to streamline all its interventions and make them sensitive, protective and empowering.

1. POLICY STATEMENT

The child protection and sexual harassment policy is a written document that lays down an unwavering and concrete commitment of the Prabhu Prakash Province to keep children and vulnerable adults safe. The Prabhu Prakash Province is committed to the Prevention of all forms of sexual abuse of minors, vulnerable adults and women and to illustrate that the

Prabhu Prakash Province is committed to showing zero tolerance towards sexual assault, abuse, harassment of minors, women and vulnerable adults in any form or manner.

This policy is intended to establish guidelines in an effort to prevent sexual misconduct of all kinds and to define how the Prabhu Prakash Province will respond to any allegations of sexual abuse brought to its attention. This set of guidelines, regulations, and measures ensures children's safety, well-being, and rights and to bring the erring members to meet the ends of Justice. The Prabhu Prakash Province is also determined to offer assistance, support, and aid in healing to those who have been victims of these offences, especially when they have been committed by the members of the Prabhu Prakash Province.

Further the Prabhu Prakash Province is committed to address the preventive and corrective measures; to ensure reporting of sexual offences against minors to the civil authorities as required by law; to respond to victims of sexual offences with care and compassion; and to constitute a suitable mechanism with necessary infrastructure and procedures to deal with the case of sexual abuse within the stipulated time. Moreover, the Prabhu Prakash Province recognize that all institutions, initiatives and programs coming into contact with children and vulnerable adults have a fundamental and inalienable duty of care, concern and protection towards them. This document is an expression of commitment of the prabhu Prakash Province, to ensure that each child feels secure and receives an enabling environment for their development. It establishes processes, procedures and duties for all stakeholders working directly or indirectly with children in the schools.

2. RATIONALE FOR THE CHILD PROTECTION AND SEXUAL HARASSMENT POLICY

In 2012, the Government of India enacted the 'Protection of Children against Sexual Offences (POCSO) Act' to look into the cases of Child Sexual Abuse. The increasing and varied risk factors for children in India have led the child development

organisations to respond to the scenario by advocating and striving to set the highest achievable standards for child rights and protection in organisational work culture and interventions. Children are the bedrock of society and deserve a secure and nurturing environment to flourish.

The Child Protection and sexual harassment Policy is designed to protect children and vulnerable adults from abuse and exploitation. A policy helps to develop a common understanding of safeguarding issues and child abuse in various forms, such as physical abuse, emotional abuse, sexual abuse or neglect. Fair systems and procedures are put in place to deal with child protection issues sensitively, ensuring confidentiality and accountability. In the Safeguarding Policy, safety is addressed holistically in different aspects of an organisation: people, policy, procedures, and accountability. This ensures that the Prabhuk Prakash Province is able to do its 'due diligence' in all its areas of functioning.

3. OBJECTIVES OF THE CHILD PROTECTION POLICY

The objectives of the policy are to ensure:

- i. Every concern or allegation of abuse of children in the campus is examined promptly and verified credibly by either the child protection committee or law enforcement agencies based on the nature of abuse.
- ii. The victim is accompanied with maximum empathy and provided with necessary assistance and counselling.
- iii. Preventive, and protective systems and processes are in place to ensure safety of children in schools.
- iv. Measures are taken to create awareness in order to sensitise children about acts of abuse and indecent behaviour towards the young, and what should be their response to keep themselves safe.
- v. Efforts are made to create awareness among all stakeholders on issues regarding the abuse of children, and what precautionary measures are to be taken to foresee and

- forestall any incidents of abuse.
- vi. Every genuine concern of the parents/guardians regarding the safety and well-being of their child/ward is addressed promptly and sympathetically.

4. THE GUIDING PRINCIPLES

The following guiding principles are at the heart of all the procedures and processes laid out in this policy.

- i. Every member of the Prabhu Prakash Province has a responsibility to support the care and protection of children and the members of the Province are regularly engaged, sensitised and trained on children's safety, well being and related laws.
- ii. Every child receives maximum respect and is treated with dignity as a precious child of God, created in God's own image and likeness, and allowed to grow and develop his/her full potential as planned by God.
- iii. Every child receives equal opportunity to grow and develop in a holistic manner, without experiencing any type of discrimination based on religion, caste, language, or place of origin, but instead the differences are accepted and celebrated.
- iv. Every child is given the opportunity, not only to pursue academic excellence, but also to grow up in an institutional climate of safety, freedom, mutual respect, and affection.
- v. To reach out with love and concern to every child in need and allow each child to blossom in life through an education imparted with utmost dedication and commitment.
- iv. Every child is given the opportunity, not only to pursue academic excellence, but also to grow up in an institutional climate of safety, freedom, mutual respect, and affection.
- v. To reach out with love and concern to every child in need and allow each child to blossom in life through an education imparted with utmost dedication and commitment.
- vi. All children have equal rights to protection from abuse and

- exploitation.
- vii. All decisions must be taken keeping in view the best interest of child(ren)
 - viii. Children have a right to information and participation in all matters concerning their safety and well-being.
 - ix. Effective measures are taken to establish and strengthen prevention and response mechanisms, support services and strategic partnerships with concerned government and non-government organisations on various issues related to children's safety and wellbeing.
 - x. The Prabhu Prakash Province continuously builds its capacity and compliance toward a zero-tolerance attitude toward child abuse, corporal punishment and other safety-related matters on infrastructure, transportation, health, hygiene, personal safety, social and emotional safety, cyber safety, emergency preparedness and disaster management.
 - xi. Children's safety and child rights are inherent in the formation manual of the province.

5. SCOPE OF THE POLICY

The policy is applicable to all the members of the Prabhu Prakash Province.

Child in this policy is defined as any person who is under the age of 18 years, in accordance with the Juvenile Justice Act, 2015.

Some expectations:

- i. All the members of the Province are to have a good understanding of child protection provisions and procedures laid down in the policy.
- ii. All members will be required to sign the child protection policy and submit it to the office of the Provincial Rector of the Prabhu Prakash Province.
- iii. All members of Province are provided with opportunities to learn about how to recognize and respond to concerns about child abuse/ are provided with training on child protection related issues.
- iv. All the members of the province are to be aware of their

legal responsibility for mandatory reporting on suspicion of child sexual abuse.

- v. All the children coming in contact with the members of the Province are provided with advice and support on keeping themselves safe.
- vi. Training is provided to those responsible for dealing with complaints and disciplinary procedures in relation to child abuse and inappropriate behaviour towards children.

6. WHAT IS CHILD ABUSE?

Any direct or indirect harm done to children intentionally or unintentionally, that damages the prospects of safe and healthy development of children into adulthood by individuals, institutions or processes through commission or omission would be considered abuse. It is a violation of a person's right to bodily integrity and respect. Child abuse also refers to any act, or word which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being.

According to the World Health Organization, “Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse and sexual exploitation, neglect or negligent treatment, commercial or other exploitation of a child and any action resulting in actual or potential harm to a child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”

7. TYPES OF ABUSE

Child Abuse can be categorized mainly into the following- physical abuse, emotional abuse, verbal abuse, sexual abuse, neglect, economic abuse and cyber bullying. These are elaborated below:

- **Physical Abuse**

As defined by the Ministry of Women and Child Welfare, in its study on Child Abuse, physical abuse is “inflicting of

physical injury upon a child. This may include slapping, hitting, punching, shaking, kicking, beating or otherwise harming a child in any way physically even when the parent or caretaker may not have intended to hurt the child. It may, even be the result of over disciplining or physical punishment that is inappropriate to the child's age.” In fact, any type of corporal punishment is physical abuse.

- **Emotional Abuse**

Any type of persistent emotional ill-treatment of a person, so as to cause severe and persistent adverse effects on one's emotional development, would be emotional abuse. It may involve conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. This may be expressed verbally or nonverbally or via electronic or written communication or any other form. Emotional abuse includes verbal abuse, mental abuse, and psychological maltreatment. This can include parents/caretakers using extreme and/or bizarre forms of punishments, such as confinement in a closet or dark room or being tied to a chair for long periods of time or threatening or terrorizing a child. Less severe acts, but no less damaging, are belittling or refusing treatment, using derogatory terms to describe the child, habitual tendency to blame the child or making him/her a scapegoat.

https://www.who.int/health-topics/violence-against-children#tab=tab_2
<https://resourcecentre.savethechildren.net/pdf/4978.pdf> p.3
<https://www.apa.org/pi/families/resources/understanding-child-abuse>
<https://resourcecentre.savethechildren.net/pdf/4978.pdf> p.3
<https://bhubaneswarcuttackpolice.gov.in/wp-content/uploads/2020/08/POCSO-ACT.pdf> p.2-p.8

- **Sexual Abuse**

According to American Psychological Association, sexual abuse of a child, also known as child molestation, is the dominant position of an adult that allows him or her to force or coerce a child into sexual activity. Child sexual abuse is not solely restricted to physical contact; such abuse could include noncontact abuse, such as exposure, voyeurism, and child pornography.

According to 'Child Abuse: India 2007', Sexual abuse is inappropriate sexual behaviour with a child. It includes fondling a child's genitals, making the child fondle the adult's genitals, intercourse, incest, rape, sodomy, exhibitionism and sexual exploitation. To be considered 'child abuse', these acts have to be committed by a person responsible for the care of a child (for example: a baby sitter, a parent, a day care provider, teacher) or someone related to the child. When these acts are committed by a stranger it is considered as sexual assault.

The POCSO Act 2012, with amendments of 2019, enumerates various sexual offenses against children. These include Penetrative sexual assault (sec3-4), Sexual assault (sec 7-8), Sexual harassment (sec 11-12), Aggravated penetrative sexual assault (sec 5-6), Aggravated sexual assault (sec 9-10), Use of child for pornographic purposes (sec 13-14), and Storage of Pornographic material involving a child (sec 15).

- **Verbal Abuse**

Any kind of irresponsible use of words that hurt or belittle children would be considered verbal abuse. It refers to the use of words by parents or caregivers that can break hearts, devastate, wound, ruin reputation and destroy relationships. Any use of slang or words that leave a lasting emotional wound in a child or hurts the sensitivity of a child would be verbal abuse. It is the most common forms of child abuse, and its impact is just as harmful as physical abuse.

- **Neglect**

Neglect is the persistent failure or deliberate denial by a parent or caregiver to provide a child with the necessities for its good health and development. Child Neglect is abandonment of a child by parent, institution or guardian. It is depriving the child of care by not providing appropriate and necessary food, shelter, clothing, medical care and supervision. Child neglect is an act of omission or commission leading to the denial of a child's basic needs. Educational neglect includes failure to provide appropriate schooling or special educational needs. Whereas not providing emotional support and love to a child would be psychological / emotional neglect.

- **Exploitation**

Child exploitation is using a child unfairly for one's advantage. When someone grooms and controls a child for a sexual purpose, it is known as exploitation. This involves befriending, gaining their trust, giving them drugs, alcohol or gifts and asking them to perform sexual acts as a favor or in exchange for something. Grooming children online for the purpose of sexually abusing them would also be exploitation. This would involve adults befriending children through online chats, social networks, email, texting etc. to gain their trusts and stalking their online activities in view of sexual involvement or any personal gain or advantage.

- **Economic Abuse**

It refers to the use of the 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 to the detriment of the child's physical or mental health, education, moral or social-emotional development (WHO, 1999).

[https://ncpcr.gov.in/uploads/165650391762bc3e6d27f93_Manual%20on%20Safety%20and%20Security%20of%20Children%20in%20Schools%20\(Sep%202021\).pdf](https://ncpcr.gov.in/uploads/165650391762bc3e6d27f93_Manual%20on%20Safety%20and%20Security%20of%20Children%20in%20Schools%20(Sep%202021).pdf) p.71

- **Cyber Bullying**

Bullying committed online is known as cyberbullying. Cybercrimes are offences that can be perpetrated against people, organisations, or businesses using computers, the internet, or mobile technologies. Cybercriminals can perpetrate these crimes by attacking their targets through channels like social networking sites, emails, chat rooms, websites, etc. Victims are not only restricted to adults; children can also fall victim to the crime. Cyber Technology is being used increasingly to disseminate both adult and child pornography. Images transmitted across the internet, once downloaded/uploaded can be subsequently misused beyond one's knowledge or control. Internet child pornography is a criminal offense. A person who views child pornography is playing a major role in promoting the sexual exploitation of children, and is involved in criminal activity.

UNCRC and Legislations for Children in India

The United Nations Convention on the Rights of the Child (UNCRC), one of the most widely ratified treaties in world, is a legally-binding international agreement that sets out the civil, political, economic, social and cultural rights of every child, irrespective of their race, religion or abilities. UNCRC is based on the premise that basic fundamental rights belong to every child. It has 54 articles which set out children's rights as well as how governments should work together to make them available to all children. Governments are required to take efforts to meet children's basic needs and also help them in achieving their full potential. India, a country with about one-fifth of the world's children, ratified the UNCRC, in 1992.

After the ratification of UNCRC, India enacted numerous progressive laws which secure the rights of children. Some of the laws include Protection of Children from Sexual Offences (POCSO) Act (introduced in 2012 and amended in 2019); Right to Education (2009); Juvenile Justice (Care and Protection of Children) Act (amended in 2021) among others. Besides, National and State Commissions for the Protection of Child Rights with quasi-judicial powers were formulated in 2005 to

monitor child rights violations and look after the implementation of various child rights and related laws, especially POCSO. The key provisions of the Juvenile Justice Act, 2015 and POCSO Act are added as annexures.

8. DEFINITIONS

The following definitions are for the purposes of this policy only:

- i. “Child Sexual Abuse” shall include, but not limited to:
 - a. any sexual act between an adult and a minor;
 - b. soliciting sexual acts or sexual materials from a minor;
 - c. possession of child pornography;
 - d. providing sexual materials to a minor;
 - e. performing a sexual act or the indecent exposure of the private or intimate parts of the body under circumstances where it is reasonably likely that the act may be witnessed by a minor; and
 - f. any offence involving sexual conduct committed against a minor that is prohibited by civil or canon law.
- ii. “Sexual Misconduct” shall mean any action/s or word/s of a sexual nature, other than child sexual abuse as defined in this policy, contrary to the moral doctrine and teachings of the Catholic Church and that cause harm to others, including, but not limited to:
 - a. any sexual act with another person without consent;
 - b. any sexual act forced on another by violence or threat or by abuse of authority;
 - c. any sexual conduct that is a violation of civil law;
 - d. sexual harassment as defined in this policy;
 - e. the use of Prabhu Prakash Province's computers or other equipment, including internet connections, in any of its parishes, stations or institutions, to possess, obtain, or transmit sexual materials; and
 - f. sexual conduct in violation of appropriate professional standards within a pastoral or counselling relationship.
- iii. “Sexual Act” shall include, but not be limited to, the touching or attempted touching of the sexual, private, or

- intimate part of a person's body in a manner that a reasonable person would consider to be for the purpose of gratifying sexual desire or for the purpose of degrading or abusing a person.
- iv. "Sexual Materials" shall include, but not be limited to any kind of image, text, writing, or audio in any medium, including images that are simulated, computer-generated, altered, or animated that:
 - a. depict nudity, actual or simulated sexual acts, or an explicit description of sexual subjects, and
 - b. when considered as a whole by a reasonable person, is for the purpose of sexual gratification and lacks any legitimate literary, artistic, political, educational, or scientific value.
 - v. "Child Pornography" shall include, but not be limited to, any image of sexually explicit conduct in any medium, including images that are simulated, computer-generated, altered, or animated that depict or purport to depict a minor for purposes of sexual gratification, including but not limited to:
 - a. images of actual or simulated sexual acts in which a minor is a participant; or
 - b. any representation of sexual organs of minors for primarily sexual purposes.
 - vi. "Sexual Harassment" is defined as any unwelcome sexual advance/s or request/s for sexual favour/s or any conduct of a sexual nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
 - b. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
 - c. such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive work or educational environment.
 - vii. "Minor" means:
 - a. a person who has not yet attained eighteen years of

- age;
 - b. an adult who habitually lacks the use of reason; or
 - c. a person of any age who lacks the capacity to give consent due to a mental or developmental condition or disability.
- viii. “Vulnerable Persons” means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally limits their ability to understand or to want or otherwise resist the offence.
 - ix. “Member” means: Priests, Deacons, as well as those of Perpetual and Temporary Profession of the Prabhu Prakash Province.
 - x. “Students” means: Novices and Candidates in the formation houses of Prabhu Prakash Province.
 - xi. “Collaborators” means: All those who are employed in the province's institutions and programmes as well as those who voluntarily participate in the Programmes and Apostolate of the Province.

9. SEXUAL ABUSE OR MISCONDUCT BY MEMBERS

- **Binding Principles**

Every member of the province shall, following the call to 'love tenderly, act justly and walk humbly' before the Lord, be bound by these guidelines, and shall, in his life and ministry, witness to God's love for every human person:

- i. by sensitivity, reverence and respect in his relationships treating all people with respect and courtesy and maintaining sexual and professional boundaries;
- ii. by exercising prudent judgment in initiating or responding to any physical contact, always keeping the well-being of the other person as the only goal;
- iii. by exercising ministry only in places that offer sufficiently safe environment with openness and visibility;
- iv. by respecting the physical and emotional space of those he

- works with, ministers to, socializes with or relates to in any way;
- v. by exercising prudent judgment in the expression of and response to affection and tenderness, avoiding all forms of over familiarity or inappropriate language;
 - vi. by ensuring whenever reasonably possible that another adult is present or close by, when ministering to a minor or a vulnerable adult, always in a place visible to others, particularly when one is aware of one's weakness;
 - vii. by becoming aware of the risks involved in entering into a personal relationship with those one ministers to, particularly a minor or a vulnerable adult, as also in ministering to those who are already one's personal friends;
 - viii. by regularly examining himself regarding his ministry and relationships, both individually and with the help of a mentor, and by reviewing how effectively he maintains the boundaries between his ministry and his personal relationships;
 - ix. by establishing relationships that are able to develop and mature within the context of the Gospel values and ministerial priesthood, characterised by openness, honesty and integrity;
 - x. by giving himself whole heartedly to a vibrant prayer life, nourished by the Word of God and the Sacraments, regular spiritual direction, and sacramental reconciliation;
 - xi. by seeking professional help when he observes in himself persistent and irresistible sexual attraction to or acting in a sexual manner with someone he mentors, teaches, directs, supervises, works with or ministers to;
 - xii. by avoiding any behaviour that could reasonably be interpreted as sexual misconduct, abuse, harassment or irresponsibility, even with the consent of the other person;
 - xiii. by shunning any and all sexual contact even with consenting adults;
 - xiv. by not misusing power, authority and influence to establish a sexual relationship.

- **Preventive Measures**

- i. Every member of the Province and every collaborator is obliged to bring to the notice of the proper authority every instance of sexual misconduct, abuse or harassment on the part of a member of the Province or of a collaborator which has come to his/her knowledge. The respective authority shall take firm steps at the very first instance of sexual misconduct, abuse or harassment coming in his notice, without any leniency or compromise.
- ii. All sexually stimulating and erotically satisfying physical touch, gestures and words, are inappropriate when a minor is involved. Ministering to a minor in isolated environments and closed rooms with scant visibility should be avoided. As a general rule all members, collaborators must avoid being alone with minors in secluded, isolated and closed places.
- iii. All tours, picnics, parties, camps, overnight trips and other such activities must have the prior written approval of parents or guardians. Whenever minor girls are taken on such tours, adequate number of lady staff must accompany the group. When such tours are a compulsory requirement of the curriculum, a separate consent shall be obtained from the parents or the guardians, and these shall be carefully filed.
- iv. Communication through social media, which may lead to inordinate relationships are to be avoided. Every form of interaction or entertainment that would normally cause embarrassment on account of their sexual overtones are inappropriate while dealing with minors, females and vulnerable adults. Sexually explicit or pornographic material is never appropriate.

- **Required Conduct on the Part of Members**

- i. Any touching of another should be appropriate, modest and devoid of any sexual overtone. This is to be particularly strict in the case of females, minors and vulnerable adults.
- ii. All sexually stimulating and erotically satisfying physical

touch, gestures and words, jokes, songs and stories, even when they look innocent and socially acceptable, are inappropriate, particularly when a female, minor and vulnerable adult is involved.

- iii. If one-to-one ministering to a female, a minor or a vulnerable adult should be necessary, meeting in isolated environment and closed rooms with scant visibility should be avoided.
- iv. All visitors are to be entertained in parlours and reception areas which are open, accessible and visible to all. The office, parlours and counselling rooms should be provided with doors and windows with transparent glasses.
- v. No female, minor or vulnerable adult shall stay in the living quarters of members and students, nor shall they be taken to the living room of members and students.

10. REPORTING ALLEGATIONS CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT

- i. Every cleric and every member of the Prabhu Prakash Province is obliged to report to the Provincial Rector of the Prabhu Prakash Province, when he has notice of or well-founded motives to believe that one of the following acts has been committed by a cleric or member of the Prabhu Prakash Province:
 - a. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
 - b. performing sexual acts with a minor or a vulnerable person;
 - c. production, exhibition, possession or distribution, including by electronic means, of child pornography as well as the recruitment or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;
 - d. when, those in administrative offices, by action or omission intend to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a member of the Prabhu Prakash Province.

- ii. This obligation to report does not extend to information received by priests in sacramental confession (canon 1550, §2, 2^o) and to those matters revealed to clerics by reason of their sacred ministry (canon 1548, §2, 1^o).
- iii. Fulfilling this obligation to report shall not constitute a violation of office confidentiality.
- iv. If the allegation of the delicts is against the Provincial Rector, the report is to be made to the Rector General.
- v. Complaints involving students have to be reported to the respective Director of Formation who together with the Formation Council deals with the matter in accordance with this policy.
- vi. Any allegation of commission of an offence raised against a member of the province by any child, parent or guardian, any person from the general public, or a member or a student of the Prabhu Prakash Province, to the provincial Rector, either directly or through others.
- vii. If the complaint is made by a third party, it should be made by someone who has a *locus standi*: i.e. parent, guardian, family member or legal delegate, or a member or student of the Prabhu Prakash Province. If the petition is signed by someone other than the above, this party should obtain an authorization from the victim or from a legal representative of the victim.
- viii. A complaint alleging child sexual abuse and sexual misconduct against a member of the Province should be made in writing, or, if made orally, written down by an official of the Provincial Office and signed by the person making the complaint.
 - The complaint must contain the following:
 - a. the name and signature of the complainant;
 - b. the name of the person accused or sufficient information that the accused can be identified with accuracy;
 - c. the name, address and age (the date of birth) of the victim;
 - d. a detailed description of the facts and circumstances

- of the incident; and
- e. Whenever possible, the names and contact information of other persons who may have relevant information regarding the incident.
- ix. A complaint can be send through email; in such a case it should contain the above mentioned details.
- x. Anonymous allegations will also receive due attention. However, the Provincial Rector shall ascertain the intention behind such anonymous letters to prevent attempts at blackmail and disrepute to the alleged offender. All reasonable efforts shall be made to encourage an anonymous complainant to identify himself/herself and to cooperate with the investigation of the complaint.
- xi. The information received through a complaint is protected and treated in such a way as to guarantee its safety, integrity and confidentiality pursuant to canon 471, 2°.
- xii. Unless the report is maliciously false, the one who reports to the appropriate authority is not to suffer any prejudice, retaliation discrimination, intimidation or harassment from any one as a consequence of having made the report. Such retaliatory action against the reporter may amount to the delict of cover-up.

11. REPORTING CHILD SEXUAL ABUSE TO CIVIL AUTHORITIES

- i. The provisions of Civil Law are to be followed should an accusations of sexual abuse with a minor need to be reported (Protection of Children from Sexual Offences Act, 2012 (POCSO). Failure to do so may attract appropriate penalties that may be imposed by civil authorities.
- ii. If any member receives a report of alleged child sexual abuse by another, or a report of an alleged incident that takes place in any institution or community, he shall strongly urge the alleged victim or his/her parents or guardians to immediately report the incident to the Child

- Protection Authorities or the local police.
- iii. Full cooperation shall be given by the Prabhu Prakash Province and its members to any legitimate investigation conducted legally by civil authorities with regard to the allegation procedures. The Province may suspend any internal investigation with regard to the same allegation until civil authorities either conclude their investigation or authorize the Province to proceed with it.

12. RESPONDING TO A REPORT

- i. When an allegation of sexual misconduct, abuse of a minor or harassment is made against any member of the Province, the Provincial Rector with the consent of his Council shall make a preliminary investigation either by himself or through someone else to ascertain if there is any substance in the allegation. If the Provincial Rector finds that there is *prima facie* evidence of misconduct on the part of a member of the Province, he shall appoint a Preliminary Investigation Committee of three competent persons to thoroughly investigate the matter. In case the victim is a female, a Religious Sister should be part of this Committee.
- ii. The internal investigation by the Province shall be continued and brought to completion, even if a civil investigation is initiated by competent authorities. The investigation must be carried out with utmost sensitivity and seriousness. A just, honest, impartial and thorough investigation must be made.
- iii. If *prima facie* the allegations appear to carry some weight, then, during the pendency of investigations the alleged offender shall be temporarily removed from his current post and suspended from his current ministry and sent on administrative leave.
- iv. During the process of investigation, the accused will be told of the allegation and he will be encouraged to seek the assistance of a canonist, if necessary. During the period of investigations by those appointed for the purpose by the

Provincial Rector, the accused member shall not attempt to have any contact with the alleged victim or the accuser, without the prior permission of the Provincial Rector. The alleged offender has to reside in a place assigned to him.

- v. At all stages of the investigation, the victim should have access to Provincial Rector or to his delegate and he/she should be listened to with understanding and sympathy. Similarly, the families of the victims should also be given an opportunity for a hearing, if they ask for it. Some words of compassion and support uttered in these encounters can have great healing and therapeutic effects.
- vi. During the entire investigation process (from the initial process to the final conclusion of the case), the protection of all the right and duties, guaranteed under the provision of Canon and Civil Law, such as right to have one's good name, right to know the nature of allegation, right to defend oneself, duty to cooperate with the investigation process, etc., must be assured and given to the complainant, accused and the victim of the case.

13. PRELIMINARY INVESTIGATION BY THE APPOINTED COMMITTEE

- i. The Preliminary Investigation Committee of three members will have a Chair Person and a Secretary both of whom shall be nominated by the Provincial Rector.
- ii. The Chairperson of the committee shall issue notice to the complainant and the defendant to appear before it. The notice shall state that the complainant and the defendant shall be given an opportunity of producing evidence, examining witnesses, etc., if any.
- iii. At the commencement of the enquiry the committee shall explain to both the complainant and the defendant the procedure which will be followed in the enquiry. All documents tendered to the committee shall be examined and taken on record and given an exhibit number.
- iv. The Chairperson of the committee shall draw separate

questionnaires to examine the complainant, defendant and the witnesses. Witnesses presented by both parties are to be heard. The committee should ensure that every reasonable opportunity is provided to the complainant and the defendant to put forward their case. All proceedings of the enquiry will be recorded and the depositions of all concerned have to be duly signed by the deponents and members of the committee.

- v. The Chairperson could examine the progress of the case and decide to curtail the list of witness, if he feels satisfied that the case has been sufficiently instructed. The Committee may call witnesses ex-officio and seek the opinion of experts. The enquiry committee shall be sensitive to the covert, private and insidious nature of the sexual misconduct and that the alleged victim shall have the option to give evidence either in writing or orally. All acts are to be notarized. The final report of the commission should be submitted to the Provincial Rector within the stipulated time.
- vi. The Preliminary Enquiry Committee's report must contain the following:
 - a. the credibility of the accusation;
 - b. the number and the names of people involved in the abuse or misconduct;
 - c. evaluation of the circumstances that led to the sexual involvement of the parities; the motivation of their relationship and its impact in their personal attitudes, relationships, moral, spiritual and religious life;
 - d. gravity of injustice done to the victim and the scandal caused in the community, church and society;
 - e. personal assessment by the investigator of the gravity of the allegation and the imputability of the defendant;
 - f. suggestions for possible course of action.
- vii. The alleged offender has the right to know the accusation, the conclusions of the Preliminary Enquiry Committee and the Directives of the Holy See if any.
- viii. If the Provincial Rector is convinced from the result of the

preliminary investigation that there is a prima facie case he refers the matter to the Congregation for the Doctrine of the Faith in Rome for advice through the General Administration of the Society of the Catholic Apostolate, sending them the entire dossier of the case, i.e., the complaint, the Acta of the Preliminary Enquiry Committee and the report and conclusions of the Preliminary Enquiry Committee.

- ix. The Provincial Rector then follows the directives of the Sacred Congregation of the Faith.
- x. If, however, the allegation is found to have been false or unsubstantiated, the accused member should be exonerated and if the Provincial Rector judges it just and fitting, his previous status should be restored to him. If an allegation has become a matter of public knowledge, but is determined to have been false or unsubstantiated, the Provincial Rector shall take appropriate corrective action to address any harm to the accused person's reputation.
- xi. If the investigation did not establish the offence of the accused, but doubts still linger about the commission of the crime, it is left to the discretion of the Provincial Rector to take remedial measures against the scandal caused by the allegation and the lingering doubt, always keeping in mind justice and fairness and the reputation of the accused member.

14. GENERAL GUIDELINES FOR THE PROVINCE

- i. The Province will diligently supervise and manage its institutions to eliminate and prevent all risks of any sexual misconduct as well as child abuse and exploitation.
- ii. All Institutions of the Province shall maintain an open culture where staff, children, parents or guardians feel comfortable to express concerns about child protection issues and issues of dealing with children and the concerns

- will be taken seriously and treated sensitively.
- iii. Any allegation of child abuse must be reported to the Manager/the Principal/the Provincial Rector/Child Protection Officer of the institution of the Province.
 - iv. The Province and its Institution will stand by the victims of child abuse or sexual misconduct and shall respond to any complaint of misconduct or abuse immediately and shall ensure internal and external compliance with the Province's sexual misconduct and child protection policy.
 - v. As prescribed by law the institutions of the Province will fully cooperate with legal authorities in case of any allegation of child abuse against anyone working in the institutions and will support any ensuing investigation by any recognized authority.
 - vi. When a staff member in an institution is alleged to have abused children, or indulged in sexual misconduct, the Province will supervise the individual concerned and may offer remedial care, but in its commitment to protect children and ensure sexual propriety, it will set boundaries for the accused person, which may include suspension and separation from children and eventually also termination of services if needed.
 - vii. False allegations could be there, however, if children indicate that they are being abused, or information is obtained that a child is being abused, there is no question of ignoring the matter and the burden of proof falls on the accused.
 - viii. The Province / Institution shall take appropriate disciplinary or legal action against anyone who may make false and malicious accusations of child abuse or sexual misconduct.
 - ix. The Province and its Institutions will not take responsibility for any perverse action of any individual employed, accommodated, endorsed or admitted into any of its Institutions.
 - x. A proper balance is to be maintained between protecting children and respecting the needs and rights of those adults

caring for the children. However, the welfare of the children will take precedence.

- xi. While dealing with sexual abuse of a child, due consideration must be given to the criminal dimension of any action while affirming that it is the statutory duty of the civil authorities, not individuals and organizations to investigate reports of child abuse.
- xii. The Provincial Rector along with his Council has the ultimate responsibility for the child protection policy and procedures within the Province. He with his Council will oversee the development, review and implement the “Child Protection Policy” within the Province and organize training, appoint members to the Provincial Child Protection Committee and ensure the safety of children and vulnerable persons in the institutions and deal with all allegations of child abuse and sexual misconduct in conjunction with civil authorities.

15. GENERAL GUIDELINES FOR INSTITUTION

- i. Every institution undertakes to protect children and vulnerable persons from all forms of abuse and exploitation and to take all appropriate measures to prevent any abuse or exploitation.
- ii. Institutions will provide a welcoming atmosphere where parents /guardians, students, staff, feel comfortable to express concerns about child protection and sexual misconduct issues.
- iii. Institutions will take an attitude of zero tolerance towards child abuse and initiate strict action which may include filing criminal complaints and termination of service of anyone suspected of child abuse or inappropriate behaviour. In accordance with the guidelines given by POCSO 2012, the institution will initiate appropriate action against any staff who has misbehaved with a child or has been previously involved in child abuse.

- iv. All records of the children in the institution and their families along with all information regarding their status and all reports will be maintained by the institution in strict confidentiality.
- v. The institution will see that children and vulnerable persons who are victims are cared for by professionals and by responsible persons who have the ability to give proper care.
- vi. The institution will ensure that the building and infrastructure is child friendly and all preventive measures are taken through proper supervision, careful selection of staff, putting in place the Child Protection Policy and the Child Protection Committee (Commission for Professional Standards).
- vii. All categories of staff of the Institution will be recruited only on fulfilling all recruitment process and after a well conducted interview by a team of interviewers from the Governing Body and after seeking the reference about the character quality of the individual concerned from at least two persons (previous employers) who are named by the candidate in his/her application.

16. GENERAL GUIDELINES FOR STAFF OF THE INSTITUTIONS

- i. All Staff appointed to work in an institution should be properly recruited, appointed, trained, supervised and supported in their working with children. They should receive regular compulsory training on child protection and sexual conduct issues and their obligations connected with this policy.
- ii. If any staff member comes to know about any child abuse issue in the institution, he/she is duty bound to report it to the head of the institution. As it is a mandatory requirement, failure to do so may result in disciplinary action.

- iii. All staff members will be required to sign a statement that they are aware of the content of the Child Protection Policy of the Institute and would respect and abide by it and understand that disciplinary or penal action would be taken in case their behaviour is not in accordance with the policy.
- iv. Appropriate disciplinary action will be taken against any staff who inflicts corporal punishment on children. Children must not be disciplined through any form of violence.
- v. Being aware of the fact that children are coming from a variety of backgrounds, and may use a relationship to obtain special attention, the staff must behave appropriately and be responsible for their interaction with children even in the face of children's provocative behaviour. Any staff behaving inappropriately with children, disregarding the Child Protection Policy of the institution will attract disciplinary action including dismissal if necessary.
- vi. All Staff members must be concerned about the perception and appearance in their dress, language, action and relationship with children (not using vulgar language, not consuming tobacco, liquor, etc.)
- vii. All Staff members should cooperate fully and maintain total confidentiality in any investigation of concerns and allegations or enquiry regarding child abuse.
- viii. All Educational Institutions of the Province will have a Child Protection Committee (Commission for Professional Standards) to deal with all alleged cases of the abuse of children and young people.
- ix. The Committee is made up of three to five competent persons consisting of a Child Protection Officer (appointed/chosen from the staff), a psychologist (Student Counsellor), and two or three other members endowed with wisdom and prudence one of whom should be a woman chosen from the staff or outside. One of the above members will act as the Secretary and the other as the Contact person.
- x. The members of this committee are appointed for a term of three years renewable at the end of the term.

- xi. The function of this committee is to ensure proper investigation of child abuse cases, especially those of sexual nature involving children and young people as well as allegations of sexual misconduct, so as to verify the guilt or innocence, to suggest penalties and provide advice, etc. in keeping with the law enacted in our country.
- xii. This Committee will notify and keep the Provincial Child Protection Committee (Provincial Commission for Professional Standards) informed of the progress of investigation of all alleged child abuse or misconduct cases and within a period of ninety days refer all findings to the Provincial Child Protection Committee and seek advice and guidance.

17. CONSTITUTION OF THE CHILD PROTECTION COMMITTEE

The Child Protection Committee must comprise of the following members:

- i. Principal/School head, as the committee chairperson
- ii. Members of the Parent-Teacher Association (the committee must have 25% SMC members)
- iii. In-Charge of Pre-School/ Pre-School Teacher
- iv. Teacher from High School
- v. School Counsellor, preferably female
- vi. Supervisor/ In-Charge of the Support staff, if any
- vii. Transport in charge, if any
- viii. Security in charge, if any
- ix. Student Representatives (The committee should contain 25% students)

** The representatives of the committee should be 50% females*

***Given the developmental stages, it will not be practical for schools to involve young children up to class 7 in the proceedings of the committee.*

18. POWERS AND FUNCTIONS OF THE OFFICERS OF THE CHILD PROTECTION COMMITTEE OF THE EDUCATIONAL INSTITUTION

• **Child Protection Officer (Coordinator)**

The Child Protection Officer can be the senior most member, after the Principal/ School Head. Their role will be to coordinate the task of protection envisaged by this policy in the institution and work in close collaboration with the Principal/Head of the institution.

• **Skills:**

- i. He/She should be a good listener.
- ii. He/She should have the ability to empathise, keep confidence, and be objective.
- iii. He/She should be generally friendly and approachable.
- iv. He/She should be a person of great prudence, wisdom, and ability to discern.
- v. He/She should have knowledge of psychology/child protection
- vi. He/She should work well under pressure and have the ability to accept criticism.

• **Scope:**

- i. He/She assumes responsibility to ensure that the Child Protection Policy is adhered to.
- ii. He/She ensures that any breach of the policy is promptly reported.
- iii. He/She looks after the protection and safety of the children and young people.

• **Responsibilities:**

- i. He/She should report any breach of the code of protective behaviour put in place in the institution.
- ii. He/She is personally available and maintains a climate that encourages individuals in disclosing/reporting any

allegation of abusive behaviour especially of a sexual nature.

- iii. He/She writes a report according to the format given in “Procedure of Registration of the Offence”
- iv. He/She ensures the protection, and immediate care and attention needed of all such individuals involved in the reporting or witnessing of abusive behaviour.
- v. He/She maintains confidentiality of all sensitive reports of concern or allegations of abusive behaviour.
- vi. He/She ensures the confidential and safe custody of all original handwritten notes signed and dated along with all typed/printed reports.
- vii. After the initiation of the enquiry by the Diocesan / Provincial Child Protection Committee, when a child has to be interviewed, he/she (the coordinator) will get someone professionally skilled to interview children, if such a person is not available in the Child Protection Committee. Special care is to be taken while interviewing children with intellectual or psychiatric disability.
- viii. He/she should arrange for support and write care plans.
- ix. He/she should stay abreast of the developments in the field of child protection.
- x. He/she should establish and maintain contact with the police, social services, and other local statutory agencies.
- xi. He/she should make sure that the local statutory agencies, and the Child Protection Officer have access to all the necessary information.
- xii. He/she (the coordinator) has the discretion to close the matter if there is no cooperation from the complainant or there is no sufficient reliable information and notify the same to the Diocesan/Provincial Child Protection Committee.

However, it is to be carefully noted that the post of the Child Protection Officer [Coordinator] does not empower him/her to report to civil legal authorities or to initiate any investigation in the name of the Provincelevel Child Protection Committee on his/her own without

authorisation by the Provincial level child protection committee.

- **Secretary**

A Secretary is appointed from among the members of the Child Protection Committee of the Institution and shall record the minutes of the meetings, its deliberations and decisions as well as other relevant matters or actions of the Committee.

- **Contact Person**

One person is to be appointed as a Contact Person, who on being informed of the complaint, will get in touch with the law enforcement agency/ the complainant, and assure the complainant that the matter will be taken seriously and investigated in accordance with the procedures mentioned in the Child Protection Policy.

19. DUTIES OF THE CHILD PROTECTION COMMITTEE OF THE INSTITUTION AND RECORDING PROCEDURES

The Child Protection Committee maintains a file on every case or matter it considers/investigates. Each file shall contain:

- i. Date of reporting
- ii. Language of the proceedings
- iii. Account of the child/ complainant (language in which the account was provided)
- iv. Measures taken by the child protection committee
- v. Details if the law enforcement agency is to be involve
- vi. Details of any services mobilised for the victim- legal, psychosocial, medical
- vii. Written report of investigation conducted (date-wise summary of each proceeding) (in case of internal)
- viii. Conclusions reached with stated reasons (in case of internal)
- ix. Final written summary to be forwarded to the

Diocesan/Provincial level Child Protection Committee (Commission for Professional Standards).It ensures the safe keeping of all files, and the availability of the same in the future when required.

- x. Treats all records, documents, and information received from or reported by the members as confidential.
- xi. Directs the contact person to meet with the alleged victim for the purpose of filling in details required, providing information, and inviting statements.
- xii. Directs the contact person to initiate all processes of reporting with the agency by providing necessary details required and enabling contact with the victim and their family.
- xiii. Ensures that the final directives from the Diocesan / Provincial Child Protection Committee is followed up and implemented.

20. CONSTITUTING A PROVINCE LEVEL CHILD PROTECTION COMMITTEE

The Provincial in consultation with his Council will constitute a Province level Child Protection Committee (Commission for Professional Standards) that will supervise, direct, and coordinate all child protection efforts of all the institutions under its jurisdiction.

- **Composition of the Province level Child Protection Committee.**

- i. The Province level Committee will consist of five to seven members and is appointed for a term of three years and may be renewed at the end of the term.
- ii. One of the members of the Province level Committee is the designated Secretary of the Committee.
- iii. Another member is the designated Media Spokesperson.
- iv. One member who is appointed by the Provincial Rector is the Child Protection Officer (Coordinator) of the Province

level Child Protection Committee and he/she has the power to act in the name of the Provincial Recor, if so delegated.

21. FUNCTIONS OF THE PROVINCE LEVEL CHILD PROTECTION COMMITTEE ARE

- i. To Prevent abuse, and through the Child Protection Officers and Committees of all institutions in the Province, initiate and sustain any enquiry and all interventions aimed at protection of children from abuse by educating and maintaining a continued awareness of all matters relating to abusive behaviour.
- ii. To ensure that the Principal/Head of every institution formally assesses all initiatives and activities in his/her institution on a regular basis to prevent risks, and protect children from any type of abuse.
- iii. To see that all staff, in every institution, consent to upholding the code of protective behaviour drawn up for implementation.
- iv. To ensure that no one who has allegedly been abused is, in any manner, exposed to further victimisation. Relatively he/she is protected from the alleged perpetrator, and steps are taken to restore emotional well-being.
- v. To ensure that all Child Protection Officers (Coordinators) and all Child Protection Committees of all institutions in the Province are answerable to the Province level Child Protection Committee.
- vi. On receiving a written complaint, the Principal / Head of the Institution and the Child Protection Committee members in an institution, verify the authenticity of the complaint and inform the Province Level Child Protection Committee which studies and verifies the matter and refers the same to the Provincial who initiates the enquiry if needed normally with the local (institutional) Child Protection Committee or with the Province level Child Protection Committee itself.
- vii. To meet and assess the enquiry report and related materials

- received from the local (institutional) Child Protection Committee, and propose action to be taken to the Provincial Rector who will do the needful to direct the institution concerned regarding the action to be taken
- viii. To make known the findings of the Province level Child Protection Committee as and when required, to the complainant and the accused through the Child Protection Officer/Spokesperson of this Committee or through the Principal or Child Protection Committee of the institution.
 - ix. To maintain a file of all cases brought before it, and treat all documents and reports as confidential.
 - x. To maintain contact with the parallel committees of other Dioceses/Provinces if such Committees exist.
 - xi. To keep themselves updated on contemporary thought, and research on all issues and developments on abusive behaviour.

22. KEY CONSIDERATIONS IN CASES OF CHILD SEXUAL ABUSE

Child sexual abuse is the involvement of children and adolescents in sexual activities (usually for adult sexual stimulation or gratification) that they cannot fully comprehend and to which they cannot consent as a fully equal, self-determining participant, because of their early stage of development.

- i. Contrary to the popular belief Child Sexual Abuse is not restricted to rape/penetrative genital contact. It is:
 - a) an interaction between a child and an adult where the child is used for sexual stimulation.
 - b) exploration of sexuality between a minor, traditionally understood as below 18 years of age, could be exploitative if the age difference and power dynamics between them is significant.
 - c) digital handling of the child's genitalia.
 - d) non-genital forms of sexual touching.
 - e) non-contact forms of abuse for the pleasure of the perpetrator such as exposing the child to pornography or

taking nude pictures of the child.

*7*Digital handling refers to sexual abuse wherein no penile-vaginal contact occurred, but a child's genitals are assaulted by the perpetrator by use of hand or other objects.*

- ii. Section 21(1) of the POCSO Act, 2012 requires mandatory reporting of cases of child sexual abuse to the law enforcement authorities, and the same applies to everyone including parents, doctors and school personnel. Failure to report a suspicion of child sexual abuse is also an offence under the Act and the offender may be prosecuted for the same as per the provisions of POCSO Act, 2012. Any private person who fails to report suspected child abuse, having acquired the information in the discharge of his or her professional responsibilities, commits a summary conviction offence
 - iii. There is individual as well as institutional (management) liability to report commission of an offence under Section 21 of POCSO Act, 2012 as may be seen below:
 - iv. Utmost care must be taken to protect the identity of a child victim or any other information that may directly or indirectly disclose the child's identity. Doing so is an offence under the POCSO Act. The same is true for a child in conflict with law. Failure to do so is an offence under JJ Act.
 - v. *False Complaints under POCSO:* It is to be noted that if any person makes a false complaint in connection with Child Abuse, or provides false information solely with the intention of tarnishing the image, humiliate, extort, threaten, or defame another person or institution, he/she is liable to be punished with imprisonment extending up to six months or fine or with both, as per the law (POCSO 2012: ch.5: 22). The adult who makes a false complaint or provides false information regarding a child, knowing it to be false, thereby victimising such child is also liable to be punished under the act with imprisonment extending to a year or fine or with both.
- A child who fails to report the commission of an offence, makes a false complaint or gives false information about the commission of an offence cannot be held liable under

this Act.

- vi. *Burden of proof:* Every accused is presumed innocent until proven guilty under a fair trial. However, this presumption is not applicable under the POCSO Act. A person accused under POCSO Act is presumed to have committed the offence, and the burden of proof of innocence is on the accused. It is important to note here that 'the burden of proof is on the accused' does not mean the accused cannot hire a lawyer for his/her defence. It also does not mean that the testimony of a witness or CCTV recording favouring the accused will be discarded.
- vii. *Safeguarding evidence and crime scene:* It is imperative to secure the evidence; hence, immediate steps must be taken to cordon the area where the abuse may have been allegedly committed. Destruction of evidence is an offence under Section 201 of the IPC. If the school authorities/ management/ teaching and non-teaching staff to attain any purpose, try to cause disappearance of vital evidence of offence or produce any false information during investigation or before court, in order to rescue the offender, they shall be liable to be prosecuted under sections 201,203 of the Indian Penal Code.

23. DISCLOSING {REPORTING} ABUSIVE BEHAVIOUR

Abuse cases are to be reported immediately and not as an afterthought after weeks or months. Disclosure about abusive behaviour may be done through a written letter, email, phone call, audio-video recording, photograph or verbal reporting or narration done in person. A disclosure of abusive behaviour may arise from any of the possible ways:

- i. The primary victim himself/herself discloses to the Child Protection Officer/Committee of the institute.
- ii. The primary victim discloses to another person e.g., parents/guardian/staff member who then discloses to the Child Protection Officer/Committee of the institute.

- iii. An individual directly discloses abusive behaviour on having witnessed or observed.
- iv. An individual delays disclosure i.e. discloses abuse weeks, months or years after the abuse actually happened.
- v. In case of a young child/ child with disability the staff / counsellor finds out the child has been sexually abused (injury, sexualized behaviour, emotional/ behavioural knowledge)
- vi. An adolescent makes an accidental disclosure (in context of a romantic relationship with an adult, where the adolescent has no knowledge pertaining to sexuality or abuse)

Under no circumstances shall there be any attempt to intimidate a complainant or to dissuade a complainant from proceeding with a complaint.

24. PROCEDURE OF REGISTRATION OF THE OFFENCE

- i. Any person (victim/student/ parent/ staff) may report a case of child sexual abuse to the Child Protection Committee.
- ii. The complaint may be made in any format (written/ oral/ video/ audio etc) whatever the victim is comfortable with.
- iii. The complainant alleging a sexual abuse should clearly state the name and address of the victim, together with the name and address of the offender.
- iv. The complaint should be made giving the date of the offence and if possible, the date of birth of the victim to determine the age of the victim at the time of the offence.
- v. The complaint should carry a brief account of the offence, its frequency, place, time and circumstances and it should be signed by the petitioner.
- vi. If the complaint is made by a third party, it should be someone who has a locus standi: such as parent, guardian or a family member.
- vii. If the petition is signed by someone other than those mentioned above, an authorization from the victim or from a legal representative of the victim is required.

- viii. If the complaint does not have the above-mentioned details, the petition will be sent back for clarification and details. It is to be clearly understood that the Committee will accept only written and not verbal complaints.
- ix. It is important and mandatory to maintain a record in every institution wherein all the important information with regard to incidents are recorded as per the format given below:
 - a. Date and category of the reporter
 - b. Date and category of the victim
 - c. Date and category of the abuser
 - d. Date, time, and place of accident/incident of abuse (accident and incident to be specified)
 - e. Type of abuse
 - f. Person/s, category of person/s involved in the abuse
 - g. Mode/means of abuse.

25. THE PROCESS TO BE FOLLOWED AFTER REGISTRATION OF THE OFFENCE

- **Towards the Victim:**

- i. Providing a first level psychological response- validating and acknowledging, reassuring.
- ii. Providing medical assistance to the child, if necessary.
- iii. Providing information about POCSO law in an age-appropriate manner
- iv. Responding to children's worries about reporting
- v. Gently persuading the child to report by highlighting the advantages and disadvantages of reporting (to build some perspective)
- vi. Changing the child's living arrangements, if necessary to facilitate reporting in a less hostile environment.
- vii. Explain legal processes following the reporting process
- viii. Assure the child of confidentiality

- **Procedure to be followed by the Child Protection Committee:**
 - i. Recording of the child's narrative should be done with the assistance of the school counsellor or a person the child is comfortable with. It is not necessary that the entire committee should be presented.
 - ii. Under no circumstance should the child be forced to record an audio/video, go back to the crime scene or enact what was done to the child.
 - iii. On receiving the complaint, the Principal/Head of the Institution, and the Child Protection Committee members in an institution, must immediately document the complaint and inform the police and child welfare committee. Following details must be included-
 - a. Date and time of complaint
 - b. Language in which complaint was narrated
 - c. Initial Account of the incident/ child's version (What happened? Where? Who did it? Duration? How long have you known this person?)
 - d. Any emotional/ behavioural observations regarding the child
 - e. Observed injuries
 - iv. The document must be duly signed by the Child Protection Committee.
 - v. No inquiry at the school level is required in cases of child sexual abuse, by the committee, it must be noted that the committee's role is only to assist the child and enable reporting.
 - vi. All attempts are to be made to protect the victim and their confidentiality, and undue revelation of the enquiry, statements, progress etc. to the public or within school is to be avoided. The victim must be informed of the same and all the procedures must be carried out respecting the privacy of the victim.
 - vii. The victim must not be made to face/ confront the alleged accused.
 - viii. During the process of enquiry, it may be necessary on the

recommendation from the local Child Protection Committee, to ask the alleged offender to stand aside from all official duty in the institution till the matter is disposed off.

- ix. Repeated questioning must be avoided.
- x. In case the incident has happened in the school, taking the child to the scene of crime and/or re-enacting the event must not be done.
- xi. Persuading a child to provide information through insistence/ use of sweets, toys, chocolate, other incentives should not be done.
- xii. No person assisting the child must touch the child unnecessarily, as it may trigger or further traumatise the child.
- xiii. As per POCSO Act, Mandatory Reporting, however, the balance between the need for justice and empowered recovery of the child may become precarious. It must therefore in such situations be ensured that the child's agenda i.e. healing and recovery, is at the core of it. Reporting may be in a manner as to avoid further traumatization of the child.
- xiv. The reporting must be done by the school to the Special Juvenile Police Unit, 100 or to ChildLine in 1098.
- xv. The status of reporting of the case and the recommendations for the recovery/ reintegration of the child, must be submitted to the Diocesan/Province Level Child Protection Committee on a fortnightly basis.
- xvi. At any given stage, the victim cannot claim any compensation, monetary, or otherwise from the Institution where the offender was discharging his duties, as it is understood that the institution hires only the service of the employees for a remuneration agreed upon, and is not responsible for his behaviour, character, personal interests, private life, and traits. It is also to be noted that for the

civil/criminal act committed and the legal consequences that arise from it, the offender alone is responsible and he/she is exhorted to own his/her responsibility, and to cooperate fully with any investigation that may follow.

26. MODUS OPERANDI OF THE LOCAL (INSTITUTIONAL) CHILD PROTECTION COMMITTEE/PROVINCE LEVEL CHILD PROTECTION COMMITTEE

- i. On receiving a written complaint, the Principal/Head of the Institution, and the Child Protection Committee members in an institution, verify the authenticity of the complaint and inform the Province Level Child Protection Committee which studies and verifies the matter and refers the same to the Provincial who initiates the enquiry if needed normally with the local (institutional) Child Protection Committee or with the province level Child Protection Committee itself.
- ii. The Child Protection Committee verifies the matter, and initiates the enquiry. If necessary, the Province level Child Protection Committee itself may be involved for advice and intervention.
- iii. The local (institutional) Child Protection Committee then does the preliminary enquiry. During the enquiry, all attempts are to be made to protect the good name of the accused and the victim, and undue revelation of the enquiry, statements, progress etc. to the public is to be avoided. Hence, in order to prevent any miscarriage of justice and to protect the reputation of both the parties, both the preliminary enquiry and the subsequent processes are to be conducted respecting the privacy of the individuals concerned. However, in case of conflict between the rights of the accused and the rights of the child victim, the rights of the child victim shall always prevail.
- iv. In the ensuing enquiry by the local (institutional) Child Protection Committee, the complainant and the alleged

offender are to be heard. The alleged offender has the right to know the accusation and the conclusion of the Preliminary Enquiry by the Committee. Witnesses presented by the complainant and alleged offender are to be heard too. Utmost patience is to be displayed by the committee while listening, and no biased conclusions should be arrived at, keeping in mind that every accused has the right to be heard and the guilt has to be established with proof. The committee may examine witnesses, documentary evidences such as letters, e-mails, audio-video recordings, photographs etc. The alleged offender as well as the victim will be offered the possibility of choosing a support person, if needed, at the time of enquiry a person from the list of support persons (not a legal practitioner) indicated by the Committee can be called. The Child Protection Committee may also seek the opinion of legal experts, or people who are experienced in dealing with child protection matters. However any violation against the child that falls under the purview of the law, must be reported and should not be dealt with internally.

- v. All statements are to be recorded and signed by the committee, witnesses, the alleged offender, and the victim or his/her representatives in the presence of both, the alleged offender and the complainant, with date and time. During the process of enquiry, it may be necessary on the recommendation from the local Child Protection Committee, to ask the alleged offender to stand aside from all official duty in the institution till the matter is disposed off.
- vi. The final report and findings, along with the recommendations, are to be submitted to the Province Level Child Protection Committee within ninety days. The Child Protection Committee may request for an extension of this period for specially stated reasons. After further study of the final report and findings of the local (institutional) Child Protection Committee, the conclusions of the Child Protection Committee are to be

- communicated to the petitioner, and the alleged offender by the Provincial/Coordinator of the Diocesan/Province Level Child Protection Committee, or by the Coordinator/Contact person of the local (institutional) Child Protection Committee with the clear understanding that the conclusions are purely findings of the committee and the same are not binding in the civil law of the country.
- vii. If the Province Level Child Protection Committee accepts the conclusion of the Child Protection Committee that the offender is guilty, or the alleged offender does not contest guilt and poses a potential threat to the minors of the institution, he/she is to be immediately suspended from all offices/services, and dismissal procedures are to be initiated without prejudice to the existing State/Labour laws. If need be, legal proceedings too are to be resorted to, in which the law of the land would take its due course.
 - viii. If the complainant and/or the victim decide not to cooperate with the process of enquiry and if there is no reasonable possibility of getting reliable information from other sources, the coordinator of the local (institutional) Child Protection Committee may suggest closing of the case to the Bishop/Provincial or Coordinator of the Diocesan/Provincial level Committee. If such a proposal is accepted or if the Child Protection Committee decides to reject the complaint itself, the same may be communicated to the complainant providing reasons for the closure of the case or rejection by Coordinator of the Diocesan/Province Level Child Protection Committee or by the Coordinator/Contact person of the local (institutional) Child Protection Committee.
 - ix. It is to be noted that if any person makes a false complaint in connection with Child Abuse or provides false information solely with the intention of tarnishing the image, humiliate, extort, threaten or defame another person or institution, he / she is liable to be punished with

imprisonment extending up to six months or fine or with both, as per the law (POCSO 2012 :ch.5 :22). The adult who makes a false complaint or provides false information regarding a child, knowing it to be false, thereby victimizing such child is also liable to be punished under the act with imprisonment extending to a year or fine or with both. On the other hand, if a false complaint is made or false information has been provided by a child being less than sixteen years, no punishment shall be imposed on such child as such, but remedial, advisory or disciplinary measures may be initiated by the Local (Institutional) Child Protection Committee.

- x. At any given stage, the victim cannot claim any compensation, monetary, or otherwise from the institution where the offender was discharging his duties, as it is understood that the institution hires only the service of the employees for a remuneration agreed upon, and is not responsible for his behaviour, character, personal interests, private life, and traits. It is also to be noted that for the civil/criminal act committed and the legal consequences that arise from it, the offender alone is responsible and he/she is exhorted to own his/her responsibility, and to cooperate fully with any investigation that may follow.

27. POST ABUSE REHABILITATION AND REMEDIAL FACILITATION

Considering the fact that such victims are young, and the trauma experienced can be long lasting and demoralising to the victim and the family and can hamper the mental and physical well-being, certain remedial measures may be suggested to be initiated and extended by the Child Protection Committee/s.

- i. Counselling/therapy at the expense of the institution.
- ii. Referring the child to a mental health professional/ Institution
- iii. Contacting and facilitating such expert agencies.
- iv. Extension of counselling/therapy to the victim and family.

- v. Keeping regular contact with the victim and family, providing necessary information about the relevant services, facilities and procedures
- vi. Extension of medical facilities if needed.
- vii. Make arrangements for the accommodation of the child (in case the child is in danger at home, only after consulting with the child welfare committee of the district if desirable and acceptable.
- viii. Offering all moral support to the victim and family.

28. CODE OF PROTECTIVE BEHAVIOUR (FOR THE MEMBERS OF THE STAFF)

As a staff member working in a Catholic institution, which is committed to the protection of children from all forms of abuse, I agree to abide by the following rules and regulations drawn up by the institution in this regard.

Accordingly, I state that,

- **I Shall always Ensure that:**
 - i. I will interact with every child/young person in a manner which demonstrates respect, dignity, integrity, empathy, understanding, and patience.
 - ii. There will be other professional adults to supervise me whenever there is a sleep over, or a stay in a hotel/hostel during excursions or educational travels.
 - iii. The doors of a room are always open or visual access is always maintained, when I am alone with a child or young person.
 - iv. While being available to children in discharging my duty in the institution, I will maintain the professional boundaries of relationship with them.
 - v. I will always adopt socially appropriate adult behaviour towards children and young people, which reflects the capacity to listen, understand and be respectful towards others.

- vi. My relationship with children will be prudently governed, respecting the age and developmental stage of a child or young person. I seek to establish a caring, protective, and respectful relationship with each child or young person.
- vii. I will never touch a child's or young person's buttocks, genitals, or breasts, unless I am a certified medical practitioner, and only for performing a legitimate and necessary medical action. Any physical touch will be in response to the need of a child.
- viii. I will be vigilant and attentive to any harm towards children and young people and shall immediately report any concern I have of the same to the Protection Officer, of my Institution.
- ix. I will report any case of child abuse, neglect, and exploitation which I observe, to the appropriate authority, and will not abuse or harm any child emotionally, physically, or sexually.
- x. I will physically restrain a child or young person only when there exists a danger to the individual, or to other individuals in the area.
- xi. However, sometimes when it may be necessary to conduct physical checks of the students in the institution for cell phones and other contraband material, I will do it only when asked for, or with permission and following all norms of touching (avoiding those areas of the body restricted to touch).
- xii. I will comply with all the procedures of the 'CBCI Child Protection Policy and Procedures' implemented in the institution.
- xiii. I will refer all the media queries to the spokesperson designated for the task and give no other comments.
- xiv. I will comply with the dress code prescribed in the institution while on duty, and if there is no specific dress code, I will always come modestly and neatly dressed.

- **I Shall always Avoid:**

- i. Engaging in behaviour that is intended to shame, humiliate,

- belittle or degrade, especially children and young people, in the institution.
- ii. Using inappropriate, offensive, discriminatory, vulgar, or slang language when speaking, especially with children or young people.
 - iii. Entering any area of privacy such as toilets, changing areas (used after the swimming sessions, sports practice etc., during dress rehearsals/ programs) for children or young people, unless legitimate business of the institution or any accident requires me to.
 - iv. Taking children or young people that I am professionally engaged with, to my own home/hotel, or sleeping in the same room or bed with any of them.
 - v. Engaging with children on social media platforms like Facebook, Instagram, Twitter, WhatsApp, Tik Tok etc.
 - vi. Engaging in any sexual conversation or discussing sexual activities, unless part of a legitimate lesson and discussion approved for teaching sexuality or biology related issues requires me to.
 - vii. Indulging in any manner of activities that are, or could be interpreted to be, aimed at any type of sexual relationship with a child or young person, unless it is an unavoidable part of a structured sports activity or outdoor games.
 - viii. Developing a sexual relationship, or one that may be deemed exploitative or abusive in nature with children or young people.
 - ix. Showing sexually oriented, or inappropriate printed or digitalized material, such as magazines, videos, films, MMS etc., to children or young people, or having them on the premises of the institution or in my possession, when involved in an activity in the institution or outside of it.
 - x. Taking a personal photograph or video recording a child(ren) or young person(s) in the classroom/ school, without their consent and that of his/her parents or guardians.
 - xi. Posting any pictures taken during the school events - like annual day, sports day, picnics etc. on personal social

- media accounts or circulating the same to any outsiders over whatsapp and other platforms.
- xii. Holding, kissing, cuddling, or touching a child or young person in an inappropriate, unnecessary, or culturally insensitive way.
 - xiii. Seeking to make contact and spend private time with any child or young person even for teaching/coaching outside the legitimate time allotted for that purpose, except with express consent of the head of the institution and the parents.
 - xiv. Hiring minors as domestic labour or cooperating with others to hire minors as domestic labour.
 - xv. Transporting children or young people, without the permission of their parent or legal guardian, except as a direction from the head of the institution, or his/her delegate in the event of an emergency or academic or sports related activity with proper accompanying documentation.
 - xvi. Using, possessing, or being under the influence of illegal drugs or alcohol or tobacco products when in the presence of, or while supervising children or young people. Supplying alcohol or illegal drugs or tobacco products to children or young people.
 - xvii. Discriminating against a child or young person on the basis of their race, colour, gender, sexual orientation, language, status, ethnicity, nationality, caste, religion etc.
 - xviii. Neglecting to take action when a child or young person is in any kind of safety trouble by not speaking up for the rights of any person, especially children and youth who are being abused in any way.

29. PREVENTIVE MEASURES

Prabhu Prakash Province will undertake activities that will enable children and adults to discuss safeguarding issues and report cases of abuse and violations without the fear of taboo and stigmatisation. In view of executing the policy, Prabhu Prakash Province will do the following, but not limited to these, going by

the case requirement.

- **Awareness and Sensitisation**

Raise awareness on child rights and protection issues among the staff, partners, associates, visitors, communities, stakeholders, etc. The development of an open and responsive culture in the Provinces' and partners' programmes and within the communities and institutions that the Province works with, is essential for safeguarding.

- i. Prabhu Prakash Province will encourage discussions on issues of child abuse to create an enabling environment for children to report incidents to their parents, guardians, and peers. Through protected, clear, and honest communication, Prabhu Prakash Province will give and receive both positive and critical feedback.
- ii. Prabhu Prakash Province will also ensure through its projects that sufficient steps are built-in to create awareness among children on child protection and participation, with a view to developing their agency, empowering them to be vigilant and report cases to their parents/caregivers/government child protection workers whenever necessary.
- iii. Prabhu Prakash Province will put in place an effective mechanism to prevent and protect children and vulnerable adults from all kinds of abuse, sexual and otherwise, keeping in line with the legal framework of the country to deal with the same and to spread awareness regarding creating a safe environment for children and vulnerable adults on our campuses. Our aim, therefore, is to protect children and vulnerable adults from any form of sexual abuse, sexual assault, sexual exploitation, sexual harassment and maltreatment in any of our Centers of Activity.
- iv. Therefore, Prabhu Prakash Province gives ourselves the task of sensitising all those who are associated with us by organising periodic training/workshops regarding various aspects of sexual abuse, assault, harassment,

exploitation and maltreatment of children and vulnerable adults; of imparting knowledge of the existing directions and the laws made by the Church, the Society and the State to prevent any kind of abuse and maltreatment of children and vulnerable adults.

- **Recruitment Procedure of the Staff**

All staff appointments should be done carefully. No candidate with a criminal record of sexual and/or physical violence shall be appointed to any position in any Activity of Prabhu Prakash Province. In furtherance of the same, all selected candidates must provide:

- i. A signed affidavit in the format of Annexure II, to the institution concerned that they have not been accused of offences under POCSO (Prevention of Child Sexual Offences Act, 2012), the Juvenile Justice (Care and Protection of Children) Act, 2015, Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013 and any other sexual and/or violent crimes under any other Act for the time being in force.
- ii. The selection interview should include specific queries on safeguarding issues at the first stage to probe the applicant's attitude, experience, and approach to working with children and vulnerable adults.
- iii. During recruitment and induction, the selected candidate should be clearly told that a policy for the protection of children and vulnerable adults against abuse and maltreatment exists, and he/she shall be required to abide by it strictly.
- iv. Along with the appointment letter, a copy of the policy shall be given to the new employee for his reading, understanding and owning the policy. The employee shall be asked to give an undertaking that he/she has read the policy and shall abide by it(vide Annexure 2).
- v. During the induction/probation period, feedback shall be taken from children and persons placed under their care and supervision.

- **Orientation and Training to the Staff on the Policy**

- i. All staff members shall be subjected to orientation and training on this policy as part of the ongoing training programmes at the national, diocesan and provincial levels. Every member of the staff also shall sign an undertaking that he/she has read and understood the Policy and shall abide by it.
- ii. Orientation training in respect of child protection shall be organised for the staff working directly with the children.

- **Best Practices for Prevention of Abuse**

- i. Encourage the staff to demonstrate exemplary behaviour in order to create a safe environment on the campuses for children as well as vulnerable adults.
- ii. Provide the children in educational institutions with access to counsellors to whom they could talk freely about any concerns they may have.
- iii. Avoid taking children or vulnerable adults into closed and secluded areas, for example, one's living room, office, centre, classrooms, etc., unless accompanied by other mature and responsible adults.
- iv. All trips, rides, vacations, camps and other such activities must have the approval of the parents/guardians and/or the appropriate institution prior to undertaking the activity.
- v. When a one-to-one meeting with a child/vulnerable adult is considered appropriate and necessary, it should take place in a room with the door left open or in a room where there is clear visibility from outside. All efforts shall be made to make the child/vulnerable adult feel secure.
- vi. Be sensitive to the possibility of becoming over involved or of spending an unreasonably great deal of time with any one child/vulnerable adult.
- vii. Do not provide children/vulnerable adults with alcoholic beverages, tobacco, drugs or anything that is prohibited by law.
- viii. Avoid giving gifts to children studying in the schools and vulnerable adults working in the institutions and centres except on special occasions like marriage, birthdays,

- anniversaries, etc.
- ix. Avoid telephoning or sending e-mails or SMSs to or contacting the children and vulnerable adults through any other mode of communication unless necessary. Primary contact should be with the parents/guardians of the children/vulnerable adults.
 - x. Topics, vocabulary, recordings, films, games or the use of computer software or any other forms of personal interaction or entertainment that are not used comfortably in the presence of the parents/guardians should not be employed with children or vulnerable adults.
 - xi. Sexually explicit or pornographic material through various media (printed, audio-visual or electronic) should never be shown to children or vulnerable adults.
 - xii. Comments of a sexual nature are inappropriate and unacceptable, even as jokes with children and vulnerable adults.
 - xiii. Treat everyone with respect and communicate at the appropriate level.
 - xiv. Do not engage in any physical punishment of a child, either in public or in private.
 - xv. Avoid showing favouritism.
 - xvi. Never do for a child what she/he can do for herself/himself.
 - xvii. Do not undermine the parent's authority by ridiculing the parents for their beliefs, behaviour, appearance, etc., and do not allow children to do anything against the wishes of their parents.
 - xviii. Never ask a child to keep a secret from his or her parents.
 - xix. Provide adequate training programmes to the staff for appropriate/healthy way of relating with minors, with the clear understanding that the staff is required to participate actively in them.
 - xx. Never requests for sexual favours in return for some benefit;
 - xxi. Never beat or physically assault a child or vulnerable adult;
 - xxii. Never use language that will mentally or emotionally abuse the child or the vulnerable adult;

- xxiii. Never act in such a way that tends to embarrass, shame, humiliate or degrade a child or vulnerable adult;
- xxiv. Never kiss, hug, fondle, rub or touch a child in an inappropriate or culturally insensitive way;
- xxv. Never take photographs of children or vulnerable adults while they are nude, partially nude or undressing;
- xxvi. Never take unfair advantage of a professional or counselling relationship.
- xxvii. Never suggest inappropriate behaviour or relationship of any kind with a child or vulnerable adult.

30. MAKING PROPER ARRANGEMENTS WHEN ORGANIZING ACTIVITIES AND OUTINGS

Arrangements should be made with the parents of the children rather than with the children themselves. It is not appropriate to contact a child directly, for example, on his or her mobile phone and/ or to make an arrangement of any sort without the prior knowledge and consent of the parents/ or guardians/.

• Trips Away from Home

- i. All trips, including day trips, overnight stays, and holidays, need careful advance planning, including adequate provision for safety in regard to transport, facilities, activities and emergencies. Adequate insurance should be in place.
- ii. Parental consent should be sought, as described above. A copy of the itinerary and contact telephone numbers should be made available to parents or guardians.
- iii. There must be adequate, gender appropriate, supervision for boys and girls.
- iv. Particular attention should be given to ensuring that the privacy of young people is respected when they are away on trips.
- v. The provision of appropriate and adequate sleeping arrangements should be ensured in advance of the trip.

- vi. Sleeping areas for boys and girls should be separate and supervised by at least two adults of the same sex as the group of children being supervised.
- vii. If, in an emergency situation, an adult considers it necessary to be in a children's dormitory or bedroom without another adult being present, he/she should (a) immediately inform another adult in a position of responsibility and (b) make a diary note of the circumstances.
- viii. The roles and responsibilities of the young people and the rules and boundaries to be observed should be discussed and agreed upon prior to departure and communicated to their parents.
- ix. The tasks required of young people should be appropriate to their age and capacity. Young people under 18 should not be asked to carry out personal care tasks for others unless this is discussed and agreed with parents (e.g., where siblings are travelling together). There should be a named person to whom all concerns and complaints are referred and all such concerns and complaints should be followed up in a timely and efficient manner.

- **Pilgrimages and Retreats**

Pilgrimages and retreats are an important part of the diocese's pastoral and spiritual engagement with children and young people. Those involved in the planning and organisation of pilgrimages and retreats should adhere to the same guidance as outlined for other activities with children and young people.

31. USE OF COMPUTERS

'Acceptable Usage Policy' in place regarding the use of e-mail and the internet, and children should only be permitted to use e-mail and the internet for defined purposes that are consistent with this policy.

Therefore:

- i. Particular care should be taken to ensure that children do

- not expose themselves to the risk of harm through such activities as posting personal information or entering into extended communication with people they do not know.
- ii. Where a computer is used by more than one person, everyone should be obliged to have a unique username and password, or where this is not possible, to maintain a signed record of the date, time and duration of his/ her use of the computer. Computers which can be accessed by children or young people should always have appropriate filtering software.
 - iii. All computers in Province's organisations and parishes should be monitored regularly to ensure that they are being used in accordance with the stated policy. Where there is any suspicion or doubt, a person with specialist knowledge of computer hardware and software should be asked to assess the purposes for which the computer has been used.

32. KEEPING GOOD RECORDS

Since the Province is, amongst other things, an organisation that must account for the manner in which it takes care of children, it is very important that adequate records are kept.

There fore:

- i. An accurate record should be kept for each child and young person participating in activities, including the programme details.
- ii. The parental consent forms should be retained.
- iii. A written record of organisers, supervisors, employees and volunteers in attendance at events, such as meetings, choir rehearsals and sports activities, should be kept.
- iv. An incident/accident report form should be completed in the event of an accident or incident relating to a child.
- v. All records should be dated and signed.

33. INTERACTIONS WITH THE MEDIA

- i. In the interest of truth and objectivity and to prevent any incorrect, incomplete, biased, tendentious or malicious information being disseminated, the Provincial Rector shall nominate an official spokesperson for the campus where a Special Committee is constituted under this policy.
- ii. The official spokesperson so nominated shall be the sole conduit of all and every information regarding the case to the media.
- iii. No other member of the staff shall interact with the media about any matter relating to the alleged abuse unless specifically nominated to do so. The appropriate response to a media query would be to direct it to the designated official spokesperson.
- iv. The spokesperson nominated by the provincial Rector shall prepare press statements to be released periodically during an investigation and its conclusion wherever necessary and release the same after obtaining the approval of the Safeguarding Officer. Notwithstanding the above, the contents of the complaint/allegation made, the identity and addresses of the victim/complainant, respondent and witnesses, any information relating to inquiry proceedings, recommendations of the Safeguarding Committee, and the action taken by the Safeguarding Officer under this policy shall not be published, communicated or made known to the public, press and media in any manner.

34. POST-ABUSE MEASURES

Any sexual harassment/abuse will damage the clean image of the individuals, their families and institutions. Hence, it is the responsibility of the diocese/Province to ensure the healing of the wounds caused by harassment/abuse. The following are a few ways to meet this end.

- **Care for the Victim**

If all the sexual allegations of the complainant are proven true, then it is the responsibility of the Safeguarding Committee to assist the victim pastorally and spiritually. Through the recommendations of the Provincial Rector, they need to help the victim spiritually by ensuring prayers, compassion, and restitution; the Safeguarding Committee needs to assist the victim by offering psychological help (therapy) and financial aid for medical treatment in order to ensure the safety of the victim. The Safeguarding Committee needs to see that the victim is restored to normalcy that existed before the abuse/harassment.

The victim's family, institution, and all the affected parties are also to be cared for, and efforts must be made to explain the facts to them in order not to give any room for rumors/gossip, etc. The Safeguarding Committee could chalk out the ways and methods of care for the victim, the victim's family, and the affected community. The diocese / Province could think of any other way of helping the victim and the victim's family.

- **Care for the Respondent**

He, too, needs to be given spiritual help, helping him realise that every person is created in the image and likeness of God and that any attempt at harassment disfigures that image of God. Psychologically, he should be helped to realise that every person enjoys freedom and human dignity and, therefore, needs to respect life, especially that of the complementary sex.

Care must be given to the family members of the Respondent as they suffer/faceshame, denial, betrayal, confusion, etc. They, too, need to be given counselling and the rapetic help. The diocese/ Province could think of any other way of helping the victim and the victim's family.

If the Respondent is a member belonging to the Clerical State or Institute of Consecrated Life (ICL) or Society of Apostolic Life (SAL) or a candidate information, he/she must be duly informed of the ecclesiastical and canonical processes that he/ she has to undergo in addition to the process given here.

35. IMPLEMENTATION AND DISTRIBUTION OF POLICY

- i. This policy is binding on all members and students of Prabhu Prakash Province.
- ii. This policy and any subsequent amendment/s shall be in effect from the date of publication by the Provincial Rector of the Prabhu Prakash Province.
- iii. This policy shall be implemented by way of codes of conduct, safe environment policies, and other rules and procedures. These norms of implementation shall be binding on all members and students of Prabhu Prakash Province.
- iv. A copy of this policy shall be made available to all the members of the Prabhu Prakash Province and a signed affidavit in the format of Annexure 1 should be obtained from each member and duly filed in the Provincial Rector's office.
- v. The terms of this policy are to be adequately made known to the students of the Prabhu Prakash Province so that they understand and accept the obligations this policy involves. It is the duty of the formators in each formation house to implement this.
- vi. This policy should also be made known to those who are not members but who are working with the Prabhu Prakash Province on a long-term basis as well as to volunteers whose duties include contact with minors and a signed acknowledgment of receipt of this policy must be obtained from them. The signed acknowledgment should be filed appropriately in the respective parishes or institutions of the Prabhu Prakash Province.
- vii. Failure to acknowledge the receipt of this policy in no way excuses a person concerned from the obligation to comply with the requirements of this policy.

Conclusion

We are committed to living exemplary lives according to our Master's injunction: "You are the light of the world." However, if incidents of sexual misconduct, abuse or harassment of minors or vulnerable people are reported against a member, the Province is committed to ensuring a diligent and thorough investigation of the case, and appropriate action against anyone found guilty. The Province is also committed to providing ongoing accompaniment of the victims through pastoral, care, psychological assistance and other supportive programmes towards healing and reconciliation of all those affected.

This policy is only plain guidelines to protect children and vulnerable adults from any form of sexual abuse, sexual assault, sexual harassment, sexual exploitation or maltreatment. What is more important is to spread awareness among all the staff members, contractors, consultants and all other people who come in contact with the seriousness of such crimes. This policy emphasises the need for the protection of children and vulnerable adults from any form of abuse, especially of a sexual nature. For that purpose, the preventive mechanisms shall be used very carefully. The policy also lays down a detailed procedure to follow in the cases of any or all allegations of abuse. It is not an all-inclusive and exhaustive procedure. Many times, the nature or gravity of the allegation will determine the course of procedure that may be adopted. In grave matters, appropriate legal advice and assistance need to be obtained by the authorities concerned as may be required. It is the bounden duty of all of us and every member of our staff to live an exemplary life so that no such allegation is made against the institute or its staff. May this policy be an effective instrument for assuring such a positive and highly desirable outcome.

ANNEXURE 1

Undertaking by all the members of the Prabhu Prakash Province

I, (name, age and address).....do here by declare and undertake as follows:

1. I have read and understood the Policy guiding the Institution for protection of children and vulnerable adults from sexual abuse and mal treatment. I here by declare and affirm that I agree to adhere and abide by the said Policy and guide lines. In case of any violations of the said Policy in my direct and indirect interactions with the children and the vulnerable adults, I will be solely responsible and the Prabhu Prakash Province will haven liability for my actions.

2. In case of any violations of the said Policy, the Prabhu Prakash Province may initiate suitable disciplinary or legal actions against me as per the applicable laws and rules of the country and the state. In furtherance of my resolve to adhere to the Policy there of in the performance of my duties, I will:

- Treat all children and vulnerable adults with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic, or social origin and disability;
- Will not take children or vulnerable adults to closed and secluded areas, for example: my room, office, centre, class rooms etc. unless accompanied by other adults original group;
- Ensure that for all trips, rides, vacations, camps, and other such activities, the minors and vulnerable adults have the approval of the parents/guardians and/other appropriate institution prior to the activity;
- Ensure that when one-to-one meeting with a child/vulnerable adult is considered appropriate, it will take place in a room with the door left open or in a room where there is easy visibility from outside. All efforts shall be made to make the child/vulnerable adult feel secure;

- Avoid being over involved or spending a great deal of time with any one child/vulnerable adult;
- Will not provide children/vulnerable adult with alcoholic beverages, tobacco, drugs or anything that is prohibited by law;
- Will not give gifts to children studying in the schools and vulnerable adults working in the institutions and centres exception special occasions like marriage, birthday, anniversary, etc;
- Will not contact children and vulnerable adults by phone or e-mail or social media unless necessary. My primary contact will be with the parents/guardians of the children/vulnerable adults;
- Not discuss such topics with children or vulnerable adults or use vocabulary, recordings, films, games or computer software or any other form of personal interaction or entertainment that is not used comfortably in the presence of the parents/adults;
- Never show sexually explicit or pornographic materials to children and vulnerable adults;
- Not make comments of a sexual nature even as jokes with the children and vulnerable adults
- Never shame or belittle a child or vulnerable adults in front of others;
- Will not engage in any physical punishment of any child in public or private;
- Will avoid showing favouritism;
- Use touch only as appropriate or as the culture of the place permits;
- Never do for a child or vulnerable adult what s/he can do for himself or herself;
- Will not undermine the parent's authority by ridiculing parent's beliefs or allowing children to do anything against the wishes of their parents;
- Will never ask the children to keep secret from his or her parents;
- Will not make any sexual advances and any type of inappropriate physical contact and any form of sexual harassment;

- Will not make any request to children or vulnerable adults for sexual favors in return for some benefit;
- Will not use language that will mentally or emotionally abuse the child or the vulnerable adults;
- Will not act in such a way that tends to embarrass, shame, humiliate or degrade a child or vulnerable adult;
- Will not kiss, hug, fondle, rub or touch a child in an inappropriate or culturally insensitive way;
- Will not take photographs of children or vulnerable adults while they are nude, partially nude or undressing;
- Will not suggest inappropriate behaviour or relationship of any kind with a child or vulnerable adult;
- Will not engage in any sexual conversation or discussion about sexual activities unless part of a legitimate lesson and discussion approved for teaching sexuality issues;
- Will not expose areas of my body considered private, in an **inappropriate manner in the presence of children and vulnerable adults;**
- Will not enter any area of privacy for children or vulnerable adults, unless legitimate work of the institute/programme requires to.

I understand that in the discharge of my duties, the responsibility is on me, as a member of the Prabhu Prakash Province to use common sense and avoid actions or behaviours that could be construed as sexual abuse or maltreatment of a child or *vulnerable adult*.

Signed _____

Dated: _____

Name _____

Annexure 2 - Application form for all staff members:

[All staff members must complete and sign this form]

Name of the Institution: _____

Name: _____

Surname: _____

Male: Female:

Date of Birth: _____

Home address: _____

Home Telephone: _____

Mobile: _____

Details of previous work experience: _____

Details of qualifications: _____

Character references:

Please give the names and addresses of two persons who can provide information on your suitability to work with children:

1. _____

2. _____

Personal statement by staff:

I have no history of abuse of children and no record of convictions relating to offences against children or for violent crimes, and consider myself suitable to work in this institution. I have read the Child Protection Policy of the Institution and promise to abide by it.

Signature of the staff member:

Name:

Signature of the HM/Manager:

Date:

Place:

N.B. In case a history/incidence of past sexual abuse or conviction comes to be discovered, the candidate alone will be held responsible, and his/her services will be terminated, entertaining no claims whatsoever towards any benefits or compensation.

Declaration by all employees

I,(name and position of the employee), from (name of the organisation) hereby declare that: **i.** I will always respect all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity; **ii.** Support their right to equal protection from all types of harm or abuse; **iii.** I will not employ any child as defined under Child Labour (prohibition and regulation) Amendment Act, 2016. **iv.** I will always report any case of child abuse, exploitation and neglect which comes to my knowledge to appropriate authority and will not harm or abuse any child physically, emotionally or sexually. (Name of the employee.)

Annexure 3 - Legislations Relating to Children		
S.No.	Area of Concern	Related Legislation
1	Sexual assault, sexual harassment, use of child for pornographic purpose	Protection of Children from Sexual Offences Act 2012
2	Production, dissemination and use of child sexual abuse materials	The Information Technology Act, 2000
3	Disclosing identity of the child victim to anyone other than appropriate authority	Protection of Children from Sexual Offences Act 2012, JJ Act 2015
4	Corporal Punishment in schools	Sec 75 JJ Act Right of Children to Free and Compulsory Education Act, 2009

Annexure 4 - Various Dimensions of Sexual Abuse

Types of Sexual Abuse	Non-Contact versus Contact	<p>Non-contact abuse entails offensive sexual remarks /exposure of child to nudity or perpetrator's private parts or observation of the victim in a state of undress or in activities that provide the offender with sexual gratification or exposing child to pornography.</p> <p>Contact abuse entails touching of the intimate body parts including perpetrator fondling or masturbating the victim, and/or getting the child to fondle and/or masturbate him/her.</p>
	Non-Genital versus Genital	<p>Non-genital contact abuse entails touching and fondling of parts other than the genitals.</p> <p>Genital contact abuse entails touching and fondling of the genitals. This itself can be penetrative or non-penetrative.</p>
	Penetrative versus Non-Penetrative	<p>Using the penis or other objects to penetrate any orifice of the child's body (including vaginal, anal or oral penetration) versus other forms of contact abuse that may not be penetrative.</p>

No. of Episodes	Single versus Multiple Episodes of Abuse	One incident of abuse versus many incidents of abuse (over a period of time...days/ months/ years)
Perpetrator(s) of Abuse	Known versus Unknown Perpetrator	Abuse perpetrated by a family member/ caregiver or some person known to the child versus a stranger; within known people, if the person is responsible for care and protection of the child (such as institution staff, parent, teacher, school attender...), it qualifies as aggravated abuse, resulting in more severe punishment under POCSO, because this person abused the child in a situation or relationship wherein he/she is meant to be caring for and protecting the child.
	Single versus Multiple Perpetrators	Abuse by a single perpetrator versus abuse by more than one or many/ different perpetrators

Annexure 5 - Emotional and Behavioural Impact of CSA on Children	
In Younger Children	In Older Children/ Adolescents
Sexualized behaviour	Self-harm
Avoidance of specific adults	Depression/ isolation
Nightmares/Sleep disturbance	Anger
Clingy behavior/ separation anxiety	Fearfulness and anxiety
Fearfulness and anxiety	Sleep disturbance/ nightmares/ flashbacks
Bedwetting	Avoidance of specific adults
School refusal	School refusal
Decreased scholastic performance	Decreased scholastic performance
Medically unexplained body aches and pains	Medically unexplained body aches and pains/fainting attacks
	High risk behaviours- sexual behaviour/ substance abuse/ runaway.

Annexure 6 - Consent under POCSO

When abuse has taken place through grooming processes (i.e. lure, inducement and manipulation) and violence, threat and coercion methods have played little or no role in the abuse process, children/ adolescents are likely to be reluctant to provide statements; or they tend to retract any statements previously made about inappropriate touch and interactions with the perpetrator because:

- The abuse is carried out in a seeming context of consent and mutual pleasure.
- Such abuse is carried out by persons in whom children have tremendous trust so children are in a state of confusion when these persons are suddenly 'vilified'.
- Due to the emotional and material benefits that children gain from the offender, they may be reluctant to recognize or concede that the relationship is an exploitative one.
- Due to children/ adolescents being blamed for 'giving consent' and the ensuing feelings of shame and guilt, the social stigma causes children and adolescents to not want to report the sexual abuse.
- Sometimes there might be a threat from the perpetrator and the threat can also take a very conflicting form wherein the perpetrator puts the onus of protecting him/her on the child i.e. *'I will be destroyed...my life will be ruined...'* as a result of which the child feels guilty and responsible for having got the perpetrator 'into trouble'. Therefore, it is important to note that what may seem like consent on the face of it, may not actually be consent. Rather it is 'manufactured' in nature:

Informed consent' or 'valid consent', means agreeing (to treatment or intervention), based on:

- (i) capacity—an adequate understanding of the situation;
- (ii) voluntariness—ability to use free will and be free of pressure and coercion;
- (iii) sufficient information.

The Issue of Consent from a Psychosocial Perspective

We are aware that the POCSO Act does not recognize consent below 18 years of age; however, adolescents, due to their developmental stage, do engage in sexual relationships. It is often assumed that adolescents who get involved in sexual relationships, given their age and life stage, have done so by giving their consent i.e. they consented to the sexual relationship and therefore they are to be blamed. Thus, in addition to the perpetrator, other well-intentioned persons, such as caregivers, welfare, legal and medical system personnel, who are meant to be playing a helping role, also end up vilifying the child instead of supporting him/her. It is therefore critical to make the difference between so-called consent and 'informed consent'. Consent on the face of it simply entails saying 'yes' and entering into the sexual relationship. But informed consent assumes that the adolescent has given consent by knowing and understanding the consequences of sexual engagement i.e. with full information on the following:

Permission and consent: what coercion means and how to recognize direct and indirect methods of coercion

Relationships: The contexts in which sexual relationships can play out in a happy, healthy and responsible manner, including who the person is, whether the person can be trusted and whether there is an emotional connect with the person

Health and safety: issues of unprotected sex, pregnancy risks, sexually transmitted diseases

Protection and abuse: what sexual abuse entails and how to recognize it.

It is only if an adolescent knows and makes relationship and sexuality-related decisions based on the above framework can it be considered as informed consent—which is usually not the case in child and adolescent sexual abuse.

Annexure 7 - Barriers to Disclosure	
Type	Barriers
Individual	<ul style="list-style-type: none"> ▪ Onset of the abuse at a young age ▪ Self-Blame which causes isolation, alteration of identity, feelings of disgust ▪ Mechanisms to protect oneself (minimization of the abuse, repression of memories, denial) ▪ Lack of awareness or understanding of sexuality which creates confusion about the abuse and the potential outcomes of telling ▪ Fears (of family break up, upsetting parents, not being believed, being judged, negative consequences for self or the family, future, overwhelming parents, getting into trouble, perpetrator, being harmed, being injured, being unsafe, escalation, being removed from home) ▪ Feelings of guilt ▪ Lack of knowledge or awareness about available support systems.
In relation to others	<ul style="list-style-type: none"> ▪ Disturbed family dynamics (presence of rigid gender roles, chaos & aggression, presence of other forms of abuse, domestic violence, dysfunctional communication, social isolation, presence of substance abuse) ▪ Family pressure to keep quiet, lack of comfort in relationships with the elders in the family, lack of

	<p>understanding in parents or guardians</p> <ul style="list-style-type: none"> ▪ Presence of grooming, 'manufactured consent' (positive feelings towards the relationship with the perpetrator, perceived bond of trust/friendship with the perpetrator) ▪ Awareness of the impact of telling (police/authority involvement, complicated legalistic processes, lack of trust in the authorities or the judiciary, perceived lack of sensitivity in authorities) ▪ Threats or emotional manipulation by the perpetrator.
In relation to the society	<ul style="list-style-type: none"> ▪ Taboo of sexuality (lack of discussion of sexuality in society and within homes and schools, difficulties in talking about the body and sexual matters) ▪ Patriarchal mindset, cultural environment that propagates misogynistic attitudes, perpetuation of gender stereotypes ▪ Stigma, labelling (stigma attached to being a 'victim', seeking mental health support, appearing 'crazy'), and presence of victim blaming ▪ Absence of services available in mainstream education as well as information on available help (lack of awareness programs on sexual abuse) ▪ Culture of silence and denial around the phenomenon of CSA

Annexure 8 - Guidelines on how to psychologically deal with a child who tells you of him/her being sexually abused

It is indeed a difficult situation for anyone, but we must react with extra care to children who confide in us about being sexually abused. Our first reaction should not be that of a shock. Otherwise, we can potentially cause even greater harm to the child.

a. We must not:

- React in a hurry.
- Blame the child.
- Interview the child.
- Avoid repeated questioning
- Interrupt the child while they are narrating their experiences
- Make any false promises
- Do not dismiss the child's feelings
- Try to prove that abuse has happened
- React with shock, anger or disgust.
- Force/ rush the child to talk.
- Tell the child to forget it happened/ not to talk about it.
- Push for information.
- Initiate physical contact to comfort the child, like hugging, holding hands etc., unless the child is receptive to it.

b. We should :

- Make it clear to the child that we are available to talk.
- Be calm and willing to sit silently with the child, waiting for them to talk, rather than filling the silence with our questions and concerns.
- Children need to feel that they are still lovable and valuable.
- Remaining calm will help them to feel normal.
- If the child talks, listen without interrupting unless it encourages them to go on.
- Believe the child. Children rarely make up stories about sexual abuse. Believing the child is a major step in healing the hurt caused by abuse.
- Affirm the child's feelings. Children must be allowed to voice

their feelings and have them affirmed.

- They must be taken seriously to continue the telling and healing process.

c. Reassure the child

- Tell the child that they did the right thing by telling us.
- Tell the child that it is not their fault.
- There will surely be a conflict if the abuser is a family member. Reassure the child that anything that happens due to their telling, such as a division/break-up in the family, it is not their fault. Safety comes first at all times.

d. Support the child

- Sexually abused children often feel alone, that this has happened to no one else, or that no one will believe them, so they need as much positive adult support as possible.

Annexure 9 - Offences under POSCO Act	
Name of the offence	Punishment
Sexual harassment	Imprisonment which can extend up to 3 years plus a fine.
Sexual assault	Imprisonment of 3 to 5 years plus fine.
Aggravated sexual assault	Imprisonment of 5 to 7 years plus fine.
Penetrative sexual assault on a child of 16 to 18 years	Minimum imprisonment of 10 years which may extended to imprisonment for life plus fine.
Penetrative sexual assault on a child below 16 years of age	Minimum rigorous imprisonment of 20 years which may extended to imprisonment for the remainder of natural life plus fine.
Aggravated penetrative sexual assault	Minimum rigorous imprisonment of 20 years which may extended to imprisonment for the remainder of natural life plus fine or death.
Use of child for pornography	First conviction - imprisonment extending up to 5 years, second or further convictions – imprisonment extending up to 7 years plus fine.

Use of child for pornography while committing an offence under sexual assault	Minimum imprisonment of 10 years extending up to imprisonment for life plus fine.
Use of child for pornography while committing an offence under Aggravated penetrative sexual assault	Rigorous imprisonment for life plus fine.
Use of child for pornographic purposes while committing an offence under Sexual assault	Imprisonment of 6 to 8 years plus fine.
Use of child for pornographic purposes while committing an offence under Aggravated sexual assault	Imprisonment of 8 to 10 years plus fine.
Offence of storing pornographic material involving a child for commercial purpose	Imprisonment extending up to 3 years or fine or both.



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