ST. JOSEPH'S MISSIONARY SOCIETY OF MILL HILL, INDIAN REGION

POLICY ON PROTECTION AND SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS

Clarification of Terms

- ✧ In this policy, St. Joseph's Missionary Society (Mill Hill Missionaries) India, is also referred to as 'St. Joseph's Society of Mill Hill', so as to conform to the name under which it is officially registered in the country.

- ✧ In some cases, it will be referred to as 'the Society' or 'Mill Hill'.

- ✧ The term 'member of the Society' or simply 'member' or 'Mill Hiller' in this policy, refers to Members both Perpetual and Temporary, Associates, students, employees and volunteers.

1. Introduction

In adherence to the Civil law and the Church law, this policy aims to ensure a safe environment for children and vulnerable adults in all its centres of activity by setting up standards and procedures. The policy seeks to protect children and vulnerable adults from any form of sexual abuse, sexual harassment, sexual exploitation, sexual assault and all forms of maltreatment in all our centres of activity.

The policy also presents a detailed reporting mechanism by clarifying the roles and functions of individuals and bodies designated to ensure the protection of children and vulnerable adults. It draws much from the Society's Code of Conduct, the Safeguarding policies of other Society Areas and Regions that are relevant to Indian situation as well as The Protection of Children from Sexual Offenses Act, 2012 (also known as the POCSO Act, 2012) and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (also known as the POSH Act, 2013), the latter two which are legislations in India.

2. Policy Statement

2.1. The Society (Mill Hill) strongly believe that every human being is created in the image and likeness of God.[1] Therefore, we are committed to ensuring that every child and vulnerable adult is equally respected and protected regardless of age, ethnicity, nationality, religion, disability, gender, identity, race and belief.

2.2. Every Mill Hill member working, living or visiting India must commit him/herself to the safeguarding and well-being of children and vulnerable adults.

2.3. Every Mill Hill member has the responsibility and obligation to keep children and vulnerable adults safe and to protect them from all forms of abuse. This includes physical, emotional and sexual abuse, as well as neglect.

[1] Genesis 1:26-27

2.4. Every Mill Hill member in India affirms their obligation to ensure that they respect, protect and promote the fundamental rights of children and vulnerable adults.

3. Scope

3.1. This policy is meant for Temporary, Perpetual and Associate Members of the Society (registered in India as St. Joseph's Society of Mill Hill), living, working in, or visiting India.

3.2. It applies to all students of the Society, whether they are studying, on mission experience or on holidays.

3.3. It applies as well to all people who are employed by Mill Hill and those who volunteer to work with us, whether in formation houses, in parishes under the care of the Mill Hill, in the guesthouses or in any other institutions of the Indian Region.

4. CLARIFICATION OF TERMS

4.1. ***Safeguarding***: for this policy, the term safeguarding means protecting the health, welfare and human rights of every child and vulnerable adult and enabling them to live free from harm, abuse, exploitation and neglect.

4.2. **Child**: the term child means any person below the age of 18 years[2].

4.3. **Vulnerable Adult**: This term refers to any individual unable to protect him/herself against significant harm or exploitation. It includes any situation where someone has a position of power or authority over another person and uses this to exploit a need or vulnerability that person has." Other examples include people with a mental or physical disability, vulnerable age, illness, or any temporary disorder.

4.4. **Child or Vulnerable Adult Abuse**: These two terms cover any type of abuse of a child or a vulnerable adult. These include 'all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity.

4.5. **Allegation**: This is the claim that a child or a vulnerable adult has been abused or that there is a risk of a child or vulnerable adult being abused, even if there is no authenticating evidence that has been produced.[3]

[2] Section 3 (1) Indian Majority Act, 1875.
[3] *Australian Family Law*, Act 1975.

4.6. **Mill Hill Member**: this policy uses the term Mill Hill member to mean any temporary, perpetual or associate member of St. Joseph's Missionary Society (registered in India as St Joseph's Society of Mill Hill) who is living in, working in, or visiting India. It also includes all the students of the Society.

4.7. **"Abuse"** means and includes cruel and violent treatment of a person.

4.8. **"Abusive behaviour"** means and includes any physical, emotional or psychological harm.

4.9. **"Accused"** means a person who an allegation of any safeguarding concern and/or against whom a complaint of sexual abuse or harassment has been lodged.

4.10. **"Allegation"** means any disclosure of an act of inappropriate behaviour of an abusive nature.

4.11. **"Centre of Activity (COA)"** means a recognized Centre of the Region, commonly referred to as a ministry, mission, parish, institution, school, house, program or outreach where members of the Society and others work and administer, whether individually or collectively, or in collaboration with other groups. This includes formation houses and centres that exist on the property that belongs to or leased to the Society and are administered by an independent group or individual.

4.12. **"Complainant"** means an individual or individuals who formally report abusive behaviour to a duly designated person.

4.13. **"Consultant"** means one who is hired to provide consultancy services to the Center of Activity.

4.14. **"Corporal/Physical Punishment"** includes any degrading punishment in which physical force is used and intended to cause some degree of pain or discomfort, however, light it may be; it also includes non-physical forms of punishment which are cruel and degrading to the person, such as behaviours and actions that belittle, humiliate, denigrate, scapegoat, threaten, scare or ridicule children and vulnerable adults.

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

4.16. **"Sexual Harassment"** means any such unwelcome sexually determined behavior such as physical contact, advances, sexually coloured remarks, showing pornography or making sexual demands, whether verbal, textual, graphic or electronic or by any other action.

4.17. **"Staff"** means and includes all employees, both domestic and institutional; all workers, teachers, catechists, masters, contractors, activists,

representatives, associates, consultants, volunteers, Society Members (temporary or perpetual) as well as formation students employed by/at the different Centers of Activity within the Region, whether on a paid or voluntary basis.

4.18. **"Victim"** means the person against whom the abuse was directed.

4.19. **"Volunteer"** means any person who gives freely of his or her time and expertise to participate in activities initiated by any Center of Activity.

5. FORMS OF ABUSE

5.1. ***Physical Abuse****:* this is a form of abuse comprised of hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or in short causing physical harm to a child or vulnerable adult.[4]

5.2. ***Signs of Physical Abuse***: These include in any part of the body of a child or vulnerable adult any inexplicable and untreated injuries, bruises, finger marks, scars, bald patches, scratches, burn marks, scalds or fractures.[5]

5.3. ***Emotional Abuse*****:** This form of abuse is 'any act including confinement, isolation, verbal assault, humiliation, intimidation, infantilisation, or any other treatment which may diminish the sense of identity, dignity, and self-worth.'[6]

5.4. ***Signs of Emotional Abuse*****:** This is when a child or vulnerable adult has some delayed physical or mental development. Other signs include overreaction to personal or other people's mistakes, being underweight, continuous tiredness, withdrawing all the time from people, always seeking attention from others and having some irrational behaviours. These irrational behaviours include speech disorders, self-harm and the desire to commit suicide.

5.5. ***Sexual Abuse*****:** This is a form of abuse where a child or vulnerable adult is forced to take part in sexual activities with or without consent. These can be physical contact, whether a penetrative act, for example rape, or a non-penetrative act, for example oral sex. Sexual abuse consists of involving a child or vulnerable adult in making or looking at pornographic materials, or in watching or participating in pornographic acts or videos, as well as behaving in sexually inappropriate ways towards a child or a vulnerable adult.

5.6. ***Signs of Sexual Abuse***: Signs of sexual abuse include pregnancy in a child or vulnerable adult, damage to the private parts of their body, presence of a sexually transmitted disease, anorexia, drug abuse and self-mutilation.

5.7. ***Neglect:*** this is a form of abuse where any person who is in charge of, or who has the responsibility for, or the custody and care of a child or vulnerable adult, nevertheless fails to meet their psychological and physical needs. This abuse can lead in a serious impairment of a child or vulnerable adult's physical and intellectual growth.

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[4] Physical abuse – *Safeguarding Network*, online accessed 19/08/2022

[5] *The Policy on Protection & Safeguarding of children and Vulnerable adults for Kenya*, 2015.

[6] Tracy, N. *Emotional Abuse: Definitions, Signs, Symptoms, Examples*, 2021, December 17.

5.8. ***Signs of Neglect***: These include such signs as neglected appearance, inappropriate dress, poor hygiene, persistent tiredness, a short-tempered personality and compulsive stealing.

5.9. ***Psycho-spiritual Abuse***: this is a form of abuse where someone uses spiritual/religious beliefs or one's psychological weaknesses to hurt, scare or control you. Take intimidation, coercion, bullying, ridicule, humiliation, gaslighting, harassment, infantilisation, as examples.

NB. It is believed that all these forms of abuse can result in issues of secrecy, fear, guilt, powerlessness and mistrust.[7]

6. GUIDING PRINCIPLES OF THE POLICY

This policy places a clear responsibility on all Mill Hillers (both Temporary & Perpetual as well as Associates and students) in India, staff and associates of all centres of activity to safeguard all children and vulnerable adults under their care. For this purpose, the policy presents clear guidelines based on the following principles:

6.1. The welfare and best interest of children and vulnerable adults are paramount.

6.2. Children and vulnerable adults have the right to protection from abuse and maltreatment.

6.3. All Mill Hillers and staff have the moral and statutory duty to care for and protect any child under the age of 18 years and any vulnerable adult under their supervision.

6.4. Mill Hillers and their staff shall have effective procedures and programs in place to take every possible measure to protect and support children and vulnerable adults from all forms of abuse and maltreatment including sexual assault.

6.5. All incidents of maltreatment and allegations of abuse will be taken seriously and responded to immediately and appropriately.

6.6. The right of the child and the vulnerable adult to privacy and confidentiality shall be protected by all means through all stages of the proceedings under these guidelines.

6.7. Non-stigmatizing language shall not be entertained, and the use of adverse or accusatory words is prohibited in the process pertaining to the child and the vulnerable adult under these guidelines.

[7] *The Policy on Protection & Safeguarding of children and Vulnerable adults for Kenya*, 2015.

7. POLICY DECLARATION

We, Mill Hill Members in India, are committed to protect the rights and dignity of children and vulnerable adults and hence we declare:

7.1. That we maintain a zero-tolerance policy towards abuse of children and vulnerable adults.

7.2. That all laws, rules and guidelines of the country and the States where the Center of Activity is situated, relating to the protection of children and vulnerable adults, shall be adhered to strictly.

7.3. That the provisions of the recruitment policy shall be in accordance with the provisions of this policy.

7.4. That all the premises shall be a safe space for children and vulnerable adults and all necessary safeguards and precautions will be taken towards this end.

7.5. That risk assessment be conducted before implementing any activity with Children or vulnerable adults.

7.6. That each Member in charge of any centre shall ensure that the staff, contractors, volunteers and Board Members, if any, are trained at least once a year regarding this policy and oriented towards good practices for safeguarding the rights of children and vulnerable adults.

7.7. All the hostels for girls and/or working women's hostels placed under the care of the Mill Hills shall be managed by vetted religious sisters collaborating with the Mill Hills in a Center of Activity to ensure better administration.

7.8. That all the Centers of Activity shall work actively with parents, guardians, concerned investigating police officers and other engaged stakeholders to prevent any potential abuse of children and vulnerable adults.

7.9. That all residential, work and learning/training spaces in the premises shall be constructed and existing structures modified in a manner so as to keep children and vulnerable adults in a safe and protected zone.

7.10. That in all decision-making processes, the interests of the children and vulnerable adults shall be given primary consideration.

7.11. That counseling services and therapeutic interventions shall be made available to all children and vulnerable adults if and when the need arises and/or is requested.

7.12. That it is the responsibility of those in charge of Centers of Activity to ensure that this policy for the protection of children and vulnerable adults is understood and signed by all staff members, volunteers and associates.

7.13. That all other organizations collaborating with any Mill Hill-run centre of activity in India, either temporarily or permanently are expected to have their own policies that are not in conflict with this policy. In the absence of such a policy, they are deemed to have consented to this policy by virtue of their association with the Centre of Activity under the jurisdiction of the Region.

7.14. That we are aware that offenses of child sexual abuse in India are punishable under the Protection of Children from Sexual Offenses Act, 2012, the punishment of which may extend to life imprisonment and fine.[8]

8. Obligation of Local Leadership:

8.1. The Regional leader is to ensure that there are sufficient copies available of this policy.

8.2. The regional leader has the responsibility of training his/her members on matters concerning the protection and safeguarding of children and vulnerable adults by providing resources and professionals. In case there are limited professionals within India, they can seek the help of other professional members outside of India through video conferencing.

8.3. He shall make good use of different meetings, such as assemblies, visitations and workshops for the formation of members in creating awareness and compliance with the policy.

8.4. He will ensure that each member of the Society in India signs a copy of the declaration (Code of Conduct) on the protection and safeguarding of children and vulnerable adults policy and abide by the standards of the Code.

8.5. To provide support systems for victims, such as professional support mechanisms and psycho-spiritual interventions.

8.6. Together with the local Council, and in consultation with the General Council, appoint two safeguarding officers, of which one member must not be a member of the Society.

8.7. After consulting the General Superior, who is the sole spokesperson on safeguarding matters, he may be delegated to be the regional spokesperson, in which he gives assurance that the Society desires openness and objectivity and guarantees full cooperation with the relevant statutory authorities.

9. The Safeguard designated officers[9]

- Appointed by the Regional Council of India.
- Ensure understanding of, and adherence to, this policy by all Mill Hill members, associates and students working and residing in India;
- Ensure understanding of, and adherence to, this policy by those employed by Mill Hillers.
- Ensure that appropriate structures are set in place in the parishes run by Mill Hillers and that the parish personnel concerned with care of children be appropriately trained and informed;
- Be responsible for following up any suspicions or allegations of child neglect or abuse or abuse of a vulnerable person;

[8] The Protection of Children from Sexual Offences Act, 2012; The Protection of Children from Sexual Offences (Amendment) Act, 2019

[9] This is adapted from *The Policy on Protection & Safeguarding of Children and Vulnerable Adults for Kenya* and *the child Protection Policy of Uganda*.

- Take the lead role in the reporting and follow-up of child protection referrals to the Special Juvenile Police Unit or the local police in accordance with the law[10] and giving full cooperation to the relevant statutory bodies. It should be noted that there is provision for punishment for non-reporting.[11]
- Inform the General Superior of the Society, the Regional Representative and the local Ordinary of any suspicions or allegations of child/vulnerable person neglect or abuse by one of its members, associates or students;
- Ensure that, once an accusation of abuse has been made, the alleged victim(s) of abuse is (are) not left at risk/in danger from the accused;
- Act as liaison with the local Authorities in India in matters relating to child protection and protection of vulnerable persons;
- Act as resource persons to the organisation providing support and guidance in matters relating to child and vulnerable person protection.

Duty of Members and those in-charge of institutions on hearing of allegation

- Any member of the Society who hears an allegation against another Member of abuse of a child or vulnerable adult is duty bound to report this to the General Superior and his Council, either directly or through the designated person or the local leadership. This information should be treated sensitively and in confidence in order to protect the reputation of all concerned. To do nothing is not an option.[12]

- India's Protection of Children from Sexual Offenses Act, 2012, gives provision for non-reporting. Section 21 (1) provides for imprisonment for up to six months or fine or both for anyone who fails to report, while sub-section (2) provides for up to one year imprisonment and fine for anyone in-charge of an institution who fails to report the commission of such an offence.[13]

10. **IMPLEMENTATION OF THE POLICY**

10.1. The Regional Representative and his council, with the collaboration of all Members, take the responsibility of implementing this policy within the Region.

10.2. This policy for the protection of children and vulnerable adults from sexual abuse, assault, harassment and maltreatment, based on the 'Child Protection Policy' is a binding policy for the entire MILL HILL INDIA.

10.3. A Member or any person/s duly appointed in charge of any centre or person(s), is responsible to ensure that every staff involved/associated with Mill Hill in the respective Centres of Activity is made aware of this Policy

[10] The Protection of Children from Sexual Offences Act, 2012, Section 19 (1)
[11] The Protection of Children from Sexual Offences Act, 2012, Section 21
[12] Taken from The Society's Code of Conduct, Section on 'The Canonical Procedure'
[13] The Protection of Children from Sexual Offences Act, 2012, Section 21

periodically through appropriate training, workshops and awareness programs.

10.4. The Regional Representative, in consultation with his Consultors and other designated members, reserves the right to bring in any revisions/ amendments in this Policy as and when required.

11. PREVENTIVE MEASURES

11.1. Recruitment Procedure for the Staff

All recruitment and appointments of Members/staff/ contractors/volunteers and other associates in all Centers of Activity shall be done carefully. No person with a criminal record of sexual and/or physical violence should be recruited or appointed for any position in any of our Centers of Activity. Further, all selected candidates must submit a signed affidavit to the concerned Head of the Center of Activity, that they have not been accused of offenses under POCSO (Prevention of Child Sexual Offences Act, 2012), 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 which is currently in force.

11.2. Orientation, Training and On-going Training

All Members (temporary and perpetual), formation students and staff of the various centres shall undergo regular training on this policy as part of the ongoing training program at the Center of Activity level. All involved shall sign an undertaking that he/she has read and understood the policy and shall abide by it before taking up any appointment in the Region.

12. BEST PRACTICES FOR PREVENTION OF ABUSE

- ✧ Members and staff should be encouraged to demonstrate exemplary behaviour in order to create a safe environment for children as well as vulnerable adults. In case of an educational institute, it is desirable to appoint a Safeguarding contact person to provide access to children to talk freely about any concerns they may have.

- ✧ Children or vulnerable adults should not be taken to or met in closed and secluded areas, such as in one's room, office, center, classroom etc., unless accompanied by other adults.

- ✧ All trips, rides, vacations, camps and other such activities must have a risk assessment completed, and the approval of the parents/guardians prior to the activity.

- ✧ When a one-to-one meeting with a child/vulnerable adult is considered appropriate, it should 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.

- ✧ Be sensitive to the possibility of becoming over-involved or spending a great deal of time with any one child/vulnerable adult.
- ✧ Do not provide a child/vulnerable adult with alcoholic beverages, tobacco, drugs or anything that is prohibited by law.
- ✧ Avoid giving individual gifts to a child/vulnerable adult in any Center of Activity.
- ✧ Do not telephone, contact through social media or send emails to children and vulnerable adults. The primary contact should be with the parents/guardians of the children/vulnerable adults.
- ✧ Topics, vocabulary, recordings, films, games or the use of computer software or any other forms of personal interaction or entertainment that is not used comfortably in the presence of the parents/guardians should not be employed with children or vulnerable adults. Sexually explicit or pornographic material must never be shown to children or vulnerable adults.
- ✧ Comments of a sexual nature are always inappropriate even as jokes with children and vulnerable adults.
- ✧ Treat everyone with respect and ensure that all communication is appropriate.
- ✧ Do not engage in any physical punishment of a child in public or private.
- ✧ Avoid showing favouritism.
- ✧ Use 'Touch' only as culturally appropriate.
- ✧ Never do for a child what she/he can do for herself/himself.
- ✧ Do not undermine the parent's authority by ridiculing parents' beliefs or allowing children to do anything against the wishes of their parents.
- ✧ Never ask a child to keep a secret from his or her parents.
- ✧ The topic of sexual abuse, sexual exploitation and maltreatment are to be consciously included in the formation program at various stages of formation.

13. REDRESSAL MECHANISMS

STRUCTURE OF THE REDRESSAL MECHANISM

1. All allegations of abuse must be recorded and forwarded to the Safeguarding designated persons.
2. Where appropriate, the allegations must be reported to the civil authorities.

3. Every member is mandated to report any abuse, or uncompromising situation with a minor or vulnerable adult or uncompromising situations they may come across to the relevant authority.
4. All matters relating to safeguarding must be documented, signed and dated.
5. The Safeguarding Contact person handles all allegations, records the reports and forwards to the Regional Representative. Where a Member is involved, the General Superior is informed immediately.

CONCLUSION

Stated in this policy are only bare guidelines to protect Children and Vulnerable Adults from any form of sexual abuse and maltreatment. What is more important is to spread awareness of the seriousness of sexual abuse is treated seriously with the welfare of the victim at the forefront. Our priority is to prevent any form of abuse of children and vulnerable adults. For that, the preventive mechanisms shall be used very carefully. The policy also gives guidelines on what to do in case of any sexual abuse of children and vulnerable adults. It is not an all inclusive and exhaustive procedure. It is the bounden duty of every member, employee and volunteer to live an exemplary life of seeking to create a safe environment for Children and vulnerable adults.

ANNEXURE 1

Name of the complainant_____

Nationality _____

Address/ Contact Details_____

_____

Voter ID/ Adhaar Card No._____

Mobile No._____Age _____Sex_____

Name of the Victim (If different from Complainant)_____

Nationality_____

Address/contact Details_____

Voter ID/ Adhaar No._____Age_____Sex_____

Name(s) and Address of Parents/guardian, if under 18._____

Has the Victim/Guardian given consent to the completion of this form? YES/NO

_____

Date of Incident(s)_____ Time of Incident(s)_____

Location_____Physical/Emotional State of the Victim(Describe any cuts, bruises, lacerations, behavior, mood etc…….)_____

_____

Witnesses Names and Contact Information

_____

Brief Description of Incident(s) (Attach extra Pages if necessary)

Name of the Accused Person(s). _____ Job title

of the Accused person(s)_____

_____

Center of Activity in which the Accused Person(s) works

_____

Address of the accused Person(s) (if known)

_____

_____

Age_____Sex_____

Physical Description of the Accused Person(s)

_____

Have the Police been contacted by the victim/guardian YES/NO If yes, what happened

_____

If No, does the victim/guardian want police assistance, and if not, why_____

_____

Has the victim been informed about the available medical treatment YES/NO If Yes, has the victim sought Medical Treatment for the incident YES/NO If Yes, who provided treatment? What is the diagnosis and Prognosis

_____

Report Completed by

_____

Name:_____Position/Organization

_____

Date, Time, Location

_____

Has the Complainant been informed about the Organization's Procedures for dealing with such complainants? YES/NO

Signature/Thumb Impression of the Complainant

_____

Received by: Name:_____Position_____

Signature_____

ALL INFORMATION MUST BE HELD SECURELY AND HANDLED STRICTLY IN LINE WITH THE APPLICABLE REPORTING AND INVESTIGATION PROCEDURES OF THE CENTER OF ACTIVITY.

ANNEXURE-2

AFFIDAVIT

I_____(name),

s/o_____(Father's/Husband's name)

aged_____years, resident of_____

_____ (Name of the village/muhalla /road no. and Post office, name of the Police station and district and state) do hereby solemnly affirm and declare as follows:

1. That I am an applicant to the post of _____teacher/Project Officer in_____ (name of the institution/school/parish/social center etc.), and I have been selected for the same post.

2. That I know that being a teacher/Project Officer in the Institution, I have to deal with children as well as the female teachers/co-workers in the Institution and I am aware of the policy relating to the sexual abuse and sexual exploitation of the Institution to which I have been appointed.

3. That I shall behave with children and female colleagues with utmost respect and will not in any way behave in any sexually exploitative manner with them.

4. That in case of any allegation of misconduct is brought against me and it is found to be true, I may be dismissed from my present employment with immediate effect.

5. That I have not been accused in the past of any offences under Protection of Children from Sexual Offences (POCSO) Act, 2012, the Juvenile Justice (Care and Protection of Children) Act, 2015, The 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.

6. That I have not been accused of Stalking, Voyeurism or Acid attacks by anyone.

7. That I have no criminal cases pending against me in any courts in India or elsewhere.

8. That I have not been convicted of any offences by any courts. in India.

9. That I have read the contents of this affidavit and understood the same and they are true to the best of my knowledge and belief.

SWORN TO BEFORE ME

Deponent

Place:

Date:

Notary