



Australian Government
AusAID



Child Protection Policy

January 2013





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AusAID



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Cover photo: Young school children from

South Tarawa, Kiribati. Photo: Lorrie Graham



These icons symbolise the Millennium Development Goals (MDGs)—eight goals representing an agreement by world leaders to reduce poverty and enhance human development by 2015. More information about the MDGs is available online at www.ausaid.gov.au/keyaid/mdg.cfm

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Foreword



As Australians we believe in the fundamental right of children to grow up safely and enjoy a childhood that is free from exploitation and abuse.

All children deserve
a safe childhood

Australia has a world-leading aid program and we are committed to ensuring child safety in all aspects of our aid delivery. Every individual or organisation that works with children under the Australian aid program has an obligation to protect children from exploitation and abuse. It is our responsibility, shared with our partners, to create and maintain protective environments for children.

The Australian Government is the first bilateral donor—and AusAID the first Australian Government agency—to implement a child protection policy, which was introduced in 2008. In doing so we are demonstrating best practice in our approach to our work with children. This serves as a powerful example to others working in developing countries with some of the world’s most vulnerable children.

This policy provides a framework for protecting children from exploitation and abuse in the delivery of Australia’s overseas aid program. AusAID’s Child Protection Policy follows five guiding principles: zero tolerance of child exploitation and abuse; recognition of the best interests of the child; sharing responsibility for child protection; a risk management approach; and procedural fairness.

We are committed to reviewing the policy every three years. The first independent review, the *Independent Child Protection Policy Review 2011*, was completed in March 2012. The review team was impressed by the commitment of AusAID to child protection and the work done to date to develop, implement, support and resource the Child Protection Policy, both within AusAID and with partners. The review team noted AusAID’s leadership position amongst bilateral agencies and the many successes in areas such as training staff, building partner networks and embedding Child Protection Policy requirements into key business processes. In this updated policy we have incorporated review recommendations as well as international best practice on protective environments for children.

Reducing and preventing child exploitation and abuse is not an easy task, but AusAID’s Child Protection Policy provides a strong foundation for our partners and for us. Importantly, AusAID has set the standard for its staff both in Australia and overseas—a standard that is expected of all our aid partners around the world.

Our collective responsibility is to follow this policy in our work. In doing so, we are doing everything we can to ensure a safe and secure childhood for children in developing countries.

Peter Baxter
Director General

1 The challenge



The need to protect children from exploitation and abuse

The need to protect children is an issue for all communities. Children across the world are subjected to exploitation and abuse and experience sexual, physical and psychological violation. Many are forced into exploitative work, including commercial sexual exploitation.

There are many factors that increase children's vulnerability to exploitation and abuse, including disability or being orphaned, displaced, homeless or abandoned.¹ During emergency and disaster situations, children are more likely to experience exploitation and abuse as a result of being separated from their parents and other caregivers who would normally protect them from such harm.²

Child exploitation and abuse traumatises children and adversely affects their development and well-being. Children who are exploited and abused experience a greater likelihood of long-term consequences, including mental health issues, reduced educational outcomes, drug and alcohol abuse and increased likelihood of coming into contact with the law. At its core, child exploitation and abuse undermines a child's right to grow up safely.

Rationale for an AusAID Child Protection Policy

There is international recognition that adults who have a formal role in working with or supporting children are in positions of trust and authority. The relationship between an adult and child is not a relationship between equals. Children are dependent on adults to care for and protect them.

It is a shared and collective responsibility of all adults to prevent child exploitation and abuse. AusAID has adopted this policy in recognition of its responsibilities as the Australian Government's overseas aid agency, and is committed to working with its partners to prevent and respond to child exploitation and abuse.

Child sex offenders often seek employment or volunteer placements in organisations that work with children in Australia or overseas. They might be attracted to working in developing countries to access vulnerable children and to avoid tougher laws.

This policy sends a clear message that child exploitation and abuse is not tolerated and attracts disciplinary and commercial sanctions, as well as criminal penalties under Australian domestic and extra-territorial laws.

2 The policy

2.1 Goal and objective

The goal of this policy is:

To protect children from exploitation and abuse of all kinds in the delivery of Australia's overseas aid program.

Objective:

To create and maintain protective environments for children in the delivery of Australia's overseas aid program.

2.2 Scope

This policy applies to:

- > AusAID staff
- > all contractor and civil society organisations funded by AusAID, including:
 - individual contractors
 - partners or organisations subcontracted by AusAID-funded contractors or civil society organisations
 - personnel of AusAID-funded contractors and civil society organisations
 - Australian Volunteers for International Development (AVID) program participants and partners
- > multilateral organisations and bilateral donor partners funded by AusAID.

2.3 Guiding principles

The policy is guided by the following principles:

Zero tolerance of child exploitation and abuse

AusAID does not tolerate child exploitation and abuse. Such action attracts criminal, civil and disciplinary sanctions. AusAID works to reduce the risks of child exploitation and abuse associated with delivering aid activities and trains its staff on their obligations. AusAID will not knowingly engage—directly or indirectly—anyone who poses an unacceptable risk to children. AusAID will not fund any individual or organisation that does not meet AusAID’s child protection compliance standards in their operations and activities.

Recognition of the best interest of the child

Australia is a signatory to the United Nations Convention on the Rights of the Child, and AusAID is committed to upholding the rights and obligations under this convention. AusAID recognises that some children, such as those with disability and children living in areas impacted by disasters, are particularly vulnerable.

Sharing responsibility for child protection

To effectively manage risks to children, AusAID requires the commitment, support and cooperation of contractors and civil society organisations. They must meet the terms of this policy and will be held accountable, through contracts, audits and spot checks, for complying with it.

Risk management approach

While it is not possible to eliminate all risks of child exploitation and abuse, careful management can reduce the risks to children that may be associated with aid activities. These are identified during initial risk assessments and are managed for the duration of the aid activity.

Procedural fairness

AusAID uses fair and proper procedures when making decisions that affect a person’s rights or interests. Our partners are expected to adhere to this principle when responding to concerns or allegations of child exploitation and abuse.³

2.4 Implementation within AusAID

Ensuring coordinated policy implementation

AusAID's Child Protection Compliance Section is responsible for:

- > responding to reports of child exploitation and abuse, and policy non-compliance
- > conducting child protection audits and spot checks to monitor the child protection systems of contractors and civil society organisations
- > monitoring internal and external compliance with the policy
- > providing child protection training for AusAID staff
- > engaging with multilateral organisations and bilateral donors
- > reviewing the policy every three years.

Increasing staff awareness of child protection obligations under the policy

- > AusAID staff receive regular training on child protection issues and on their obligations under this policy, including mandatory reporting of concerns or allegations of child exploitation and abuse. Training is compulsory for all staff and included in courses delivered at induction and before staff are deployed overseas.
- > AusAID staff must:
 - immediately report any concerns or allegations of child exploitation and abuse, and policy non-compliance, by anyone covered by the policy
 - complete child protection training and as part of that, acknowledge their responsibilities by signing AusAID's Child Protection Code of Conduct. They must comply with the code of conduct during the course of their employment
 - consider child protection as part of the initial risk assessment for aid activities and throughout the aid management cycle.

Internal recruitment and screening processes

AusAID's internal recruitment processes include stringent screening measures to ensure that inappropriate people are not employed by the agency. These include criminal record checks and background checks on all successful candidates before they begin work. Additional screening measures are incorporated into the selection processes for positions that involve working with children.

Internal procedures for handling reports related to child exploitation and abuse

AusAID has internal procedures for handling reports related to child exploitation and abuse⁴ and notifies relevant law enforcement agencies as appropriate. These procedures outline obligations and responsibilities for reporting on and managing concerns about inappropriate behaviour. AusAID is also working with the Australian Federal Police to strengthen interagency responses to child exploitation and abuse allegations.

2.5 AusAID's expectations of contractors and civil society organisations

AusAID has mandatory child protection compliance standards to ensure that contractor and civil society organisations, individual contractors and Australian Volunteers for International Development (AVID) program participants and partners, understand and act on their obligations for managing risks to children.

All organisations and individual contractors are expected to immediately notify AusAID's Child Protection Compliance Section if any AusAID-funded personnel, or AusAID partner personnel, are accused of, charged with, arrested for, or convicted of criminal offences relating to child exploitation and abuse.

Contractor and civil society organisations

Contractor and civil society organisations play an important role in protecting children. AusAID-funded contractors and civil society organisations are required to develop and implement an AusAID-compliant child protection policy (Attachment 1) which consists of nine standards that provide a framework for managing and reducing the risks of child exploitation and abuse. The organisation's child protection policy must apply to all personnel, partners and subcontractors who are engaged by a contractor or civil society organisation to perform **any part** of an AusAID-funded activity. Those using AusAID funds to engage an organisation or individual subcontractor must ensure the organisation or individual subcontractor complies with the relevant child protection standards.

Individual contractors

Individual contractors who are in contact with children are required to sign the funding organisation's child protection code of conduct and ensure they comply with this during their employment. Individual contractors must obtain a criminal record check before they are contracted. Those using AusAID funds to engage an organisation or individual subcontractor must ensure the organisation or individual subcontractor complies with the relevant child protection standards.

Australian Volunteers for International Development program

AusAID requires core partners to develop and implement an AusAID-compliant child protection policy (Attachment 1). The policy must apply to all personnel, volunteers, host organisations and subcontractors who are engaged by a core partner to perform any part of an activity under the AVID program. Core partners must ensure that AVID program participants and partners comply with the relevant child protection standards, including ensuring host organisations have an AusAID-compliant child protection policy.

Figure 1: AusAID expectations of contractors and civil society organisations

	Partner type	AusAID-compliant child protection policy	Sign and abide by funding organisation's child protection policy, including obtaining a criminal record check ⁵
Contractor and civil society organisations		✓	
Partners	Individual contractor		✓
	Contractor or civil society organisation	✓	
Individual contractor			✓
Partners	Individual subcontractor		✓
	Contractor or civil society organisation	✓	
Volunteer core partners		✓	
Partners	Volunteers		✓
	Volunteer host organisations	✓	

AusAID child protection standards follow AusAID funding lines

AusAID's compliance mechanisms

Our due diligence framework requires all potential partners to be assessed for risks and strengths before agreements are entered into, and to ensure they are compliant with our policy and standards. Compliance is monitored through performance assessments, reviews, civil society organisation accreditation and a program of random audits and spot checks. Documentary evidence is also required to demonstrate these standards are being met.

Under current contracts, AusAID can require individuals to be removed from working on an activity, and can also require anyone under formal investigation to be suspended from duty or transferred to other duties during an investigation. This right is exercised when an individual has been convicted of a criminal offence relating to child exploitation and abuse, or when it is considered that an individual poses an unacceptable risk to a child's safety or well-being.

In line with procedural fairness principles, AusAID reserves the right to terminate contract negotiations if appropriate criminal record checks are not provided. AusAID will not engage an individual, or will require an individual to be replaced, if there is an unacceptable risk to a child's safety or well-being.

2.6 Standards for multilateral organisations and bilateral donors

We are committed to supporting and advocating for stronger risk management mechanisms within multilateral organisations and bilateral donors.

Our due diligence framework requires all multilateral organisations and bilateral donors to be assessed against our Child Protection Policy and standards, and includes a review of an organisation's capacity, systems, policies and processes to determine its child protection strengths and risks. Multilateral organisations and bilateral donors are expected to act in accordance with the principles set out in our policy, and abide by other relevant international declarations, conventions and agreements.

We reserve the right to suspend or terminate an agreement or activity in whole or in part if an organisation does not take appropriate steps to manage and resolve an allegation of child exploitation and abuse.

2.7 Further information

AusAID Child Protection Compliance Section

Email: childprotection@ausaid.gov.au
Telephone: +61 2 6178 5100
Mail: Child Protection Compliance Section
AusAID
GPO Box 887 Canberra
ACT 2601 Australia

Our website

Supporting documents to this policy and useful links are available at www.ausaid.gov.au/aidissues/childprotection/pages/home.aspx

Attachment 1

AusAID-compliant child protection policy

Compliance standard	Why this is required	Evidenced by
<p>1 The organisation has a child protection policy that applies to all personnel, partners and subcontractors that are engaged by a contractor or civil society organisation to perform any part of an AusAID-funded activity.</p>	<ul style="list-style-type: none"> – A child protection policy provides clear guidance and demonstrates how the organisation, across its operations, will ensure that children are protected from child exploitation and abuse in the delivery of Australian aid. 	<ul style="list-style-type: none"> – Child protection policy. – Personnel are aware of the organisation’s child protection policy (e.g. through internal communication and training). – Documented plan for ensuring AusAID-funded implementing partners are meeting the minimum standards set out in 2.5 of this policy.
<p>2 The organisation has robust recruitment screening processes for all personnel in contact with children. These recruitment procedures include:</p> <ul style="list-style-type: none"> > criminal record checks before engagement > verbal referee checks > interview plans that incorporate behavioural-based interview questions. These are to be used when candidates are applying for positions that involve working with children. 	<ul style="list-style-type: none"> – Child-safe recruitment and screening processes are essential to enable an organisation to choose the most appropriate person for a position that involves contact with children. 	<ul style="list-style-type: none"> – Documented criminal record checks for personnel in contact with children. – Documented verbal referee checks. – Interview plans incorporating behavioural-based interview questions that are specific to positions that involve working with children. – Documented request for an applicant to disclose whether they have been charged with child exploitation offences and their response.
<p>3 The organisation’s child protection policy includes a documented reporting procedure for child exploitation and abuse allegations and policy non-compliance, including available sanctions for breaches.</p>	<ul style="list-style-type: none"> – An effective child protection policy requires a report handling procedure. One of the biggest hurdles to personnel reporting child exploitation and abuse is that there is no formal system in place to do so, or that personnel are not aware of a formal system to report concerns or allegations. – Reporting systems must respect the rights of the alleged victim and alleged offender. 	<ul style="list-style-type: none"> – Organisation’s guidelines for managing concerns or allegations of child exploitation and abuse, and policy non-compliance. – Documentary evidence that personnel can raise concerns about a child’s safety or well-being or unacceptable behaviour by personnel. – Documentary evidence outlining the organisation’s details of available sanctions for breaches of the code of conduct.
<p>4 The organisation provides child protection training for personnel.</p>	<ul style="list-style-type: none"> – Personnel must be fully aware of their responsibilities to protect children and how to report concerns or allegations about child exploitation and abuse. 	<ul style="list-style-type: none"> – Training agendas and timeframes for training. – Materials used in training.

Compliance standard	Why this is required	Evidenced by
<p>5 The organisation has a child protection code of conduct that meets the minimum standard set by AusAID (see Attachment 2–AusAID’s Child Protection Code of Conduct).</p>	<ul style="list-style-type: none"> – A code of conduct protects children and personnel. It makes clear the organisation’s standards for acceptable/unacceptable behaviour in relation to children and must be signed by all personnel. – It protects personnel by providing guidance on how to avoid situations that may be perceived as harmful to children. It also provides employers with a sound basis on which to conduct disciplinary action. 	<ul style="list-style-type: none"> – A child protection code of conduct based on AusAID’s Child Protection Code of Conduct. – Signed codes of conduct or a register documenting details of personnel who have signed the code of conduct.
<p>6 The organisation’s child protection policy commits it to preventing a person from working with children if they pose an unacceptable risk to children.</p>	<ul style="list-style-type: none"> – Provides the organisation with clear grounds as an employer to determine whether a person is the most appropriate to work with children. 	<ul style="list-style-type: none"> – Referenced in relevant documentation, including policies, contracts and human resource guidelines.
<p>7 The organisation’s employment contracts contain provisions for dismissal, suspension or transfer to other duties for any employee who breaches the child protection code of conduct.</p>	<ul style="list-style-type: none"> – Reinforces the importance of the organisation’s policy to personnel. – Ensures the organisation has legal recourse to remove or transfer personnel who pose an unacceptable risk to children. 	<ul style="list-style-type: none"> – Contract with personnel.
<p>8 The organisation’s child protection policy is subject to regular review— at least every five years or earlier if warranted.</p>	<ul style="list-style-type: none"> – Contexts change, particularly in the development sector. There must be a commitment to review and update the policy as required. – Given that child protection policies are relatively new for many organisations, it is important that an organisation can learn and adapt from its experiences in implementing its child protection policy. 	<ul style="list-style-type: none"> – Timetable/timeframe for review. – Policy review report at least every five years. – Records of consultation with AusAID on policy review.
<p>9 The organisation undertakes a risk assessment that covers all AusAID-funded activities that have contact with children. The assessment should identify risks, classify any high risk activities, and document steps being taken to reduce or remove these risks.</p>	<ul style="list-style-type: none"> – Some activities are higher risk than others. This may be due to the nature of the activity or the location. For example, working with children with disability or in an emergency situation. 	<ul style="list-style-type: none"> – Risk log identifying high risk activities and measures to reduce or remove the risk to children. – Evidence that risk assessments are reviewed/updated throughout the lifecycle of the activities.

Attachment 2

AusAID Child Protection Code of Conduct

I, _____ [insert name], acknowledge that I have read and understand AusAID's *Child Protection Policy, January 2013*, and agree that in the course of my association with AusAID, I must:

- > treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- > not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- > not engage children under the age of 18 in any form of sexual intercourse⁶ or sexual activity,⁷ including paying for sexual services or acts
- > wherever possible, ensure that another adult is present when working in the proximity of children
- > not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger
- > not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible
- > use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium
- > not use physical punishment on children
- > not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- > comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- > immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures
- > immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with AusAID that relate to child exploitation and abuse.

When photographing or filming a child or using children's images for work-related purposes, I must:

- > assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child
- > obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used
- > ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive
- > ensure images are honest representations of the context and the facts
- > ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

I understand that the onus is on me, as a person associated with AusAID, to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

Signed:

Date:

Attachment 3

Mandatory reporting process for AusAID staff and AusAID-funded individual contractors

What should I report?

You should report:

- > any behaviour that you suspect may be **child exploitation** and **abuse**, including **possession of child exploitation material**, or **policy non-compliance** by:
 - AusAID staff
 - personnel of an AusAID-funded contractor or civil society organisation
 - an AusAID-funded volunteer
 - a whole-of-government employee (at Post only)
- > any report made to you by anyone relating to child exploitation and abuse or policy non-compliance by AusAID staff or AusAID partners.

What if I am not sure if what I have seen is child exploitation and abuse?

Contact the Child Protection Compliance Section for confidential advice and further information about what constitutes child exploitation and abuse or policy non-compliance.

How do I make a report?

Reports can be made by:

Email: childprotection@ausaid.gov.au
Telephone: +61 2 6178 5100
Mail: Child Protection Compliance Section
AusAID
GPO Box 887 Canberra
ACT 2601 Australia

What information do I need to provide in the report?

You should provide as much information as possible, including:

- > date(s) of incident(s)
- > name of organisation(s) involved, including any AVID program partner
- > alleged offender's details, including name, nationality and occupation
- > details of alleged incident(s)
- > whether local law enforcement authorities or Australian Federal Police have been informed
- > if it is an AusAID-funded activity, the name of the activity (if known)
- > details of what the organisation(s) proposes to do
- > any other relevant information.

What happens to the information I provide?

All information provided to the Child Protection Compliance Section will be treated confidentially in accordance with relevant Commonwealth legislation, including the *Privacy Act 1988*.

Attachment 4

Legislation relevant to child protection

A range of laws are relevant to this policy, including Australian Commonwealth, state and territory laws and local laws in countries where AusAID works. A number of international child protection instruments also apply.

1. Relevant Australian legislation

Under Commonwealth law an Australian citizen or resident can be prosecuted for an offence committed against a child in another country under laws that have an extra-territorial application.

Commonwealth legislation

<i>Criminal Code Act 1995</i>		
Legislation	Examples of offences	Maximum penalty
Division 272 (child sex offences outside Australia)	Engaging in sexual intercourse outside of Australia with a child under 16 years of age	20 years imprisonment
	Engaging in sexual activity outside of Australia with a child under 16 years of age	15 years imprisonment
	Engaging in sexual intercourse or sexual activity outside of Australia with a child under 16 years of age and the child has a mental impairment or is under the care, supervision or authority of the defendant	25 years imprisonment
	Engaging in sexual intercourse outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	10 years imprisonment
	Engaging in sexual activity outside of Australia with a young person aged 16 or 17 years and the defendant is in a position of trust or authority	7 years imprisonment
	Grooming a child under 16 years of age to engage in sexual activity outside of Australia	12 years imprisonment
	Division 273 (offences involving child pornography material or child abuse material outside Australia)	Possessing, controlling, producing, distributing or obtaining child pornography or child abuse material outside Australia
Division 474 (telecommunications offences, subdivision C)	Accessing, soliciting or transmitting child pornography or child abuse material using a carriage service	15 years imprisonment
	Engaging in sexual activity with a child under 16 years of age using a carriage service	15 years imprisonment
	Online grooming of a child under 16 years of age	15 years imprisonment
<i>Crimes Act 1914</i>		
The <i>Crimes Act 1914</i> sets out the laws that govern the way legal proceedings under the <i>Criminal Code Act 1995</i> are conducted, including the conduct of investigations and the protection of children involved in proceedings for sexual offences (under Part 1AD).		

State and territory child protection legislation

State and territory laws provide legal protection to children and families that are affected by child exploitation and abuse that occurs in Australia.

State or territory	Legislation	Source
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i>	www.legislation.nsw.gov.au
Victoria	<i>Children, Youth and Families Act 2005</i>	www.dms.dpc.vic.gov.au
Queensland	<i>Child Protection Act 1999</i>	www.legislation.qld.gov.au/OQPChome.htm
Western Australia	<i>Children and Community Services Act 2004</i>	www.slp.wa.gov.au/legislation/statutes.nsf/default.html
South Australia	<i>Children's Protection Act 1993</i>	www.legislation.sa.gov.au
Tasmania	<i>Children, Young Persons and their Families Act 1997</i>	www.thelaw.tas.gov.au
Australian Capital Territory	<i>Children and Young People Act 2008</i>	www.legislation.act.gov.au
Northern Territory	<i>Care and Protection of Children Act 2007</i>	www.nt.gov.au/dcm/legislation/current.html

2. Local legislation

Most countries in which AusAID works have legislation relating to child exploitation and abuse.

When working in-country, AusAID staff and the personnel of contractors and civil society organisations implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.

3. International child protection instruments that Australia is a signatory to

Instrument	Source
The United Nations Convention on the Rights of the Child	www.unicef.org/crc
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	www.unhchr.ch/html/menu2/dopchild.htm
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	www.unhchr.ch/html/menu2/6/protocolchild.htm
Geneva Declaration of the Rights of the Child	www.unhchr.ch/html/menu3/b/25.htm
International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	www.ilo.org/ilolex/english/convdisp1.htm

Glossary

Abuse—Includes:

- > **physical abuse**—the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning
- > **neglect**—the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being
- > **emotional abuse**—refers to a parent or caregiver’s inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child’s self-esteem or social competence
- > **sexual abuse**—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling breasts, voyeurism, exhibitionism and exposing the child to, or involving the child in, pornography.⁸

AusAID staff—People employed by AusAID on a permanent or temporary basis in Australia or overseas.

Behavioural-based interview questions—Interview questions that probe the applicant’s past behaviour in specific situations relevant to the position. Behavioural-based questions give interviewers additional information as to the applicant’s suitability to work with children.

Changes in circumstances—Personnel should report the following changes in circumstances to management:

- > involvement in criminal activity
- > disciplinary procedures and criminal or civil court proceedings relating to child exploitation and abuse.

Child or children—In accordance with the United Nations Convention on the Rights of the Child, ‘child’ means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this policy, AusAID considers a child to be a person under the age of 18 years.

Child abuse material—Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse.

Child exploitation and abuse—One or more of the following:

- > committing or coercing another person to commit an act or acts of **abuse** against a child
- > possessing, controlling, producing, distributing, obtaining or transmitting **child exploitation material**
- > committing or coercing another person to commit an act or acts of **grooming** or **online grooming**.

Child exploitation material—Material, irrespective of its form, which is classified as **child abuse material** or **child pornography material**.

Child pornography—In accordance with the Optional Protocol to the Convention on the Rights of the Child, ‘child pornography’ means ‘any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.’ For further information regarding child pornography offences, refer to the *Criminal Code Act 1995*.

Child pornography material—Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive.⁹

Child protection—An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.

Contact with children—Working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment.

Criminal record check—A check of an individual’s criminal history record. In Australia, national criminal record checks are available through state and territory police departments. They take around 20 working days. The type of employment should be specified as ‘overseas employment.’ Overseas, different checking procedures apply in each country and may take six weeks or longer. Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including sighting by AusAID.

Grooming—Generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

Online grooming—The act of sending an electronic message with indecent content to a recipient who the sender believes to be under 16 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender. For further details, refer to the *Criminal Code Act 1995*, Division 474 (telecommunications offences, subdivision C).

Personnel—Personnel are either employed by an organisation, engaged by an organisation on a subcontract basis, or engaged by an organisation on a voluntary or unpaid basis.

Police clearance certificate—The certificate showing the results of a criminal record check, which is issued by the police or other authority responsible for conducting such checks.

Policy non-compliance—The failure to abide by AusAID’s policy.

Unacceptable risk—The portion of identified risk that cannot be tolerated, and that must be either eliminated or controlled. For people deemed an unacceptable risk, control mechanisms are not considered appropriate.

Endnotes

- 1 World Health Organization 2006, *World report on violence against children*.
- 2 Paulo Sergio Pinheiro 2006, *Report of the independent expert for the United Nations study on violence against children*.
- 3 Australian Government Attorney-General's Department 2010, *Procedural fairness guidelines*.
- 4 AusAID adheres to *Handling misconduct: a human resources practitioner's guide to the reporting and handling of suspected and determined breaches of the APS Code of Conduct* <http://www.apsc.gov.au/publications-and-media/current-publications/handling-misconduct>
- 5 When criminal record checks are required under these child protection compliance standards, checks must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual's country of citizenship. Individuals need to provide their consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate should be used, including being sighted by AusAID. AusAID recognises that in limited instances it may prove impossible to obtain a reliable criminal record check. A statutory declaration outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted in lieu.
- 6 As defined under the *Criminal Code Act 1995*.
- 7 As defined under the *Criminal Code Act 1995*.
- 8 Fact Sheet No. 12 *What is child abuse and neglect?* National Children's Clearinghouse, Australian Institute of Family Studies.
- 9 This definition has been extracted from the *Criminal Code Act 1995*. See Part 10.6 of the criminal code for the full definition.

