



Australian Government
AusAID

Child Protection Policy

MARCH 2008



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MAIN COVER PHOTO: *Young school children from South Tarawa, Kiribati.* PHOTO: *Lorrie Graham*

TOP LEFT: *A young girl from South Tarawa, Kiribati.* PHOTO: *Lorrie Graham*

MIDDLE: *Children at Mangaliu Village, Vanuatu.* PHOTO: *Peter Davis*

BOTTOM LEFT: *Young boys enjoying the thrills of home-made stilts on the road between Malaita and Auki, Solomon Islands.* PHOTO: *Rob Maccoll*

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A mother with her children collecting shells in Kiribati. Children are their country's future. PHOTO: Lorrie Graham

Executive summary

This child protection policy articulates AusAID's zero tolerance approach to child abuse and child pornography. It provides a framework for managing and reducing risks of child abuse by persons engaged in delivering aid program activities.

The policy's overall goal is:

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

The policy follows four guiding principles:

1. zero tolerance of child abuse
2. recognition of children's interests
3. sharing responsibility for child protection
4. use of a risk management approach.

Under the policy, AusAID is further enhancing its approach to child protection through risk assessment and risk management procedures for aid activities, clear procedures for raising concerns about child abuse, and training staff on child protection matters.

In line with the guiding principle of sharing responsibility for child protection, contractors and Non-Government Organisations (NGOs) funded by AusAID to implement aid activities overseas must meet AusAID's new child protection compliance standards (Attachment 1) in their operations and must also apply the relevant standards to any partners, subcontractors, associates or

consultants they may engage. AusAID will not fund organisations or individuals without appropriate mechanisms in place to protect children from abuse.

The policy is supported by additional documentation for AusAID staff.

SCOPE

The policy applies to:

- > AusAID staff, including overseas-based staff
- > all contractors and NGOs funded by AusAID, including:
 - volunteer service providers
 - advisers/consultants engaged under commercial contracts
 - partners, subcontractors, associates or consultants subcontracted by contractors or NGOs
 - the personnel (paid and unpaid, including all volunteers) of contractors and NGOs funded by AusAID.

AusAID expects multilateral organisations to act in accordance with the principles set out in this policy, in addition to abiding by other relevant international declarations, conventions and agreements.

1 The Challenge

Across the world in 2002, 150 million girls and 73 million boys under 18 experienced forced sexual intercourse or other forms of sexual violence.¹ Every year some 1.2 million children are trafficked into exploitative work, many of them into commercial sexual exploitation.² Orphaned, displaced, homeless and abandoned children are particularly vulnerable to sexual exploitation and abuse, as are children with disabilities.³ Children are also highly vulnerable during emergency and disaster situations (natural or conflict based), because they are often separated from their parents and other caregivers who would normally protect them from harm.⁴

Child sex offenders may seek employment in children's organisations or may volunteer to work in remote or vulnerable communities. They may also move from developed countries to developing countries due to heightened awareness, tougher laws and more rigorous screening processes in developed countries. Sex offenders may seek opportunities to perpetrate child abuse through paid or unpaid employment with organisations implementing development activities in circumstances that make children inherently vulnerable to such risks.

The risk of child abuse is elevated when overseas aid activities bring aid workers into regular contact with children (for example, in disaster responses, primary and secondary education activities, women's refuges and some health, infrastructure and human rights activities).

As Australia's overseas aid contributions rise, it is essential to ensure that risks of child abuse associated with aid delivery are managed effectively. It is also vital that contractors and NGOs implementing aid activities remain alert to child protection issues and have the capacity to manage them effectively.

1 World Health Organization 2006. *Global Estimates of Health Consequences due to Violence Against Children*. Background paper for the United Nations Secretary-General's Study on Violence against Children.

2 International Labour Organization 2002. *The end of child labour: within reach*. Global report.

3 World Health Organization 2006. *World Report on Violence against Children*.

4 Paulo Sérgio Pinheiro 2006. *Report of the independent expert for the United Nations study on violence against children*.

2 The Policy

2.1 GOAL

The overall goal of this policy is:

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

The policy outlines practical steps to increase AusAID's capacity to manage and reduce risks of child abuse associated with delivering aid activities. While it is not possible to eliminate risk entirely, much can be done to reduce opportunities for child abuse.

2.2 GUIDING PRINCIPLES

The child protection policy is guided by these principles:

- > **Zero tolerance of child abuse:** Child abuse is not tolerated by AusAID, nor is possession of or access to child pornography. AusAID actively manages risks of child 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, nor fund any individual or organisation that does not meet AusAID's child protection compliance standards in their operations and activities.
- > **Recognition of children's interests:** 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 of the convention. AusAID recognises that some children, such as children with disabilities and children living in areas impacted by disasters (natural or conflict based), are particularly vulnerable.
- > **Sharing responsibility for child protection:** To effectively manage risks to children, AusAID requires the active support and cooperation of contractors and NGOs implementing AusAID-funded aid activities. Contractors and NGOs must meet the terms of the child protection policy and will be held accountable, through contracts and audits, for complying with it. AusAID also encourages awareness of child protection issues among international and whole-of-government partners.
- > **Risk management approach:** While it is not possible to eliminate all risk of child abuse, careful management can reduce the incidence of child abuse associated with aid activities. This policy introduces risk assessments and treatments for a range of recognised risks to children.



Young boys in Vietnam. Children of all ages are vulnerable to the risk of child abuse. PHOTO: Will Salter

2.3 HOW THE POLICY WILL BE IMPLEMENTED WITHIN AUSAID

Ensure coordinated policy implementation

To ensure coordinated implementation of the policy, a new position of Child Protection Officer (CPO) has been created in AusAID. The CPO's responsibilities include promoting child protection throughout the agency, coordinating training for staff, monitoring internal and external policy compliance and coordinating policy reviews. The CPO also serves as the central contact point for queries (internal and external) about child abuse and child protection.

Increase awareness of child protection issues

A key step in reducing risks to children when delivering aid activities is to increase awareness of risks and how to manage them. AusAID staff receive regular training on child protection issues and on their obligations under the policy, including mandatory reporting of concerns or allegations of

child abuse. Training is included in compulsory courses delivered at induction and before overseas postings.

Strengthen internal recruitment and screening processes

AusAID's internal recruitment processes already employ stringent screening measures to ensure inappropriate persons are not employed by the agency. These include criminal records checks and background checks on all successful candidates before they begin work. Further rigorous screening (including in-depth background checks and interviews with professional and personal associates) is conducted before overseas postings. AusAID will continue to evaluate and improve these processes. Additional screening measures are being incorporated into selection processes for AusAID positions working with children. These include verbal referee checks and targeted interview questions.

Enhance internal procedures for handling complaints related to child abuse

AusAID has enhanced internal procedures for handling complaints related to child abuse, including child pornography. The procedures outline obligations and responsibilities for reporting on and managing concerns about inappropriate behaviour. It is mandatory for AusAID staff to report immediately concerns relating to child abuse and child pornography by anyone covered by the policy.

Ensure appropriate use of communication systems

AusAID's guidelines on appropriate use of its communication systems cover child pornography. Using agency systems to access child pornography is inappropriate and is dealt with promptly, including reporting to relevant law enforcement agencies, as appropriate.

Incorporate child protection strategies into risk management procedures

Under this policy, risks of child abuse are now assessed as part of the initial risk assessment for aid activities. Procedures have been developed to ensure these risks are assessed efficiently and that effective risk management strategies are in place. (Details of key risk features and indicative management strategies are available on request to contractors and NGOs.)

Risks to children identified during initial risk assessments are managed throughout aid activity implementation. The organisation implementing an activity holds primary responsibility for ensuring this is done.

Ensure risks to children are managed in disaster situations

AusAID recognises that children living in areas impacted by disasters (natural or conflict based) are particularly vulnerable. All organisations implementing AusAID disaster response activities must comply with the policy's child protection compliance standards. Risks to children must always be considered when developing disaster response activities.

Enhance codes of conduct

Whether working in Australia or overseas, AusAID employees must comply with the Australian Public Service Code of Conduct (www.apsc.gov.au/conduct).

Employees travelling overseas on postings or short-term missions must also abide by AusAID's Code of Conduct for Overseas Service (available on the intranet), which sets stringent standards for personal behaviour. Specific guidance on appropriate behaviour with children is being appended to this code.

Overseas-based AusAID employees who are not Australian public servants must abide by the Code of Conduct for Overseas-Based Program Support Unit Employees, which has also been updated.

Review child protection policy regularly

The policy will be reviewed every three years, or earlier if warranted, and lessons learned incorporated into subsequent versions.

2.4 AUSAID'S EXPECTATIONS OF CONTRACTORS AND NGOS

Pre-existing measures applying to contractors

AusAID has measures in place to reduce the risk of inappropriate behaviour by contractor personnel implementing AusAID-funded aid activities. Under current contracts, AusAID can require a contractor to remove personnel from working on an activity. AusAID will exercise this right when it considers that the relevant personnel member poses an unacceptable risk to children's safety or wellbeing and the funded organisation has not taken adequate steps to deal with that risk. It is noted that there will almost always be an unacceptable risk if the person has been convicted of a criminal offence relating to child abuse.

AusAID's contracts also require contractors to inform AusAID of changes in the circumstances of any person under contract that may affect the agency's assessment of that person. This includes being arrested for, or convicted of, criminal offences relating to child abuse, or for accessing or possessing



LEFT: Teenagers enjoying their free time, Kiribati.
PHOTO: Lorrie Graham

RIGHT: A young boy rides his bike where his village stood before the Indian Ocean tsunami disaster of 26 December 2004. Children within populations impacted by disasters are particularly vulnerable to child abuse.
PHOTO: Will Salter

child pornography. AusAID may require the person under formal investigation to be suspended from duty or transferred to other duties during the investigation.

Pre-existing measures applying to NGOs

AusAID-accredited NGOs receiving Australian aid program funds must comply with the Code of Conduct of the Australian Council for International Development (ACFID), which obliges them to 'have policies and procedures to promote the safety and wellbeing of all children accessing their services and programs, particularly to minimise the risk of abuse of children.'

Many non-accredited NGOs funded by AusAID are also signatories of the ACFID Code of Conduct.

Volunteer service providers are required by contract to have a code of conduct for volunteers covering matters including child protection, and systems for monitoring volunteer compliance with the code.

New child protection compliance standards for contractors and NGOs

To ensure that contractors and NGOs understand and act on their obligations for managing risks to children, AusAID has introduced new mandatory child protection compliance standards for contractors and NGOs (Attachment 1).

The standards also apply to partners, subcontractors, associates or consultants who are subcontracted by a contractor or NGO to perform any part of an AusAID-funded activity.

AusAID monitors compliance with the standards through new and existing methods including contractor performance assessments and reviews, the NGO accreditation process and a program of audits.

AusAID reserves the right to conduct random audits of contractors' and NGOs' compliance with the standards, including requesting documentary evidence.



AusAID's child protection compliance standards require most categories of contractors and NGOs to develop their own child protection code of conduct and to ensure all personnel implementing AusAID-funded aid activities agree to it and abide by it. A sample of such a code is at Attachment 2.

As part of the policy, AusAID has also revised its tendering processes. Now tenderers must obtain criminal record checks for personnel who will be working with children. Preferred tenderers must also now allow AusAID to sight the police clearance certificates of all personnel nominated in their tender for positions working with children, before contract signature.

AusAID reserves the right to terminate contract negotiations if any police clearance certificates are not provided to AusAID for sighting. AusAID also reserves the right to require replacement of any proposed personnel whom AusAID believes to pose an unacceptable risk to children's safety or wellbeing. AusAID recognises that in limited instances it

may prove impossible to obtain a reliable criminal record check and will take this into account during selection processes.

Phase-in of compliance standards

AusAID's child protection compliance standards phase in over six months from the introduction of the policy in March 2008. Checks and audits of contractors' and NGOs' compliance with the standards, including child protection policies where required, commence as of October 1 2008.

The requirement to include risks to children in risk assessments for activities involving personnel working with children takes effect from the introduction of this policy in March 2008.

2.5 FURTHER INFORMATION

This policy should be read in conjunction with these documents as applicable:

DOCUMENT	SOURCE	RELEVANT TO ...
Australian Public Service Code of Conduct	www.apsc.gov.au/conduct	all AusAID staff, contractor personnel
ACFID Code of Conduct	www.acfid.org.au	signatory NGOs
organisation-specific child protection policies and codes of conduct	n/a	contractors and NGOs and their personnel
legislation relevant to child protection	Attachment 3 to this policy	all stakeholders
AusAID Code of Conduct for Overseas Service	AusAID intranet	Australia-based AusAID staff
AusAID Code of Conduct for Overseas-Based Program Support Unit Employees	AusAID intranet	overseas-based AusAID staff
other AusAID guidelines, rules and tools	AusAID intranet	all AusAID staff



A young boy in Kiribati. AusAID takes a zero tolerance approach to child abuse. PHOTO: Lorrie Graham

CHILD PROTECTION COMPLIANCE STANDARDS FOR CONTRACTORS AND NGOS

Details of the timeline for introducing these standards are in section 2.4 under 'Phase-in of compliance standards'.

ORGANISATION TYPE	COMPLIANCE STANDARDS ¹	SPECIAL CONSIDERATION	COMPLIANCE MECHANISMS ²
Category 1: Contractors (excluding individually contracted advisers/consultants)	<ol style="list-style-type: none"> 1. Must have their own child protection policy with these elements as a minimum: <ol style="list-style-type: none"> a. child-safe recruitment and screening processes, including criminal record checks³ prior to engagement, targeted interview questions and verbal referee checks, for all personnel (including volunteers) who will be working with children b. a documented child protection complaints management procedure c. regular provision of child protection training d. a child protection code of conduct (covering, as a minimum, the content in the sample at Attachment 2), that must be signed by all personnel implementing AusAID-funded activities in-country e. a commitment that the organisation will not permit a person to work with children if they pose an unacceptable risk to children's safety or wellbeing f. a provision in all employment contracts that the organisation has the right to dismiss the employee or transfer the employee to other duties if he/she breaches the child protection code of conduct g. a documented policy compliance regime, including specified sanctions for breaches h. provision for policy review every five years, or earlier if warranted. 2. Where the contractor is responsible for risk assessment for an AusAID activity (including sub-activities of a facility) that involves working with children, the risk assessment must cover risks to children. 3. Must comply with all contractual requirements relating to AusAID's <i>Child protection policy</i>. 	Contractors with fewer than five full-time equivalent staff may request additional time to develop their child protection policy.	<p>Preferred tenderers must allow AusAID to sight police clearance certificates for personnel nominated for positions identified in the RFT as working with children.</p> <p>Tendering organisations may be asked to submit their child protection policies during a tender process.</p> <p>The requirement to have a child protection policy will be monitored through annual Contractor Performance Reviews, Contractor Performance Assessments and audits by AusAID's Child Protection Officer (CPO).</p>

Footnotes can be found on page 11.

CHILD PROTECTION COMPLIANCE STANDARDS FOR CONTRACTORS AND NGOS *CONT'D*

ORGANISATION TYPE	COMPLIANCE STANDARDS ¹	SPECIAL CONSIDERATION	COMPLIANCE MECHANISMS ²
Category 2: Individually contracted advisers/consultants	<ol style="list-style-type: none"> 1. Must obtain a criminal record check³, prior to contract signature, if working with children. (Criminal record checks may be required by AusAID as part of its tender processes and direct engagements.) 2. Must comply with all contractual requirements relating to AusAID's <i>Child protection policy</i>. 3. Must sign and return to AusAID the child protection code of conduct included as a schedule attached to their contract. 		<p>AusAID may require sighting of a police clearance certificate, prior to contract signature, from advisers/consultants it engages.</p> <p>Audits by AusAID's CPO of contractors and/or any individuals they have subcontracted.</p>
Category 3: AusAID-accredited Australian NGOs and ACFID Code of Conduct signatories	<ol style="list-style-type: none"> 1. Must have their own child protection policy with these elements as a minimum: <ol style="list-style-type: none"> a. criminal record checks³ prior to engagement for personnel working with children b. a documented child protection complaints management procedure c. child protection training for relevant personnel d. a child protection code of conduct (covering, as a minimum, the content in the sample at Attachment 2), that must be signed by all personnel implementing AusAID-funded activities in-country e. a commitment that the organisation will not permit a person to work with children if they pose an unacceptable risk to children's safety or wellbeing f. a provision in all employment contracts that the organisation has the right to dismiss the employee or transfer the employee to other duties if he/she breaches the child protection code of conduct. g. a documented policy compliance regime, including specified sanctions for breaches h. provision for policy review every five years, or earlier if warranted. 2. Where the NGO is responsible for risk assessment for an AusAID activity that involves working with children (including volunteer sending assignments), the risk assessment should cover risks to children. 3. Must comply with all contractual requirements relating to AusAID's <i>Child protection policy</i>. 	NGOs with fewer than five full-time equivalent staff may request additional time to develop their child protection policy.	<p>The requirement to have a child protection policy will be monitored through:</p> <ul style="list-style-type: none"> > annual ACFID Code of Conduct compliance assessment (Code of Conduct signatories only) > five-yearly AusAID accreditation process (accredited NGOs only) > audits by AusAID's CPO.

Footnotes can be found on page 11.

CHILD PROTECTION COMPLIANCE STANDARDS FOR CONTRACTORS AND NGOS *CONT'D*

ORGANISATION TYPE	COMPLIANCE STANDARDS ¹	SPECIAL CONSIDERATION	COMPLIANCE MECHANISMS ²
<p>Category 4: Local (developing country) NGOs funded by AusAID small grants schemes</p>	<ol style="list-style-type: none"> 1. Must have their own child protection policy in place if implementing activities that involve personnel working with children. 2. Must comply with all child protection requirements stated in AusAID's funding agreements. 		<p>Activity Manager to sight child protection policy.</p> <p>Audits by AusAID's CPO.</p>
<p>Category 5: All other types of organisations (for example, Australian NGOs without AusAID accreditation and major international NGOs)</p>	<ol style="list-style-type: none"> 1. Must have their own child protection policy with these elements as a minimum: <ol style="list-style-type: none"> a. criminal record checks³ prior to engagement for personnel working with children b. a documented child protection complaints management procedure c. child protection training for relevant personnel d. a child protection code of conduct (covering, as a minimum, the content in the sample at Attachment 2), that must be signed by all personnel implementing AusAID-funded activities in-country e. a commitment that the organisation will not permit a person to work with children if they pose an unacceptable risk to children's safety or wellbeing f. a provision in all employment contracts that the organisation has the right to dismiss the employee or transfer the employee to other duties if he/she breaches the child protection code of conduct. g. a documented policy compliance regime, including specified sanctions for breaches h. provision for policy review every five years, or earlier if warranted. 2. Must comply with all child protection requirements stated in AusAID's funding agreements. 	<p>Organisations with fewer than five full-time equivalent staff may request additional time to develop their child protection policy.</p>	<p>Activity Manager to sight child protection policy.</p> <p>Audits by AusAID's CPO.</p>

¹ AusAID reserves the right not to engage any individual whom AusAID considers to pose an unacceptable risk to children's safety or wellbeing.

² AusAID reserves the right to conduct random audits of contractor and NGO compliance with these child protection compliance standards, including requesting documentary evidence.

³ Where 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 give their consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including being sighted by AusAID. AusAID recognises that in limited instances it may prove impossible to obtain a reliable criminal record check, and will take this into account as required during selection processes.

Attachment 2

SAMPLE CHILD PROTECTION CODE OF CONDUCT

Child protection code of conduct

I, *[insert name]*, engaged by *[organisation]*, agree that while implementing AusAID-funded aid activities, I will:

- > treat children with respect regardless of race, colour, sex, 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 in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child (including Part IIIA of the Australian Crimes Act 1914 (Cwlth) as amended), the child is below the age of consent or the act(s) are an offence under relevant laws
- > 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, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also 'Use of children's images for work related purposes')
- > refrain from physical punishment or discipline of children (excluding my own children)
- > refrain from hiring 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 abuse in accordance with appropriate procedures.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

- > before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images
- > before photographing or filming a child, obtain consent from the child or a parent or guardian of the 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 do not reveal identifying information about a child when sending images electronically.

I understand that the onus is on me, as a person engaged by *[organisation]*, to use common sense and avoid actions or behaviours that could be construed as child abuse when implementing AusAID-funded activities.

Signed: _____

Date: _____

Attachment 3

LEGISLATION RELEVANT TO CHILD PROTECTION

Relevant Australian legislation includes:

- > *Crimes Act 1914 Part IIIA (Child Sex Tourism)*. Under this Act, it is a crime for Australians to engage in, encourage, or benefit from sexual activity with persons under 16 years of age while overseas. The law provides for penalties of up to 17 years imprisonment and up to \$561 000 in fines for companies.¹

- > *Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C)*. This Act provides for a penalty of 10 years imprisonment for possession of child pornography depicting a person under 18 years of age, and up to 15 years imprisonment for online grooming of a person under 16 years of age.²

CRIMINAL LAW AND CHILD PROTECTION LEGISLATION, STATE AND TERRITORY

STATE OR TERRITORY	LEGISLATION	SOURCE
New South Wales	<i>The Children and Young Persons (Care and Protection) Act 1998</i>	www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442
Victoria	<i>Children, Youth and Families Act 2005</i> <i>The Child Wellbeing and Safety Act 2005</i>	www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252 www.austlii.edu.au/au/legis/vic/consol_act/cwasa2005218
Queensland	<i>The Child Protection Act 1999</i>	www.austlii.edu.au/au/legis/qld/consol_act/cpa1999177
Western Australia	<i>Children and Community Services Act 2004</i>	www.slp.wa.gov.au/legislation/statutes.nsf/main_mrttitle_132_homepage.html
South Australia	<i>Children's Protection Act 1993</i>	www.austlii.edu.au/au/legis/sa/consol_act/cpa1993229
Tasmania	<i>Children, Young Persons and Their Families Act 1997</i>	www.austlii.edu.au/au/legis/tas/consol_act/cypatfa1997399
Australian Capital Territory	<i>Children and Young Persons Act 1999</i>	www.austlii.edu.au/au/legis/act/consol_act/caypa1999242
Northern Territory	<i>The Community Welfare Act</i>	www.austlii.edu.au/au/legis/nt/consol_act/cwa208

1 www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/framelodgmentattachments/FA2A0DCCEB8A4446CA25730100284121

2 www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/current/bytitle/42E5273A7FEE9613CA25730C0000DC6C?OpenDocument&mostrecent=1

Local legislation

Most countries in which AusAID works have legislation pertaining to illegal child abuse. When working in-country, AusAID staff and the personnel of contractors and NGOs implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.

INTERNATIONAL CHILD PROTECTION INSTRUMENTS

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
Geneva Declaration of the Rights of the Child	www.unhchr.ch/html/menu3/b/25.htm
ILO 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



Students in Banda Aceh. A safe learning environment means that children of all ages can work towards a better future for their country. PHOTO: M Anshar/AusAID

Abbreviations and Glossary

ABBREVIATIONS

ACFID	Australian Council for International Development
CPO	Child Protection Officer
NGO	Non-Government Organisation

GLOSSARY

child (plural 'children')	In accordance with the United Nations Convention on the Rights of the Child, 'child' means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.
child abuse	All forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse.
child protection	An activity or initiative designed to protect children from any form of harm, particularly arising from child abuse or neglect.
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-sex tourism	The sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children. For further details, refer to the <i>Crimes Act 1914 Part IIIA (Child Sex Tourism)</i> .
criminal record check	<p>A check of an individual's criminal history record.</p> <p>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, working with children.' Overseas, different checking procedures apply in each country and may take six weeks or longer.</p> <p>Individuals need to give their 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.</p>
online grooming	The act of sending an electronic message with indecent content to a recipient whom 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 <i>Criminal Code Act 1995, Division 474 (Telecommunications Offences, Subdivision C)</i> .

particularly vulnerable children	Children who are particularly vulnerable to abuse, such as children with physical and mental disabilities, homeless children, child sex workers and children impacted by disasters.
personnel	Personnel either employed by an organisation, or engaged by an organisation on a sub-contract 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, issued by the police or other authority responsible for conducting such checks.
working with children	Working in a position that involves regular contact with children, either under the position description or due to the nature of the work environment.



Children at an AusAID supported kindergarten in Vila Verde, Dili. In a safe learning environment, children can enjoy their childhood. PHOTO: David Haigh

AusAID Child Protection Policy

Correction to 'Child Protection Compliance Standards for Contractors and Non-Government Organisations

<p>Category 3: AusAID-accredited Australian NGOs and ACFID Code of Conduct signatories</p>	<ol style="list-style-type: none"> 1. Must have their own child protection policy with these elements as a minimum: <ol style="list-style-type: none"> a. <i>child-safe recruitment and screening processes, including criminal record checks³ prior to engagement, targeted interview questions and verbal referee checks, for all personnel (including volunteers) who will be working with children</i> b. a documented child protection complaints management procedure c. regular provision of child protection training d. a child protection code of conduct (covering, as a minimum, the content in the sample at Attachment 2), that must be signed by all personnel implementing AusAID-funded activities in-country e. a commitment that the organisation will not permit a person to work with children if they pose an unacceptable risk to children's safety or wellbeing f. a provision in all employment contracts that the organisation has the right to dismiss the employee or transfer the employee to other duties if he/she breaches the child protection code of conduct g. a documented policy compliance regime, including specified sanctions for breaches h. provision for policy review every five years, or earlier if warranted. 2. Where the NGO is responsible for risk assessment for an AusAID activity that involves working with children (including volunteer sending assignments), the risk assessment should cover risks to children. 3. Must comply with all contractual requirements relating to AusAID's <i>Child protection policy</i>. 	<p>NGOs with fewer than five full-time equivalent staff may request additional time to develop their child protection policy.</p>	<p>The requirement to have a child protection policy will be monitored through:</p> <ul style="list-style-type: none"> • annual ACFID Code of Conduct compliance assessment (Code of Conduct signatories only) • five-yearly AusAID accreditation process (accredited NGOs only) • audits by AusAID's CPO.
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³ Where 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 give their consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including being sighted by AusAID. AusAID recognises that in limited instances it may prove impossible to obtain a reliable criminal record check, and will take this into account as required during selection processes.

<p>Category 5: All other types of organisations (for example, Australian NGOs without AusAID accreditation and major international NGOs)</p>	<ol style="list-style-type: none"> 1. Must have their own child protection policy with these elements as a minimum: <ol style="list-style-type: none"> a. <i>child-safe recruitment and screening processes, including criminal record checks⁴ prior to engagement, targeted interview questions and verbal referee checks, for all personnel (including volunteers) who will be working with children</i> b. a documented child protection complaints management procedure c. regular provision of child protection training d. a child protection code of conduct (covering, as a minimum, the content in the sample at Attachment 2), that must be signed by all personnel implementing AusAID-funded activities in-country e. a commitment that the organisation will not permit a person to work with children if they pose an unacceptable risk to children’s safety or wellbeing f. a provision in all employment contracts that the organisation has the right to dismiss the employee or transfer the employee to other duties if he/she breaches the child protection code of conduct g. a documented policy compliance regime, including specified sanctions for breaches h. provision for policy review every five years, or earlier if warranted. 2. Must comply with all child protection requirements stated in AusAID’s funding agreements. 	<p>Organisations with fewer than five full-time equivalent staff may request additional time to develop their child protection policy.</p>	<p>Activity Manager to sight child protection policy.</p> <p>Audits by AusAID’s CPO.</p>
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⁴ Where 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 give their consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including being sighted by AusAID. AusAID recognises that in limited instances it may prove impossible to obtain a reliable criminal record check, and will take this into account as required during selection processes.