



FINAL VERSION

Child Protection Policy

**Australian Foundation for the Peoples
of Asia and the Pacific (AFAP)**

June 2014

1. Introduction

1.1 Australian Foundation for the Peoples of Asia and the Pacific (AFAP)

The Australian Foundation for the Peoples of Asia and the Pacific Limited (AFAP) is an independent, secular, not for profit, non-governmental organisation (NGO). Founded in Australia in 1968, AFAP was incorporated in the state of New South Wales in 1983. AFAP works with partners and communities in Africa, Asia and the Pacific.

AFAP is committed to supporting work that is of the highest standard, and in doing so, holds full accreditation with the Australian Government through the Department of Foreign Affairs and Trade (DFAT). AFAP is a signatory to the Australian Council for International Development (ACFID) Code of Conduct which requires high standards of corporate governance, public accountability and financial management to be in place.

AFAP Vision: A just world through community partnerships.

AFAP Mission: To be a leading agent for poverty alleviation through community based development.

1.2 What is AFAP's Definition of a Child?

For the purposes of this policy (as well as the Code of Conduct for the Protection of Children), AFAP utilises the United Nations Convention on the Rights of the Child, defining a child as 'any person under the age of 18 years, regardless of whether a country's laws recognise adulthood earlier.'¹ (United Nations Convention on the Rights of the Child, 1989)

1.3 Our Commitment to Protect Children

AFAP's Child Protection Policy and Code of Conduct, affirms our commitment to the safety and well-being of children. We are committed to the protection of children from abuse and exploitation.

AFAP affirms that all children have the right to protection from abuse and exploitation. We implement a rights-based approach in our programs, and ensure that all activities integrate the key principles of the United Nations Convention on the Rights of the Child.

Taking steps to protect children from abuse and exploitation is consistent with AFAP's vision and core values of:

- Recognising the dignity of every person;
- Creating supportive and safe environments for people to improve their skills and knowledge;
- Enhancing the wellbeing of communities and environments in which we work;
- Being truthful and honest in all our dealings; and
- Ensuring ethical practices in all our work.

¹ United Nations Convention on the Rights of the Child, 1989 – accessed at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

2. Purpose of the Policy

This Child Protection Policy was developed to provide a practical guide in preventing any abuse of children within the organisation and its programs. It is aimed at educating all staff and associated personnel (as specified in section 4. Scope of the Policy) about child abuse, and promoting a culture and environment where everyone is committed to protecting children.

This policy is accompanied by guidelines to assist all staff and associated personnel to plan for and manage children's safety and protection across all areas of the organisation's work. Further, it provides guidance on what steps to take where concerns arise regarding the safety of children, and that appropriate action and support are undertaken in this regard.

Above and beyond AFAP's own commitment to Child Protection, as a signatory to the ACFID Code of Conduct and recipient of DFAT funding, AFAP is committed to have policies and procedures that promote the safety and well-being of all children accessing our services and programs, in particular that minimise the risk of abuse to children. We are obliged to comply with relevant Australian legislation, and international laws which prohibit the abuse and exploitation of children, including child sex tourism, child sex trafficking, child labour, and child pornography.

3. Guiding Principles

The policy is underpinned by the following principles:

- AFAP believes that any form of child abuse and exploitation is unacceptable and will not be tolerated.
- AFAP believes that all children have a right to be safe at all times, and we have an obligation to provide safe and protective services and environments.
- AFAP recognises its duty of care to take all reasonable steps to ensure that children are safe from harm.
- AFAP will take proactive steps to create child safe and child friendly programs.
- Adherence to this Child Protection Policy is a mandatory requirement for all staff and associated personnel.
- AFAP will ensure that all staff and associated personnel are made aware of this policy and their responsibilities.
- AFAP believes children in our programs should be given opportunities to express their views on matters affecting them.
- AFAP believes all children should be equally protected and assisted regardless of their gender, nationality, religious or political beliefs, family background, economic status, physical or mental health or criminal background.

4. Scope of the Policy

This policy applies to all staff and associated personnel. 'Staff' refers to: full time, part time, international and national, and those engaged on short term contracts such as: consultants,

contractors, researchers, photographers, journalists and media personnel. 'Associated Personnel' refer to: volunteers, board members, visitors and personnel in partner agencies that have a formal/contractual relationship with AFAP.

5. Implementation within AFAP

In order to meet our commitment to protect children, AFAP will ensure that all staff and associated personnel are aware of the Policy and Code of Conduct. The following steps will be taken to ensure proper educational support is provided:

- We will ensure that all staff and associated personnel are aware of the problem of child abuse and the risks to children.
- All AFAP staff and associated personnel will sign up to and abide by this Child Protection Policy and Code of Conduct.
- All staff and associated personnel will have access to a copy of this Child Protection Policy.
- The policy will be publicly available to all; this will be done by posting the policy and Code of Conduct on our website and in every AFAP office.
- Training and support will be provided by AFAP as may be required, to ensure commitments are met.
- We will ensure that all AFAP staff and associated personnel are aware of their relevant Child Protection Focal Point for the purposes of reporting a breach of this Policy and/or Code of Conduct. Within AFAP, the Executive Director is the Child Protection Focal Point.

6. Child Safe Recruitment and Engagement of Staff And Associated Personnel

AFAP is committed to ensuring that no one is recruited to work with AFAP who may pose a potential risk to children. AFAP will put in place child safe recruitment, screening and selection processes. These child safe recruitment guidelines can be found in the AFAP Child Protection Guidelines.

AFAP requires all staff and associated personnel to comply with the Child Protection Policy and Code of Conduct throughout their period of employment. Failure to do so may result in a transfer to other duties, suspension or dismissal, depending on the nature of the offense. Criminal behaviour will be immediately reported to the relevant authorities as per the Reporting Procedures below.

7. Reporting Procedures

The Child Protection Reporting Process must be followed when reporting a concern for the safety or well-being of a child or a breach of this Policy and/or Code of Conduct. The Child Protection Reporting Process is detailed in the AFAP Child Protection Guidelines, with the guiding principles summarised below:

Mandatory Reporting: It is mandatory for all AFAP staff and associated personnel to report concerns or allegations of child abuse/breach of the Child Protection Policy and/or Code of Conduct, without exception, within 24 hours of any suspected Child Protection incident. These concerns or allegations

should be made directly to the AFAP Executive Director or their relevant delegated authority (during times of travel or leave).

Confidentiality: Confidentiality of reporting is ensured to protect the identity of whistle-blowers, alleged victims and alleged perpetrators, until a complete investigation is completed. All details of the reporting process and investigation process must be kept confidential, and only shared with those relevant (authorities and DFAT). Provisions will be made for the protection of the person reporting an issue or concern if they have a genuine fear for their physical safety, but the case still must be reported.

Notification: Under the DFAT Child Protection Policy, it is mandatory for concerns that have been reported to the Child Protection Focal Point or their relevant delegated authority, to then be communicated to DFAT within 24 hours. It is at this stage, that AFAP will discuss a schedule for provision of regular updates on progress and deadline for completing the investigation. It is important to note that the failure to notify DFAT of a reported incident within 24 hours of becoming aware of an incident, constitutes a breach of the Head Funding Agreement and may result in AFAP losing its accreditation status.

Integrity of Reporting Process: If AFAP staff or associated personnel sees a case of abuse, hears about a case of abuse or a child reports a case of abuse; then this should be reported directly to the Child Protection Focal Point within AFAP or within the partner agency. The relevant Child Protection Focal Point will conduct a verbal interview with the relevant staff member, guided by a series of questions to gather required information. The AFAP Child Protection Focal Point then informs DFAT within 24 hours of receiving the report, that there has been a breach of the Child Protection Policy or Code of Conduct. No more information is required to be provided to DFAT at this stage. Following this initial reporting, an investigation is then conducted, led by the AFAP or partner agency Child Protection Focal Point. It is the primary responsibility of the Child Protection Focal Point with their specialised skills, knowledge and training to refer the matter to other authorities if it is deemed to be required.

Investigation: If the incident constitutes criminal behaviour, a report will be made directly to the relevant local police. The Child Protection Focal Point will seek preliminary guidance from the relevant local police about further action that needs to be taken.

8. Child Protection Risk Management

AFAP recognises that there may be a number of potential risks to children in the delivery of our programs to the vulnerable and disadvantaged. In recognising these risks, AFAP works with its partners to proactively assess and manage these risks to children in our programs (and in the communities where we work) to reduce the risk of harm. This is achieved by examining each program and its potential impact to children. Programs that involve direct work with children are considered a higher risk, and therefore require more stringent and regular risk assessments and oversight.

AFAP partners will read and acknowledge the AFAP Child Protection Policy and will sign the AFAP Code of Conduct. If a partner does not have their own policy and is in receipt of DFAT funding, AFAP requires that the partner develop their own Child Protection Policy within 3 months of signing the Code of Conduct; In addition, all partners are required from the day of signing the Code of Conduct, without exception, to report any suspected Child Protection incidents to AFAP within 24 hours. Failure to do so, will result in suspension and potentially termination of any Project Agreement. AFAP is committed to providing assistance and resources to partners to develop their own Policy. It is envisaged that the reporting procedures in place for each partner will be informed by the AFAP principles in Section 7, Reporting Procedures of this Policy.

AFAP staff will conduct a child protection risk assessment/audit of partners on a regular basis. Part of this audit process will include asking various staff about their understanding of the policy, as well as ensuring that they have a copy of the AFAP and DFAT Policy (if in receipt of DFAT funding). Partners and projects will be classified into high, medium or low risk categories, based on the level of contact they have with children and the nature of their program/context activities or location.

9. Review

This Policy will be monitored on an ongoing basis and will be reviewed at least every 3 years to ensure that it remains relevant to the needs of AFAP and its partners.

Definitions

Child: In accordance with the United Nations Convention on the Rights of the Child and for the purpose of this Policy (as well as the Child Protection Guidelines and Code of Conduct), AFAP defines a child as ‘any person under the age of 18 years, regardless of whether a country’s laws recognise adulthood earlier.’

Child Abuse: Abuse happens to male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Abuse includes physical, sexual, emotional, neglect, child labour and family violence. In some cases, professionals and other adults working with children in a position of trust also abuse children.

- 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, and oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling breasts, voyeurism, and exhibitionism and exposing the child to, or involving the child in, pornography. (Australian Government/AusAID Child Protection Policy, January 2013).

Child Abuse and Exploitation Materials: Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse; or which may be classified as child pornography material.

Child Labour: work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries. (Source: International Labor Organisation)

It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by depriving them of the opportunity to attend school by obliging children to leave school early;

Child Protection: is the term used to describe the responsibilities and activities undertaken to prevent or stop children being harmed.

Child Sex Tourism: the commercial 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 engage in sexual acts with children, defined as anyone aged under 18 years of age (ECPAT International). In its most extreme forms, child sex tourism involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age.

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 the Department of Foreign Affairs and Trade.

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 Australian *Criminal Code Act 1995*.

Duty of Care: is a common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the organisation to protect children from all reasonably foreseeable risk of injury.

Partners: For the purposes of this policy, partner(s) refers to any organisation or person that AFAP works with to deliver services in Australia or in specific countries and has a formal Implementation Agreement in existence with AFAP.

Staff: People employed by AFAP on a permanent or temporary basis in Australia or overseas.

Volunteer: is a person who engages in an activity with AFAP or its partners for no financial payment and is of the volunteer's own free will and without coercion. For the purpose of this Policy, volunteer

includes board members and interns as well as any visitor to one of AFAP's or its partner's projects (including study tours, donors, and media personnel).

AFAP Child Protection Policy Adopted by the Board on 6th June 2014

Due for review by June 2017