

OPPORTUNITY INTERNATIONAL AUSTRALIA CHILD PROTECTION POLICY

August 2013

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CHILD PROTECTION POLICY

This policy is current from August 2013 and replaces previous versions.

INTRODUCTION

Opportunity International Australia's (Opportunity) mission is to provide opportunities for people living in poverty to transform their lives. Its vision is to see millions of people lifted out of poverty permanently. Opportunity believes in the fundamental right of all people to be free from exploitation and abuse. It is committed to ensuring child safety in all aspects of its operations. How we care for the most vulnerable among us is an outward expression and evidence of Opportunity's core values of commitment to the poor, humility, integrity, respect, transformation and stewardship.

Child abuse is a global problem that affects both boys and girls. It is deeply rooted in cultural, economic and social practices. Children are abused physically, sexually, emotionally and through neglect. Children are forced to endure the most hazardous forms of child labour, including sweat shops and prostitution. Opportunity recognises that the abuse and exploitation of children happens in all countries and societies across the world. Children living in poverty are particularly vulnerable to the risk of child abuse and exploitation.

Opportunity is committed to the safety and wellbeing of children and to their protection from abuse and exploitation. Opportunity promotes an organisational culture which protects children and upholds the rights of children to grow up safely and enjoy a childhood protected from harm. Opportunity believes that child protection is both a corporate and an individual responsibility. It is the responsibility of Opportunity staff, volunteers, supporters and partners to create and maintain protective environments for children. Opportunity recognises the shared and collective responsibility of all adults to prevent child exploitation and abuse.

Opportunity expresses its concern for the protection of children by developing policies, practices and a code of conduct that provide a framework for protecting children from exploitation and abuse in the delivery of Opportunity's programs. This policy seeks to protect children, the organisation, staff and others by providing clear standards of behaviour in relation to children, a clear process for reporting suspected abuses and a sound basis on which disciplinary action will be conducted. Opportunity is committed to reviewing its Child Protection Policy every five years.

PURPOSE OF THE POLICY

This policy has been developed to provide guidance on how Opportunity will ensure that children are protected from exploitation and abuse across all operations. It outlines measures that safeguard and reduce the risk of children being harmed during visits to programs overseas and promotes a culture of child protection within the organisation. This policy also provides guidance on how to respond to concerns and allegations of child abuse.

As an ANCP-accredited agency¹ and signatory to the **ACFID Code of Conduct**², Opportunity and Opportunity's AusAID-funded partners are obliged to develop and implement an AusAID-compliant child protection policy. Opportunity's staff, volunteers, supporters and partners are obliged to adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include Australian laws³ and international laws and conventions⁴ in relation to all forms of child abuse and child exploitation, including: child sex tourism, child sex trafficking, child labour and child pornography.

GOAL AND OBJECTIVE

The goal of this policy is to protect children from exploitation and abuse of all kinds in the delivery of Opportunity's programs.

The objective of this policy is to create and maintain protective environments for children in the delivery of Opportunity's programs.

SCOPE OF THE POLICY

Protecting children from harm is the responsibility of all those who participate in the work of Opportunity International Australia. In particular, this policy applies to;

- Opportunity personnel, including full-time, part-time, international and national staff
- Opportunity's volunteers, including interns and work experience students
- Visitors to Opportunity's programs overseas
- Partner organisations and contractors engaged by Opportunity to perform any part of an AusAID-funded activity, including consultants, researchers and photographers.

GUIDING PRINCIPLES

The policy is guided by the following principles:

Zero tolerance of child exploitation and abuse

Any form of child abuse and exploitation is unacceptable and will not be tolerated by Opportunity. Opportunity works to reduce the risks of child exploitation and abuse associated with delivering its program and trains its staff on their obligations.

Recognition of the rights of the child

Australia is a signatory to the United Nations Convention of the Rights of the Child (UNCRC) 1989 and Opportunity is committed to upholding the rights and obligations under this convention. Article 19 states "State Parties shall... [1] protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse..."

¹ See AusAID's Child Protection Policy January 2013

<http://aid.dfat.gov.au/aidissues/childprotection/Documents/ausaid-child-protection-policy.pdf>

² See clause B.3.4 of the *ACFID Code of Conduct October 2010*

³ Including the *Criminal Code Act 1995* and the *Crimes Act 1914* and various state and territory legislation.

⁴ Including the *UN Convention on the Rights of the Child*, *Geneva Declaration on the Rights of the Child*, and ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

The UNCRC is the universal foundation for child protection and the fundamental principle of the convention is that children have their own indivisible rights.

Sharing responsibility for child protection

To effectively manage risks to children, Opportunity requires the commitment, support and cooperation of every person who shares in the work of Opportunity—including staff, volunteers, partners and supporters—to take every precaution to protect children within the context of that work. Opportunity will ensure that all staff and relevant stakeholders are made aware of their responsibilities outlined in the Child Protection Policy. Adherence to the Child Protection Policy is mandatory for all staff, volunteers, and contractors engaged by Opportunity.

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 of activities which impact children and are managed for the duration of the activity.

IMPLEMENTATION WITHIN OPPORTUNITY

Increasing staff awareness of child protection obligations under the policy

Opportunity provides personnel with training on child protection issues and on their responsibilities to protect children under this policy, including mandatory reporting of concerns or allegations of child exploitation and abuse. Training is delivered at induction, as well as when the policy is reviewed as part of Opportunity's regular staff training program.

Opportunity staff must:

- Immediately report any concerns or allegations of child exploitation and abuse, and policy non-compliance
- Complete child protection training and as part of that, acknowledge their responsibilities by signing Opportunity's Child Protection Code of Conduct. They must comply with the code of conduct during the course of their employment.

Internal recruitment and screening processes and contract

Opportunity is committed to preventing people from working with children if they pose an unacceptable risk to children. Opportunity's employment contracts contain provision for dismissal, suspension or transfer to other duties for any employee who breaches the Child Protection Code of Conduct.

Opportunity's internal recruitment processes include declarations by all potential employees of any charges, convictions and other outcomes of an offence relating to child exploitation and abuse.

All personnel are required to sign Opportunity's Child Protection Code of Conduct which makes clear Opportunity's standards for behaviour in relation to children and an employment contract which contains provisions for dismissal, suspension or transfer to other duties for any employee who breaches Opportunity's Child Protection Code of Conduct.

Personnel recruited for positions that involve contact with children, either under the position description or due to the nature of the work environment, shall be screened prior to mobilisation through the following procedures:

- Criminal record checks before engagement
- Verbal referee checks
- Interview plans that incorporate behavioural-based interview questions to be used when candidates apply.

Child exploitation and abuse reporting processes

Opportunity has internal procedures for handling reports related to child exploitation and abuse as well as child protection policy and code of conduct non-compliance⁵, and notifies relevant law enforcement agencies as appropriate. These procedures outline obligations and responsibilities of employees, interns, volunteers, contractors, suppliers and donors for reporting on and managing concerns about malpractice, illegal acts or failures to comply with recognised standards of work, including concerns about a child's safety and wellbeing or unacceptable behaviour by personnel.

Concerns should be raised with the Company Secretary who is the nominated executive with responsibility for dealing with concerns raised under Opportunity's Whistleblowing Policy and ensuring that an investigation is conducted. The Company Secretary can be contacted on 02 9270 3300 or at companysecretary@opportunity.org.au

Alternatively, if a disclosure is about a Director or the Company Secretary, concerns can be reported directly to the Chair of Opportunity's Audit and Risk Committee who will decide how the investigation should proceed. The Chair of Opportunity's Audit and Risk Committee can be contacted by emailing auditriskchair@opportunity.org.au

Available sanctions include dismissal, suspension or transfer to other duties for any employee who breaches the child protection policy or code of conduct.

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

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

⁵ See Opportunity's Whistleblowing Policy <O:\Books\Policies\Whistleblowing Policy.pdf>

Use of children's images

Opportunity will portray children in a respectful, appropriate and consensual way, in line with *ACFID Code of Conduct*⁶, *Opportunity's Photography Guidelines*⁷, and *Opportunity's Child Protection Code of Conduct*, including;

- obtaining informed consent from the child and parent or guardian of the child, and explaining how the photograph or film will be used
- assessing and endeavouring to comply with local traditions or restrictions for reproducing personal images
- photographing children with a guardian where possible
- presenting the subject in a dignified, respectful manner, portraying them as equal partners in the development process. Children should be adequately clothed and not depicted as vulnerable or submissive or in poses that are sexually suggestive
- ensuring images are honest representations of the context and the facts
- ensuring file labels, meta data or text descriptions limit identifying information about a child to first name, age and region or city, when sending images electronically or publishing images in any form (for example, not including surnames, school or village).

Visiting programs overseas

Opportunity conducts visits to its programs overseas, for example, monitoring and evaluation visits or Insight Trips for raising awareness about development issues. In order to ensure all reasonable precautions are taken to protect children from people who may wish to exploit or abuse them during those visits, the following guidelines will be adhered to:

- All visits to programs overseas, without exception, will be arranged through Opportunity. Unauthorised visits are when a person visits a community directly or arrives at the overseas partner office, requesting access to clients without the required approvals obtained from Opportunity. In this event, the partner office will be expected to manage the person according to the guidelines outlined in this Child Protection Policy and Opportunity's Child Protection Code of Conduct.
- In preparation for a visit, all visitors will be provided with information concerning appropriate behaviour during visits to programs overseas and will be required to sign Opportunity's Child Protection Code of Conduct before the visit.
- While visiting Opportunity's programs overseas, visitors must be accompanied by an Opportunity and/or overseas partner staff member (or authorised volunteer) at all times. During the visit, a visitor should never spend time with a child unsupervised.
- Any gifts for, or correspondence to, clients and/or their children from Opportunity staff and visitors will be facilitated through and screened by the implementing partner organisation.

Inappropriate behaviour on the part of the visitor toward any child must be addressed immediately. The Opportunity or partner staff member accompanying the visitor will seek the assistance of their supervisor and follow the guidelines established by the Opportunity Child Protection Policy.

⁶ See *ACFID Code of Conduct October 2010* clause C.1.3 Portrayal of local people

⁷ See Opportunity's Photography Guidelines [O:\Books\Manuals, Procedures & Internal briefings\Communications\Photography Guidelines](#)

Appropriate use of communication systems

Using Opportunity systems to access child exploitation material or to engage in online grooming is inappropriate and is dealt with promptly, including reporting of the incident to relevant law enforcement agencies, as appropriate. Opportunity personnel who are aware of child exploitation material on a work computer or other piece of technology⁸ can report this to:

The Australian Federal Police Online Child Sex Exploitation Team (OCSET)

Call: 02 6218 8888

Email: National-OCSET-OMC@afp.gov.au

Website: www.ahtcc.gov.au/tech_crimes_types or www.afp.gov.au

Any inappropriate material should not be discussed, forwarded or deleted without the express agreement of OCSET.

Child Protection Code of Conduct

All visitors to Opportunity's programs overseas and Opportunity personnel, volunteers and AusAID-funded contractors must sign and comply with Opportunity's Child Protection Code of Conduct which sets stringent standards for behaviour in relation to children. Opportunity expects staff to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse in the course of their association with Opportunity.

Reviewing the Child Protection Policy

Opportunity's Child Protection Policy will be reviewed every five years or earlier if warranted, and lessons learned incorporated into subsequent versions. This policy is due to be reviewed in 2018.

OPPORTUNITY'S EXPECTATIONS OF IMPLEMENTING PARTNERS AND CONTRACTORS

Partner organisations and contractors

Partner organisations and contractors engaged by Opportunity to implement AusAID-funded projects are required to develop and implement an AusAID-compliant child protection policy that provides a framework for managing and reducing the risk of child exploitation and abuse. These child protection policies must apply to all personnel, partners and subcontractors who are engaged to perform any part of an AusAID-funded activity. These child protection policies must provide clear guidance and demonstrate how the organisations or contractors, across its operations, will ensure that children are protected from child exploitation and abuse. Personnel need to be aware of the child protection policy and code of conduct (eg through internal communication and training). If Opportunity uses AusAID funds to engage an organisation or individual subcontractor, Opportunity must ensure the organisation or individual subcontractor complies with the relevant child protection standards.

⁸ High Tech Crimes are defined in Commonwealth legislation within Part 10.7 - Computer Offences of the *Criminal Code Act 1995*.

Partner organisations and contractors must have robust recruitment screening processes for all positions that involve contact with children.

Individual contractors

Individuals contracted for positions that involve contact with children are required to sign Opportunity's Child Protection Code of Conduct and ensure they comply with this during their employment. If Opportunity uses AusAID funds to engage an individual subcontractor or organisation, then Opportunity must ensure the individual subcontractor or organisation signs Opportunity's Child Protection Code of Conduct and complies with Opportunity's Child Protection Policy.

DEFINITIONS AND TERMS

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 wellbeing
- **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, pornography⁹.

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, Opportunity 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:

⁹ Fact Sheet No. 12 *What is child abuse and neglect?* National Children's Clearinghouse, Australian Institute of Family Studies.

- 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 labour

In accordance with the International Labour Organisation's International Programme on the Elimination of Child Labour, 'child labour' means 'work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development'. 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; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.'

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, offensive¹⁰.

Child protection

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

Child sex tourism

The commercial sexual exploitation of children by people who travel domestically or internationally, and while there, engage in sexual acts with people under 18 years old.

¹⁰ This definition has been extracted from the *Criminal Code Act 1995*. See Part 10.6 of the criminal code for the full definition.

Child sex trafficking

Children who are lured, kidnapped, sold, transported, threatened, drugged, beaten, imprisoned and forced into having sex with persons over 18 years old.

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.

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).

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.

I, _____, acknowledge that I have read and understand **Opportunity International Australia's Child Protection Policy**, and agree that in the course of my association with Opportunity International Australia (Opportunity), I must:

- treat all children with respect
- 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 intercourse or sexual activity, including paying for sexual services or acts, as defined under **Criminal Code Act 1995**
- wherever possible, ensure that another adult is present when working in the proximity of children
- not invite unaccompanied children into my home or accommodation, 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
- disclose immediately all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with Opportunity that relate to child exploitation and abuse.

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

- obtain informed consent from the child and parent or guardian of the child and explain how the photograph or film will be used
- assess and endeavour to comply with local traditions or restrictions for reproducing personal images
- photograph children with a guardian where possible
- present the subject in a dignified, respectful manner, portraying them as equal partners in the development process. Children should be adequately clothed and not depicted as vulnerable or submissive or in poses that are sexually suggestive
- ensure images are honest representations of the context and the facts
- ensure file labels, meta data or text descriptions limit identifying information about a child to first name, age and region or city, when sending images electronically or publishing images in any form (for example do not include surnames, school or village).

When visiting Opportunity's programs overseas, I will;

- be accompanied by an Opportunity and/or overseas partner staff member (or authorised volunteer) at all times and will not spend time with a child unsupervised
- facilitate any gifts or correspondence to clients and/or their children through the relevant implementing partner.

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

Signed:

Date: