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**Supporting women.
Defeating poverty.**

CARE Australia Child Protection Policy

July 2022



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1. Introduction

Principles

CARE Australia (CA) is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse and exploitation.

Everyone working at or with CA is responsible for the care and protection of children and reporting information about child abuse or exploitation. Where these reports are made, we take a survivor-centred approach and ensure that all processes support child participation.

In all actions concerning children, the best interests of the child shall be the primary consideration.

CA recognises that children in the communities CA works with are a particularly vulnerable group and that these communities must be able to rely on CA's commitment to create a child safe organisation.

CA requires the support and cooperation of everyone we work with to ensure we effectively manage risks to children.

The Board of CARE Australia is accountable for this Child Protection Policy and requires regular reports from leadership and management on policy implementation and risks, to inform their guidance for the organisation.

2. Purpose of policy

The purpose of this policy is to:

- affirm CA's commitment to the welfare of children and their protection from abuse and exploitation
- facilitate the prevention and minimise the risk of child abuse and exploitation occurring in communities in which CA has a presence
- implement an organisational culture that promotes the safeguarding of children
- address the risk that sex offenders may target and seek to infiltrate organisations such as CA and our partnering organisations in order to access children
- ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and exploitation and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs
- provide guidance to staff/volunteers/external service providers/visitors¹ on actions that must be taken where they suspect any child abuse or exploitation
- provide a clear statement to staff/volunteers/external service providers/visitors forbidding any such child abuse and exploitation
- provide assurance that all cases of suspected abuse will be reported and fully investigated
- ensure all personnel involved in CA funded or managed projects are trained in child protection and understand their obligation to protect children when carrying out their work, including implementing this policy.

¹ see details of who this includes under section 3, scope

3. Scope

The policy applies to the following:

- all CA staff, volunteers and interns, including board members, board advisors and board observers (**CA Personnel**)
- all staff, volunteers and interns in CARE International countries for which CA is the lead member; and staff, volunteers and interns in CARE International countries who are directly involved in the delivery of programs or projects managed or funded in whole or in part by CA (collectively referred to as **CARE Partners**)

The terms “**CARE People**” or “**CARE Person**” are used throughout the policy to refer to CA Personnel and CARE Partners.

- external service providers engaged by CA or by a CARE Partner on behalf of CA, who may have contact with children. This includes contractors, advisers, vendors and consultants and any other partners (including downstream partners) or organisations that are funded or subcontracted by CA or a CARE Partner and their respective personnel who may have contact with children (**Partners**).

CA’s commitment to protect the safety and best interests of children includes during visits of CA managed or funded projects by people including donors, government officials or family members of CA personnel (**Visitors**). CA however acknowledges that some of the processes outlined within this policy may not be applicable or practical for those Visitors. Instead, oversight of practices during visits and ensuring the safety of children will be the responsibility of the CA or the management of the CARE Partner who facilitates those visits.

3.1 Partnering with other organisations

CA is committed to ensuring everyone complies with this Policy. This means CARE People and Partners must:

- ensure their personnel understand their obligations to protect children when carrying out their work
- have clear community-based feedback mechanisms that are appropriate to the local context and accessible to all program participants (especially children)
- have clear reporting mechanisms or procedure for their personnel to report concerns of child exploitation or abuse; and
- immediately report any suspected or alleged instances of child exploitation or abuse.

There will be a regular assessment, at a minimum every three years or more frequently as determined by a risk assessment, of the child protection and safeguarding practices of partners, to ensure policies and procedures are being consistently and effectively implemented. This will be done:

- By CA for CARE Partners
- By CARE People for Partners

CARE People will support Partners to strengthen their safeguarding practices, including reviewing their own child protection policies and practices and providing information and

training.

CARE People will also ensure engagement of Partners:

- either adopt this Policy or use a CARE Partner's policy or the Partner's own organisational child protection policy (**Partner's Policy**) if it applies the same standards and requirements
- include a requirement that Partners and their personnel comply with this Policy (or the Partner's Policy where applicable) including the Code of Conduct for the Protection of the Child that is consistent with the standards in this Policy
- expressly provide that failure of the Partner and their personnel to comply with this Policy (or the Partner's Policy where applicable), including a failure to report immediately any suspected or alleged cases of child abuse or exploitation or policy non-compliance, will be grounds for CA to terminate the agreement with immediate effect.

4. Policy details

4.1 Awareness

CARE People will ensure that everyone in scope of this policy understands the impacts of child exploitation and abuse and the factors that can increase vulnerability and therefore risks to children. Knowledge and understanding will be strengthened through training, internal communications and inclusion of child safeguarding activities in processes and workflows.

4.2 Training and development

All CARE People and Partners will receive information relating to CA's Child Protection Policy and Code of Conduct for the Protection of the Child (as outlined in section 4.7 below), where the Partner's Policy and Code of Conduct for the protection of the child are not in use.

Training on child protection and reporting mechanisms will be provided for all new CARE People and Partners at orientation or program induction and regularly repeated (every 2 years).

4.3 Risk assessment

CA's risk approach includes the systematic assessment and management of risks of child exploitation and abuse.

Risk assessments inform the design, planning, implementation and monitoring of program activities so we can ensure they are child-safe.

Specifically, CARE People will:

- Assess the environmental conditions and existing vulnerability of children in the project context
- Determine the nature and extent of contact with children the project activities will involve. Note that contact includes incidental or indirect contact
- Determine whether a child protection and safeguarding assessment is required:

- If there is no contact, including indirect contact, then no risk assessment is required. This decision and approval process should be documented.
- If the program involves working with or contact with children (including indirect contact) then a child protection and safeguarding risk assessment should be conducted. This should include an assessment of existing or new partners and their child protection and safeguarding capacities.
- Define the risk to children and identify what additional controls, if any, are needed to mitigate the risk. This decision and approval process should be documented.
- Schedule, track and report on when controls are in place and assess if they are effective in program or performance reporting
- Review and update risk registers yearly or more frequently in the event of a major change to the operating environment

4.4 Survivor-Centred Approach

CA is committed to a survivor-centred approach in our engagement with those who have experienced abuse or exploitation. This means that where the survivor is a child, we take a child-centred approach, while recognising and supporting the family context of the child, whatever form that may take. All actions will be appropriate to the developmental stage of the individual child and their circumstances.

The child has a right to:

- privacy and confidentiality
- be treated with dignity and respect and victim-blaming attitudes will not be tolerated
- have comprehensive information provided to them and their family in age-appropriate language and through an interpreter if necessary
- participate in decision making about the course of action in dealing with the abuse or exploitation, appropriate to their age and developmental stage and together with their family or trusted support person (as defined in consultation with the child)
- not be subject to discrimination based on any characteristic, for example gender, age, race/ethnicity, religious beliefs, family or social background, employment status, ability, sexual orientation, HIV status or any other characteristic
- be asked about what makes them feel safe and unsafe, and have an environment of trust created for and with them, to encourage them to feel powerful enough to express if they are worried about the process or feeling unsafe.

CARE People will refer victim-survivors to support agencies and emergency care / counselling providers and cover costs/basic needs assistance as appropriate. CARE People will work with established government structures to support the response to children where safe to do so.

4.5 Recruitment and selection

CARE People will not knowingly employ or engage anyone who poses a risk to children. CA is committed to preventing a person from working with children if they pose a risk to children.

CARE People will adhere to strict guidelines in the recruiting process of personnel. The

recruitment guidelines will be reviewed and updated regularly to ensure they accurately reflect appropriate child-safe recruiting and screening standards.

The recruitment guidelines include the following recruitment screening processes:

- A statement that confirms CARE's commitment to child protection in all job advertisements and job descriptions.
- Candidates will be provided with access to the CA Child Protection Policy (or CARE Partner's Policy) and Code of Conduct for the Protection of the Child during the recruitment and onboarding process.
- All interviews will include child protection questions. For positions which involve contact with children interviews will include behavioural questions that are specific to these types of positions.
- Documented verbal reference checks must be conducted for all positions which involve contact with children.
- All applicants must be requested to disclose whether they have been charged with child exploitation offences.

4.5.1 Criminal record checks

Criminal record checks will be conducted for all CARE People personnel, regardless of whether or not they work with children, and for Partners who may have contact with children. Checks must be conducted for each country in which the individual has lived for 12 months or longer over the previous 5 years, and for the individual's countries of citizenship.

In limited circumstances, where it is impossible or causes risk to the applicant to obtain a reliable criminal record check, a statutory declaration, or local legal equivalent, may be accepted instead. This document must include any charges and spent convictions, child exploitation or other serious misconduct. Rigorous referee checks will also be conducted in these circumstances.

Criminal record checks will also be undertaken for existing CARE People and Partners if they are involved in a criminal activity, or are the subject of disciplinary procedures or legal proceedings relating to child exploitation and abuse - which they must declare to CA or the CARE Partner - and when they apply for positions internally.

CARE People and Partners must inform the CA Director of Strategy and Enabling Services in writing immediately if any of the personnel is alleged to have committed or been arrested for, or convicted of, criminal offences relating to child abuse (including child pornography) or exploitation.

4.5.2 Persons who pose a risk to children

CARE People will not employ or engage a person who poses a risk to children and will not employ or engage a person if their criminal record check (or declaration/reference checks where criminal checks cannot be obtained) includes convictions or sentences for:

- sexual offences against a child or an adult
- violent offences against a child or an adult
- any child abuse offence
- stalking of a child
- serious drug offences (trafficking a drug or supply of a drug of dependence² to a

² The term 'drug of dependence' is used to describe medicines that have a recognised therapeutic need

- child)
- family and domestic violence offences.

If the candidate's criminal record check includes other offences or sentences, CARE People seeking to engage the person will undertake a risk assessment to decide whether the candidate poses a risk to children.

4.6 Code of Conduct

All CARE People, Partners and Visitors will be required to sign and adhere to the Code of Conduct for the Protection of the Child (see **Annex 2**).

CARE People's employment contracts will contain provisions for immediate suspension of any employee who is under investigation for breaches of this policy or the Code of Conduct for the Protection of the Child.

CA's engagement documentation for Partners will also make it clear that breaches of the CA child protection policies and procedures, and breaches of the Code of Conduct for the Protection of the Child, will be regarded as serious matters attracting sanctions up to termination.

4.7 Use of child photos, images, videos and information

Photos, images, videos or other likenesses of children and/or personal information related to children that could compromise their care and protection or be considered exploitative will not be made available through any form of media, including social media and any encrypted messaging platform. Images of children are not to be accompanied by detailed information relating to their place of residence. Images with corresponding text which may identify a child should be removed.

When photographing or filming a child or using children's images for work-related purposes, all CARE People, Partners and Visitors must:

- Before photographing or filming a child, obtain informed consent from the child and parent or guardian of the child.
- Ensure this informed consent includes explicit risk information relevant to the context, particularly where people are highly stressed or on the move.
- Explain to the child and parent or guardian how the photograph or film will be used, in age-appropriate language and with an interpreter if necessary.
- Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child.
- Ensure photographs, images and videos present children in a dignified and respectful manner and not in a vulnerable, disempowering or submissive manner.
- Ensure children are adequately clothed and not in poses that could be seen as sexualised or submissive.
- 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.
- Explain that consent to use an image may be revoked if they change their mind.

but also a higher potential for misuse, abuse and dependence and therefore are subject to trafficking.

4.8 Reporting

CARE People and Partners will ensure that their personnel and the communities (including children) in which CA manages or funds programs, are clear about the steps to take when concerns arise regarding the safety of children.

Each CARE Partner and Partner will have a country-specific child protection reporting procedure that takes into account the local context.

Reports can be made by any person through CARELine

<http://www.care.ethicspoint.com>

Any allegation, belief, suspicion or disclosure of child abuse and exploitation or any non-compliance with this policy or the Code of Conduct for the Protection of the Child must be reported immediately to CA and, where required, to the Australian Department of Foreign Affairs and Trade (DFAT).

Reports to DFAT will be made by the CA Director of Strategy and Enabling Services or person with delegated responsibility, as per the DFAT Child Protection Policy.

4.8.1 Incident reporting

It is mandatory for any CARE Person or Partner who is aware of an allegation, belief, suspicion or disclosure of child abuse or exploitation (past or present) by a CARE Person, Partner or Visitor to report this immediately to CARE. This is done via a Safeguarding Focal Point, Human Resources Manager, the Country Director of a CARE Partner (Country Director) or the CA Director of Strategy and Enabling Services, or through CAREline.

The CA Director of Strategy and Enabling Services or the relevant Country Director (or their delegates) will determine the appropriate follow up. Where there are mandatory reporting requirements, CA's Director of Strategy and Enabling Services and the relevant Country Director will ensure that the mandatory reporting requirements are complied with.

If a child reports an incident, the child/young person must be taken seriously and listened to carefully. Once an allegation or disclosure is made there should be an immediate response, engaging the child and safe adult/s, to protect the child from further potential abuse, exploitation or victimisation.

Where appropriate, the family of the child victim should be informed of the allegation and action proposed and they should be consulted, where appropriate, as to the process to be followed.³ This process will be steered and guided, in consultation with the survivor, by the CA Director of Strategy and Enabling Services and the Country Director in Country Offices.

4.8.2 Document the incident

An allegation can be made directly through a community-based feedback mechanism.

If a disclosure is made to a CARE Person or Partner, they will fully document the allegation, including the time, place, witnesses, ensuring that any allegation and the details of the allegations are documented using the complainant's own words. This report should be

³ There needs to be consideration about what treatment the child will receive from his or her family or from local authorities e.g. will the child be victimised, criminalised or ostracised.

documented immediately (within a period of 24 hours of the disclosure) and may be relevant in legal proceedings if charges result from the incident.

All reports should be submitted to the CA Director of Strategy and Enabling Services and the Country Director.

If the incident occurs in Australia or involves an Australian citizen or Australian resident, the CA Director of Strategy and Enabling Services will consult with legal counsel and appropriate bodies (e.g. Australian Federal Police, ECPAT, relevant Commonwealth and State or Territory government departments) to determine the appropriate process for responding to the incident.

The CA Director of Strategy and Enabling Services will inform the CEO and the Chair of the Board in a timely fashion.

4.8.3 Report follow-up

At the conclusion of any response to a disclosure or allegation, the person who made the report, and survivor if they are not the same person, should be provided an opportunity to give feedback about the reporting process.

Where any person has made a report and believes insufficient action has been taken, that person is encouraged to have initial follow-up with the Country Director or the Safeguarding Focal Point in the first instance. Should the person continue to believe that insufficient action has been taken, further follow up may also be directed to the CA Director of Strategy and Enabling Services and if appropriate to the Chief Executive Officer through the Whistleblower Policy, or to CARE Line.

4.9 Responding to reports

CA will ensure that action is taken to support and protect children where concerns arise regarding possible abuse or exploitation.

When responding to allegations, CA has a responsibility to ensure CARE People, Partners and Visitors are treated fairly, and that the rights of each individual are respected during an investigation and any applicable disciplinary process.

CA will ensure that anyone responsible for receiving reports understands how to carry out their duties and handle them in a safe and confidential manner. All actions will be informed by an assessment of risk to all those involved.

Information will only be shared with those of the appropriate function who need to know such information.

The CA Director of Strategy and Enabling Services and Country Director need to make an assessment about whether the report includes an allegation of suspected child abuse or exploitation or non-compliance with the Child Protection Policy or Code of Conduct by a CARE Person. If the report includes such an allegation, then an investigation is to be undertaken. If not, the Complaints policy will be followed.

Other actions following this decision include notification of any relevant donors (including DFAT) and other relevant authorities, including the police. Notification of donors should be done irrespective of the finding.

Professional counselling support will be made available to all CARE People involved.

4.9.1 Person of Interest

The person of interest/ alleged perpetrator will be stood down while an investigation takes place. CA personnel stood down receive full pay and CA will apply procedural fairness when making decisions that affect a person's rights or interests.

4.9.2 Confidentiality

Confidentiality is crucial to a safe, fair and effective reporting procedure.

It is unacceptable (and potentially defamatory) for concerns of child abuse or any information related to an allegation or disclosure of abuse to be shared outside the reporting process.

All participants must understand the importance of following the set reporting lines when concerns arise. Confidentiality protects the child, the notifier, the respondent and the organisation, and ensures a fair and proper process.

4.9.3 Investigation of allegations

Physical and/or sexual abuse of a child is a crime. CARE People or Partners will notify authorities in the alleged abuser's country of origin as well as the host country when there are reasonable grounds for reporting abuse, with the safety of victim-survivors as primary consideration.

If there is an external body involved in the matter, such as the police or a regulatory body, CARE People should ask that body how they want CARE People to proceed before they undertake any internal investigation. If the external body's directions are consistent with the intent of this policy and the law, any investigation undertaken by CARE People will be subject to those directions.

Allegations made overseas will need to consider national legislation or internal procedures to investigate and address the allegations.⁴

Internal investigations will comprise a confidential, thorough, impartial and prompt process. The investigation may consist of interviews with witnesses and others as appropriate, collection of information about the alleged conduct, gathering of documentation, or other procedures as appropriate and in-line with investigation protocols.

The individual alleged to have violated this policy must be made aware of the allegations made against them in sufficient detail and must be allowed a reasonable opportunity to respond to each of the allegations. CA will make a determination when the investigation is completed.

In some cases, an external investigation may be commissioned, as decided by the CA Director Strategy and Enabling Services or the Country Director. This will be based on such factors as severity or complexity of the allegations, availability of staff with the skills to undertake investigations and likelihood of legal action.

4.9.4 Investigation recording

Based on the information collected as part of the investigation, the investigator will

⁴ Consideration needs to be given how the local authorities will treat the alleged perpetrator (e.g. torture, death penalty, corrupt justice systems) as well as the child (e.g. will the child be victimised, criminalised or forced to undergo medical checks).

prepare a comprehensive report setting out their findings as well as the evidence supporting the findings. Information collected as part of an investigation should be attached to the investigation report and stored in an appropriate location to maintain confidentiality.

4.9.5 Report Finding

Following the completion of the investigation and the preparation of the report, a determination is made by the CA Director of Strategy and Enabling Services and Country Director about whether the allegations against the CARE Person are substantiated or unsubstantiated. If the matter is substantiated, they or their delegate will outline disciplinary action to be undertaken by the relevant management and governance bodies to which the CARE Person is accountable. This disciplinary action may include a range of sanctions up to and including termination based on the seriousness of the breach.

4.9.6 Reprisal

CARE People will not tolerate any form of coercion, intimidation, reprisal or retaliation against any person who reports any form of abuse or exploitation, provides any information or other assistance in an investigation, as outlined in the CA Whistleblower Policy.

5. Related Policies and Procedures

- Code of Conduct for the Protection of the Child (Annex 2)
- CI Safeguarding Policy (2020)
- CA HR Policy Manual
- CA Health and Safety Policy
- CA Prevention of Harassment and Discrimination Policy
- CA Whistleblower Protection Policy
- CI Policy on Fraud and Corruption
- CA Risk Management Policy
- CA Misconduct Investigation Protocol
- CA Child Protection Guidance Note - Partnering With Other Organisations (December 2020)
- CA Child Protection Guidance Note - Engaging External Services (March 2020)
- CA Child Protection Guidance Note - Recruitment and Selection (December 2020)
- CA Reporting Sexual Harassment, Exploitation, Abuse and Child Protection Concerns
- CA Reporting & Investigation Procedure – Sexual Harassment, Exploitation, Abuse and Child Protection (November 2021)
- CA Complaints Policy

6. Supporting documents and references

6.1 Legislation

- Commonwealth anti-discrimination laws
- Fair Work Act (Cth)
- Human Rights Charter (Vic and ACT)
- Work Health and Safety Act (ACT)
- Occupational Health and Safety Act (Vic)
- Commonwealth Criminal Code Act
- Crimes Act (Vic) [including: bullying, grooming, stalking, rape, sexual offences, family violence, child pornography]
- Personal Violence Act (ACT) [stalking, family violence]
- Crimes Act (ACT) [including: grooming, stalking, sexual offences, pornography]
- Crimes (Child Abuse Material) Regulations (Vic)
- Crimes (Child Pornography) Regulations (Vic)
- Crimes (Extra-Territorial Offences) Regulations (Vic)

6.2 CARE Australia and CARE International documents

- CA Values and Code of Conduct
- CI Safeguarding Policy
- CA Whistleblower Policy

6.3 Annexures

1. Child Protection Requirements for CARE People
2. Code of Conduct for the Protection of the Child
3. Acknowledgment of the Code of Conduct for the Protection of the Child

7. Policy owner

CARE Australia CEO, on behalf of the CA Board

8. Implementation and communications

This policy will be communicated on CARE's organisational platform. It will also be communicated externally through CA and CARE Partners' websites.

All CARE People and Partners will be provided a copy of this policy (or access to it) and will be required to agree and sign the Code of Conduct.

9. Policy details

- Date of the policy: July 2022
- Version history of the policy: Version 1 (major revision of previous Child Protection Policy 2021-2022)
- Schedule for review of the policy: CA will review this policy every three years or earlier if warranted, such as by legislative changes, context change or continuous improvement arising from incident management and follow up. This policy must be approved by the Board.

10. Definitions

Child is defined as a person under the age of 18 years.

Child abuse is abuse that results in actual or potential harm to the child's health, development, or dignity in the context of a relationship of responsibility, trust or power. This may include physical abuse, neglect, emotional abuse, sexual abuse or ill-treatment. Abuse may be perpetrated by an adult, a young person or another child.

Child exploitation (involves one or more of the following):

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

Child Labour is 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/or
- 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 Sexual Abuse is any form of sexual activity with a child. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.

It may include, but is not limited to, contact or non-contact activities, the inducement or coercion of a child to engage in any sexual activity, the use of a child in prostitution or other sexual practices, or exposing a child to online sexual exploitation material, the use of children in pornographic performances and materials, or taking sexual exploitative images of children.

Child sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes. Acts may involve possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material, including child pornography, or recruitment, transportation or receipt of children for the purpose of exploitation, by means of threat, force or other forms of coercion. People engaged in child sexual exploitation may seek to profit monetarily, socially or politically from the sexual exploitation.

Contact with children refers to roles or activities that involve or may involve direct contact with children, either under the position description or due to the nature of the work environment, or the access to and handling of children's information. Hiring managers, with the support of Safeguarding Focal Points where required, are responsible for determining if positions have contact with children.

Emotional abuse is 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, mental health or social competence.

Grooming refers to behaviour that makes it easier for a person to engage in sexual harassment, exploitation or abuse of another. It involves the use of a variety of manipulative and controlling techniques with a vulnerable subject, those around them and the environment, in order to establish trust or normalise sexually harmful behaviour, with the overall aim of facilitating exploitation and/or prohibiting exposure or providing means of justifying or denying their actions. Various forms of information and communications technology may also be used in grooming behaviours.

Ill-treatment refers to the disciplining or correcting of a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child.

Neglect is 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.

Physical abuse refers to non-accidental physical harm, threats or risk of physical harm, to a child by an adult. Physical abuse may be intentional or may be the unintended result of physical punishment or excessive discipline.

It can be a single act or repeated acts, and does not always leave visible marks or injuries.

Substantiated means that following an investigation, an allegation is likely to have happened, supported by the evidence.

Unsubstantiated means that following an investigation, an allegation not supported or proven by the evidence.

Working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering and other unpaid work.

● **Annex 1**

Child Protection Requirements

Project Risk management processes must incorporate child safeguarding and protection assessments, and the following must be implemented (adapted to the local contexts in collaboration with local stakeholders as appropriate):

- a Child Protection Policy that adopts or is consistent with CA's standards set out in CA's Child Protection Policy⁵
- child-safe recruitment and screening processes, including criminal record checks consistent with CA's standards set out in CA's Child Protection Policy prior to engagement, targeted interview questions and verbal referee checks, for all personnel (including volunteers and interns) who will be working with children
- clear community-based feedback mechanisms that are locally adapted and accessible to all program participants
- a documented child protection complaints management procedure
- regular provision of child protection training for relevant personnel
- a Code of Conduct for the Protection of the Child that must be signed by all personnel (CARE People and Partners) and Visitors
- a provision in all contracts of engagement that the organisation has the right to suspend (with or without pay) or transfer the employee to other duties if the employee is under investigation for a breach of the Child Protection Policy or Code of Conduct for the Protection of the Child and provisions to take administrative sanctions ranging from reprimand to dismissal if an employee is found to have breached the Child Protection Policy or Code of Conduct for the Protection of the Child
- a documented policy compliance regime, including specified sanctions for breaches
- a reporting mechanism where the CA Director of Strategy and Enabling Services is informed immediately in writing if any of the personnel is alleged to have committed, or been arrested for, or convicted of, criminal offences relating to child abuse or child pornography.

⁵ This will involve Country Offices adopting and endorsing the CA Child Protection Policy.

● **Annex 2**

Code of Conduct for the Protection of the Child

Child abuse and exploitation is unacceptable and CARE People and Partners⁶ are committed to abiding, upholding and promoting appropriate risk-based child protection standards at all times. CARE People will provide guidance for CARE People, Partners and Visitors to meet these standards. Any instances of alleged abuse or exploitation will be immediately reported, investigated and the appropriate action taken.

CA's capacity to ensure the protection of and assistance to the children that we work with, depends on the ability of CARE People and Partners to uphold and promote the highest standards of ethical and professional conduct. CARE People and Partners are personally and collectively responsible for and committed to abiding, upholding and promoting appropriate child protection standards at all times. Managers have a particular responsibility to uphold these standards, to set a good example, and to create a working environment that supports and empowers CARE People and Partners.

It is recognised that CA's work (and the work of its partners) often puts its people in positions of trust or power in relation to children that we work with. CARE People, Partners and Visitors have an obligation not to abuse this trust or power.

This Code of Conduct is intended to serve as a set of clear rules, so that CARE People and Partners can make the ethical decisions they must make in their professional lives, and at times in their private lives.

While acknowledging that local laws and customs may differ from one country to another, the Code of Conduct for the Protection of the Child is based on international legal standards.

The Code of Conduct for the Protection of the Child applies to all CARE People and Partners, who will be required to sign it to acknowledge their understanding of it. Any breach of the Code of Conduct will be treated as a serious concern and may result in disciplinary action or dismissal, in accordance with CA's disciplinary procedures.

All CARE People and Partners are responsible for encouraging, advocating and promoting the dissemination of the Code of Conduct for the Protection of the Child. They also have a role in implementing, monitoring and enforcing its standards and should encourage everyone to adhere to these standards and to join CA in upholding them.

As a CARE Person or Partner, I commit myself to:

1. Treat all children fairly, with respect and dignity

- 1.1. I will treat all children with respect regardless of race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth status or other status.
- 1.2. I will always seek to care for and protect the rights of children, and act in a manner that ensures that their best interests shall be the paramount

⁶ CARE People, Partners and Visitors are defined in the CARE Australia Child Protection Policy

consideration.

2. Uphold the integrity of CARE, by ensuring that my personal and professional conduct is, and is seen to be, of the highest standard.

- 2.1. I will demonstrate integrity, truthfulness, dedication and honesty in my actions. I will be patient, respectful and courteous to all persons with whom I deal in any capacity, including children.
- 2.2. I recognise that my personal conduct will reflect on CARE's reputation and may impact on community perceptions, therefore I will refrain from inappropriate behaviour that may be compromising or detrimental to CARE.
- 2.3. I understand that the onus is on me, as a person associated with CARE Australia, to avoid actions or behaviours that could be construed as child exploitation and abuse.
- 2.4. I will be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse.

3. Safeguard and make responsible use of the information and resources to which I have access by reason of my employment or engagement with CARE.

- 3.1. I will protect, manage and utilise CARE human, financial and material resources appropriately. I will never use CARE resources to exploit or harass children or access child pornography.
- 3.2. When photographing or filming a child or using children's images for work-related purposes, I must:
 - Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child.
 - Before photographing or filming a child, obtain consent from the child and parent or guardian of the child. When obtaining consent, I must explain how the photograph or film will be used.
 - Ensure photographs, images and films present children in a dignified and respectful manner and not in a vulnerable, disempowering or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexualised or submissive.
 - 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.
- 3.3. I will exercise due care in all matters of official business, and not divulge any confidential information about a child and other work-related matters in accordance with the regulations and rules and current guidelines.

4. Prevent, oppose and combat all exploitation and abuse of the child.

- 4.1. I will not abuse children, including physical and sexual abuse and exploitation.
- 4.2. I undertake not to abuse the power and influence that I have by virtue of my position over the life and well-being of a child.

- 4.3. I will report suspicions, concerns or allegations of child exploitation and abuse by any CARE Person, Partner or Visitor.
- 4.4. I will not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- 4.5. I will never request any service or favour from a child in return for protection or assistance. I will never engage in any exploitative relationships – sexual, emotional, financial or employment-related – with a child.
- 4.6. I will 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.
- 4.7. Wherever possible, I will ensure that another adult is present when working in the proximity of children.
- 4.8. I will not invite unaccompanied children into private residence, unless they are at immediate risk of injury or in physical danger.
- 4.9. I will 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 (noting that this does not apply to an individual's own children).
- 4.10. I will not be under the influence of alcohol or drugs while engaging with an unsupervised child (noting that this does not apply to an individual's own children).
- 4.11. I will not use physical punishment on children. I will not engage in behaviour to shame, humiliate, belittle or degrade a child or young person or otherwise emotionally or psychologically abuse a child or young person including exposing them to family violence.
- 4.12. I will not use any computers, mobile phones, video cameras, cameras or social media inappropriately, and will never use them to exploit or harass children or access child exploitation material through any medium.
- 4.13. I will not inappropriately use social media to contact, access, solicit or befriend a child involved in a project or activity funded or managed by CARE and misuse images of those children on personal social media sites (e.g. publishing them online).

5. Refrain from any involvement in criminal or unethical activities, activities that contravene human rights, or activities that compromise the image and interests of CARE.

- 5.1. I will neither support nor take part in any form of illegal, exploitative or abusive activities, including, for example, child labour, child pornography and trafficking of human beings and commodities.
- 5.2. I will not engage children under the age of 18 in any form of sexual intercourse

or sexual activity, including paying for sexual services. This is regardless of the local age of consent, i.e. the local or national laws of the country in which I work. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a relationship may lead to disciplinary action pursuant to CA's policies and procedures. I will comply with all relevant Australian and local legislation, including labour laws in relation to child labour.

6. Disclosure and transparency

- 6.1. I will immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with CARE, that relate to child exploitation and abuse, including under traditional law.
- 6.2. I will report the following changes in circumstances to management:
 - involvement in criminal activity;
 - disciplinary procedures;
 - charges, criminal or civil court proceedings relating to child exploitation and abuse.

7. Reporting all concerns, suspicions or allegations

- 7.1. I will immediately report concerns, suspicions or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures.

- **Annex 3**

Acknowledgement Code of Conduct for the Protection of the Child

I acknowledge that I have received, read and understand CARE Australia's Child Protection Policy and Code of Conduct for the Protection of the Child and agree to abide, uphold and promote appropriate risk based Child Protection standards at all times.

I also understand that any breach of the Code of Conduct for the Protection of the Child may result in disciplinary action or dismissal, in accordance with CARE Australia's disciplinary procedures and could also result in criminal prosecution.

(PRINT NAME)

(SIGNATURE)

(DATE)

ອົງການແຄຣ໌ ນານາຊາດ ປະຈໍາ ສປປ ລາວ

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