

Child Protection Policy for Partners

1. Introduction

Abt Associates is a child safe organisation. As such it maintains zero tolerance towards child exploitation and abuse in any form. The safety and best interests of the child are paramount in every activity Abt Associates engages in.

Abt Associates expects that the organisations it partners with when implementing program activities (herein referred to as **Partners**) uphold the same high standards in relation to child protection and ensure full adherence to local legislation and relevant international child protection instruments (including those referenced in **Annex C**).

The purpose of this document is to clearly define the expectations Abt Associates places on its Partners in relation to establishing a child-safe environment. As Abt Associates, we engage with our Partners through a contractual agreement, whether it is a grant agreement, subcontract or other agreement type. Where applicable, the agreement will stipulate that the contracted Partner and its personnel, consultants, subcontractors and the like engaged on the activity must comply with this Child Protection Policy for Partners.

2. Terminology

A child, for the purposes of this document, is any person under the age of 18 years of age. Other terminology often used in the context of child protection is explained in the glossary at **Annex D**.

4. Obligations of our Partners

In order to work with Abt Associates, and by signing a contractual agreement referencing this Policy, our Partners commit to meeting the following obligations in relation to child protection:

- Understand the applicable child protection standards and ensure compliance
- Commit to collaborate with Abt Associates in the implementation of best practice child protection standards
- Reporting
- Investigate and/or support the investigation of incidents.

First Commitment – Compliance with Child Protection Standards

Abt Associates has adopted the DFAT child protection standards (accessible on DFAT's website) across its activities, whether funded by DFAT or other donors. Partners of Abt Associates, and their downstream partners on a particular activity, are required to operate in a child safe manner and in compliance with these child protection standards.

The exact child protection standards that a Partner of Abt Associates has to meet for a particular activity will be determined and documented at the beginning of the partner engagement process, by way of undergoing an initial Child Protection Risk Assessment.

However, there are certain requirements that all Partners, regardless of the risk level, have to meet, namely the following:

Minimum standards all Partners must meet

- All Partners must ensure that satisfactory **police checks**¹ are obtained for all its personnel working with, or in contact with children, during delivery of the activity;
- All Partners involved in the delivery of the activity must express their personal commitment to children's protection and wellbeing by signing a **Child Safe Code of Conduct**. Partners may either sign the Abt Associates provided Code of Conduct (**Annex B**) or an equivalent code used by the Partner that complies with the Child Protection – Professional Behaviours document provided under DFAT's Child Protection Policy;
- All Partner personnel involved in the delivery of the activity must complete Abt Associates' video-based **child protection training** provided during the engagement process².

Additional standards must be met by Partners depending on the outcome of the child protection risk assessment, which will result in a risk level being assigned to an activity that is either low, medium or high.

Low risk activities

Low risk activities are generally those that do not involve working with or contact with children (refer to definition and examples under **Annex D**). Partners implementing low risk activities must meet the minimum requirements set out above, plus potentially other requirements if such are identified as necessary and documented during the risk review (risk-based approach).

Medium risk activities

Activities that involve or may involve contact with children either due to the position description or nature of the work environment are generally classed as medium risk for child protection (refer to definition and examples under **Annex D**). Where an activity is assessed as medium risk, the Partner must, in addition to the minimum requirements for all Partners set out above, meet the following:

- The Partner must prepare and submit a Child Protection Implementation Plan using the template provided by Abt Associates. The plan will set out what steps the Partner will undertake to ensure their compliance with the DFAT Child Protection Minimum

¹ In limited circumstances, where a country does not provide a police check of adequate reliability or a police check cannot be obtained, a statutory declaration/local legal equivalent should be obtained instead.

² Exception – partners engaged on high risk activities are required to have their own child protection training in place. Abt Associates will work with the partner to develop and/or conduct training where necessary.

Standards insofar as they apply. Where requested, Abt Associates can assist with the development of the plan.

Further requirements for medium risk activities may be identified and documented as part of the risk review to ensure a child-safe environment (risk-based approach).

High risk activities

High risk activities include being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and not incidental to it (refer to definition and examples under **Annex D**). Where an activity is assessed as high risk, the Partner is required to:

- Develop and implement their own child-safe approach to program delivery that meets the minimum standards required under DFAT's Child Protection Policy. These standards include having a compliant child protection policy, child safe code of conduct and related procedures. The same applies to all downstream partners engaged by the Partner to support a high risk activity. The managing (first tier) Partner must ensure any downstream partners also comply with the minimum child protection standards.

Abt Associates will review Partners' adherence to the child protection standards via desk based assessments to assist in identifying potential gaps and areas where further support may be required. The assessment will be used to inform a child protection implementation plan which Abt Associates and the Partner will use to manage and mitigate risks associated with the activities to the extent possible.

Abt Associates will work together with the Partner to ensure the implementation plan is prepared at the time of or within 30 days of contract signing. Where required, Abt Associates will provide additional capacity building and support for Partners, including through the following:

- Delivery of child protection training; this may include training for Partner personnel, for workers engaged under a specific activity, or for child protection focal point/s, as well as development of child protection training materials;
- Provision of child protection toolkits containing key guidance notes, resources and templates;
- Referrals to external providers/support services; and
- Policy review.

Second Commitment – Engagement with Abt Associates on Child Protection

Abt Associates will work progressively with Partners on child protection and other areas of risk as part of the regular partnership (contract) management process. The Partner commits to engaging collaboratively with Abt Associates' personnel in order to implement this Child Protection Policy for Partners, and to undertake what is reasonably necessary to ensure that a child safe environment is maintained.

Third Commitment – Reporting of incidents

All Partners of Abt Associates must immediately report to Abt Associates any suspected or alleged case of child exploitation or abuse which the Partner becomes aware of. The Partner must also report any incidents of non-compliance with this Partner Policy and, where applicable, the Partners' own child protection policy and code of conduct.

Reports should be made to the Abt Associates program-specific point of contact or alternatively to the Abt Associates Child Protection Officer or Specialist with contact details as provided under **Annex A**.

The Partner must report any child-related incidences it becomes aware of, whether they have occurred within their organisation or in relation to an employee or representative from another organisation, government agency or similar. It may also be that a child approaches a Partner representative to report an incident of child exploitation or abuse against themselves or another child. In any such instance, the child must be taken seriously and listened to carefully. Consideration for the child's protection, safety and welfare must always be the overriding concern. Any actions taken as a result of an alleged or suspected incident should always be aimed foremost at supporting and protecting the child. Where there is a conflict of interest, the needs of the child must always be paramount.

When reporting a concern or allegation relating to child exploitation, abuse or policy/code of conduct non-compliance, Partners should endeavour to provide as much information as possible, including:

- Date/s of incident/s
- Alleged offender's details including their name, organisation (if applicable), position and program on which they are engaged
- Details of the alleged incident/s
- Any other relevant information

Reporting is encouraged even if not all of the above information is available.

Where a Partner has already reported, but becomes aware of additional information, the Partner must also report that information.

Fourth Commitment – Investigations of Suspected Child Exploitation, Abuse or Non-Compliance

Abt Associates will treat all reports seriously and will act upon them fairly and without bias in accordance with pre-formulated escalation procedures involving Abt Associate's senior management. Investigations will commence without undue delay.

In determining the most appropriate course of action, Abt Associates will take into account the local situation, legal and social welfare systems as well as the alleged offender's country of origin amongst other relevant factors.

Abt Associates may require that an individual under investigation be suspended from their normal duties or transferred to other duties during the investigation process. Partners must

ensure that they can implement such a request by including appropriate provisions in their personnel contracts.

Abt Associates will consider referring matters to local law enforcement agencies if reported behaviour sufficiently supports the assumption that a criminal offense has been committed.

5. Consequences of breach

Where a Partner is found in breach of their commitments under this Partner Policy this may result in termination or suspension of their funding/payments, in addition to further remedies as per the terms of the contractual agreement and as available in accordance with the law.

6. Treatment of information

Abt Associates will treat all information it receives from a Partner pursuant to this Policy confidentially and in accordance with applicable laws including the *Privacy Act 1988 (Cth)*. Abt Associates will communicate received information on a “need to know” basis, by making it available only to those who have a legitimate interest in receiving the information.

7. No Reprisal

Abt Associates expects of its Partners that they have policies and processes in place that ensure that any form of coercion, intimidation, reprisal or retaliation against a person reporting a child-related incident are not tolerated, and that appropriate disciplinary action is taken against anyone who engages in such behaviour.

8. Policy Compliance

Abt Associates will monitor Partner compliance with this document and with DFAT’s Child Protection Policy requirements through audits and spot checks in accordance with terms stipulated under the contractual agreement.

9. Review Period

Abt Associates will review this document every three years, or earlier as warranted, and issue updated versions to our Partners for their consent.

ANNEX A:

Child Protection Context in Papua New Guinea

Acknowledging the complexity of ensuring the protection of children, Abt Associates adapts its approach to suit the varying needs and contexts of the countries where we operate. Abt Associates takes into account the unique demographic factors and appreciates the strong influence of custom, tradition and religion in PNG, and how this may shape responses presenting both opportunities and challenges in the child protection space. Research has shown that it is not possible to help transform harmful attitudes and practices without addressing the underlying issues that perpetuate these behaviours. Therefore, Abt Associates recognises that for child protection systems to be effective, a collective responsibility by all parts of society including families, communities, institutions and government is of vital importance. This must also include participation of implementing organisations such as Abt Associates and its Partners.

A range of government and non-government agencies are already making significant efforts to address the high levels of neglect, child exploitation and abuse experienced by Papua New Guinean children. Abt Associates aims to build on these efforts by working with partners and communities in PNG to support strengthening of child protection systems and to design and implement meaningful programs and activities through respectful and culturally appropriate engagement.

Contact Points for Child Protection Reporting

Reports should be made to the Abt Associates program-specific point of contact (for example the partnership manager).

ANNEX B - Abt Associates Child Safe Code of Conduct for Partners

Overview

This Child Safe Code of Conduct articulates the behavioural expectations in relation to working with children for the purposes of undertaking program delivery activities. It serves as a guide for all Partners of Abt Associates to make ethical decisions in their professional lives, and at times in their private lives. For the purposes of this Code of Conduct, a child is any person under the age of 18 years.

Any breach of this code will be taken seriously and may result in administrative actions or termination of the contractual agreement with Abt Associates.

All Abt Associates Partners are responsible for encouraging, advocating and promoting the dissemination of this Child Safe Code of Conduct. When carrying out duties for the delivery of activities, Partners of Abt Associates have a role in implementing, monitoring and enforcing the Child Safe Code of Conduct standards and to join Abt Associates in upholding them.

Commitment

In my capacity as the representative of an Organisation that is partnering with Abt Associates for the purpose of delivering an Activity, I acknowledge that I have read and understand Abt Associates' *Child Protection Policy for Partners*. I understand and agree that for the purpose of this Policy, the organisation that I represent, its employees, advisers, consultants, contractors, sub-contractors, sub-organisations, sub-partners, volunteers and the like involved in the implementation of the Activity are bound to comply with the Child Protection Policy for Partners, and therefore shall:

- Treat all children with respect regardless of their race; colour; gender; language; religion; political or other opinion; national, ethnic or social origin; property; disability; birth or other status.
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative or suggestive (even as a joke), demeaning or culturally inappropriate.
- Irrespective of any local jurisdictional laws, not engage children³ under the age of 18 in any form of sexual intercourse⁴ or sexual activity⁵ including paying for sexual services or acts.
- Wherever possible ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children into private residences, unless the child/children are at immediate risk of injury or are in physical danger.

³ Where the child is 16 years or older and the other party is not more than 2 years older; and it can be established that the child consented to the relationship, an exception can be recorded promptly on personnel files.

⁴ As defined under the Criminal Code Act 1995

⁵ As defined under the Criminal Code Act 1995

- 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).
- Never use any computers, mobile/smart phones, video cameras, cameras or social media to exploit or harass children or access child exploitation material through any medium. See also "Use of Children's Images for Work-Related Purposes" below.
- Not use physical punishment on children.
- Not hire children for domestic or other labour which is inappropriate given their age and 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, abuse or non-compliance with Abt Associates' Child Protection Policy for Partners or this Code of Conduct in accordance with Abt Associates' Child Protection Policy for Partners.
- Immediately disclose all charges, convictions and other outcomes of an offence which occurred before or occurs during the organisation's association with Abt Associates that relate to child exploitation and abuse, including those under traditional law, by any of the organisation's employees, partners, subcontractors, sub-partners, and staff.
- Be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation or abuse.

These behaviours are not intended to interfere with normal family interactions.

Use of Children's Images for Work-Related Purposes

When photographing or filming a child or using children's images for work-related purposes, all of my organisation's employees, partners, subcontractors, sub-partners, and staff must:

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

- Treat with the utmost importance the confidentiality of the children in our programs, and never provide a child's personal details to unauthorised person/s.

I understand that the onus is on me as an individual, as well as it is on every other individual, entity or organisation bound by this Code of Conduct, to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse (of any kind) when implementing Abt Associates program activities. As the representative of an Organisation that is partnering with Abt Associates, I also understand and acknowledge that it is my responsibility to undertake everything I reasonably can to ensure that the principles set out in this Code of Conduct and the underlying Abt Associates Child Protection Policy for Partners are implemented by all of the Partner Organisation's employees, advisers, consultants, contractors, sub-contractors, sub-organisations, partners, volunteers and the like involved in the implementation of the Activity.

Name:

As representative for:

Signature:

Date:

Annex C - Relevant Legislation & International Instruments

A range of legislation is relevant to this policy and is outlined below. Several international child protection instruments also apply.

Australian Legislation

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

Commonwealth Legislation

- Criminal Code Act 1995 (Cth)
- Crimes Act 1914 (Cth)

Local Legislation

- Criminal Code Act 1974
- Cyber Crime Code Act 2016
- Employment Act 1978
- Family Protection Act 2013
- Juvenile Justice Act 2014
- Lukautim Pikinini Act 2015
- National Lukautim Pikinini Policy 2017 - 2027

International Child Protection Instruments that Australia is a Signatory to

- The United Nations Convention on the Rights of the Child
- Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict
- Geneva Declaration of the Rights of the Child
- International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

International Child Protection Instruments that PNG is a Signatory to

- The United Nations Convention on the Rights of the Child
- International Labour Organization Minimum Age Convention No. 138
- International Labour Organization Convention No. 182 on the Worst Forms of Child Labour

Annex D - Glossary of Terms & Definitions

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, poisoning or otherwise physically harming a child.
- **Neglect:** The failure to provide a child (where they are in the position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being, including providing food, clothing, shelter and supervision.
- **Verbal Abuse:** Is a form of emotional abuse and refers to the consistent demeaning of a child. Verbal abuse ranges from yelling obscenities to quiet put-downs, with the effects of such being immediate as a child internalises these. The effects of verbal abuse on a child's emotional, social, cognitive and psychological development can be profound, with the effects often extending into their adulthood.
- **Emotional Abuse:** Refers to inappropriate verbal or symbolic acts toward a child and/or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Emotional abuse includes rejecting a child by refusing to acknowledge their worth and the legitimacy of their needs, isolating a child by cutting them off from normal social experiences, terrorising a child by verbally assaulting them (see verbal abuse), ignoring a child, and corrupting a child by mis-socialising them and stimulating a child to engage in destructive and anti-social behaviours. Such acts have a high likelihood 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 a child to, or involving the child in, pornography.

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

Child: Any person under the age of 18 years of age.

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

Child Exploitation and Abuse – one or more of the following:

- Committing or coercing another person to commit an act or acts of **abuse** against a child;
- Possessing, controlling, producing, distributing, obtaining or transmitting **child exploitation material**; and/or

- Committing or coercing another person to commit an act or acts of **grooming** or **online grooming**.

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

Child Pornography: 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.

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

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

Contact with Children: being engaged in 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. This means physical contact, face to face contact, oral communication, written communication or electronic communication. Contact covers contact with children in the community not associated with the work being performed.

Exploitation: The abuse of a child where some form of remuneration is involved or whereby the perpetrators benefit monetarily, socially, politically etc.; and is to the detriment of a child's physical and mental health, development and education.

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).

High risk activities: activities or services that involve working with children. Examples of such activities include disability services; cultural youth exchange; residential care; child protection services; justice facilities for children; childcare services; child education services; children in sports; child accommodation services; health services and access to sexual and reproductive health; counselling and support services for children; emergency response and humanitarian assistance to children and families.

Low risk activities: for the purposes of this policy, Abt Associates classifies low risk activities as either those that involve no contact with children e.g. desk-based work not requiring international travel or activities that may involve contact with children in the community not associated with the work being performed (e.g. where activities involve mobilising personnel to travel in-country).

Medium risk activities: activities that involve or may involve contact with children. For example, these may include oral and written communication (including electronic communication) relating to a child; access to data relating to a person under 18; public diplomacy, official functions, visits or other communication activity involving photography,

filming, videoing or social media activity where children are present; visiting premises e.g. schools, health or residential facilities that provide services to children; any community consultation (data collection, surveying, training); women and gender focussed activities and health sector programs.

Online Grooming: The act of sending an electronic message with indecent content to a recipient who the sender believes to be under 18 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.

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

Working with Children: 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 or other unpaid work.