



**Australian Government**  
**Department of Foreign Affairs and Trade**



# **DFAT CHILD PROTECTION GUIDANCE NOTE INFRASTRUCTURE ACTIVITIES**

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# DFAT CHILD PROTECTION GUIDANCE NOTE

## CHILD PROTECTION IN INFRASTRUCTURE ACTIVITIES

### PURPOSE

This Guidance Note provides **DFAT staff and partner organisations** with guidance on how to address the protection and wellbeing needs of children and young people in infrastructure activities, to ensure children are safe and protected from harm and exploitation.

### BACKGROUND

Infrastructure projects such as building and bridge construction and road building can bring positive change and opportunity to communities, including children. However, they can also negatively affect children directly or through their communities and families throughout the life cycle of their operations.

Children can be vulnerable to risk of sexual and physical violence if child protection risks are not considered in infrastructure projects. Factors that can increase risks to children include: the recruitment and supervision of labourers; physical spaces in building designs that can hide abuse; and changes to or dangers travelling on routes to school, water supplies or villages (dangers may include sexual abuse and harassment or increased heavy vehicle traffic).

Children in areas undertaking infrastructure projects can be at risk of abuse and exploitation through **child labour**, often within the supply chain. Infrastructure projects also attract children and young people (to sell market goods, for employment as housekeepers, to look at machinery, to get sweets and gifts from labourers), thus allowing opportunities for children and young people to be exploited and abused.

The temporary or permanent **acquisition of land, forced eviction and displacement** can directly affect children through the loss of homes, the disruption or loss of livelihoods, and access to schools and hospitals.

**In-migration** (external labour moving into community to work on infrastructure projects) increases the demand for goods and services, often resulting in inflation and increased competition in the local work force. Families and communities are less able to provide the basic needs for their children. Surges in population affect the capacities of social infrastructure such as housing, schools and health clinics, making it harder for children to access these services.<sup>1</sup>

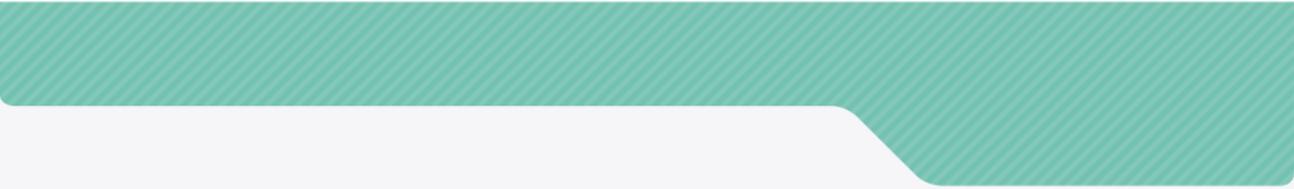
Often, in-migration causes or escalates the **sexual abuse and exploitation** of children (including prostitution and trafficking), the rate of teenage pregnancy and the spread of communicable diseases. When companies transport materials by truck, the abuse and exploitation of children along transport routes can increase.<sup>2</sup>

Children from labour-sending areas may be separated from their parents for long periods of time, or in some cases permanently, as their father, mother or caregivers migrate to look for work. This can increase the number of child-headed households.<sup>3</sup> Children left in the care of the community can be more vulnerable to abuse and exploitation by members of the community.

<sup>1</sup> Oil and Gas Scoping Study. UNICEF Extractive Pilot. UNICEF. January 2015. Page 8.

<sup>2</sup> Oil and Gas Scoping Study. UNICEF Extractive Pilot. UNICEF. January 2015. Page 8.

<sup>3</sup> Oil and Gas Scoping Study. UNICEF Extractive Pilot. UNICEF. January 2015. Page 8.



The potential increase in alcoholism, drug use and crime are other risk factors that increase levels of family and community-based violence and neglect.

Children and their advocates are often not consulted during the **design phase** of infrastructure projects or during any monitoring and evaluation activities. Most often, companies do not engage directly with children as a specific stakeholder group. Rather, they assume that managing impacts on families/households will implicitly address the needs of children. This results in a failure to identify and include issues and risks specific to children, and excludes stakeholder groups such as child-headed households, orphans, children living on the street, in baseline studies and impact assessments.

Please read this guidance note in conjunction with:

- DFAT's Child Protection Policy (<http://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx>) (definitions included in this document)
- DFAT's Establishing Child Protection Risk Context Guidance Note (<http://dfat.gov.au/about-us/publications/Documents/child-protection-risk-assessment-guidance.pdf>)
- DFAT's Aid Programming Guide (<http://dfat.gov.au/about-us/publications/Pages/aid-programming-guide.aspx>).

## RISK IN INFRASTRUCTURE ACTIVITIES

This table outlines some common child protection risks within infrastructure activities, and provides some ways to mainstream child protection into infrastructure design and implementation. You can implement these practical measures as part of service provision and program design. You will also find other activities that can influence change in attitudes and beliefs about the impacts on children who experience child abuse, by working with communities as well as local and national governments.

### RISK

1. Child is abused, or injured or killed due to the infrastructure design or unsafe construction sites
2. Changes to regular routes increase dangers to children and young people
  - Dangers may include abuse, harassment or increased heavy vehicle traffic.

## MITIGATION STRATEGIES

### Ensure design is child centred

- Ensure child-safe building designs:
  - in line with safe building codes
  - open and transparent spaces where activities can be viewed by others
  - inclusive child-only water and sanitation facilities located close to adult supervision and separated by gender
  - adequate lighting
  - no hidden spaces.

### Implement child-centred safety measures

- Include child protection in site risk registers.
- Develop standards related to children's safety.
- Include safety of and for children in project site safety briefings.
- Prohibit the use of child labourers in all projects.
- Use adequate fencing and barriers at project sites (that children cannot fit through) and warning signs (in local language and/or with pictures).
- Prohibit access of children and young people to all project sites.
- Educate the community (through visits to schools and community meetings) about the dangers if children visit project sites or bars, or when crossing roads, etc.

### Undertake child protection risk assessments

- Preferably, employ risk identification, review and mitigation processes that involve children, young people and stakeholders who best represent the voices, needs and rights of children.
  - Draw on the expertise of child protection experts and civil society organisations (such as women’s groups and NGOs).
  - Treat children and young people as a separate stakeholder (not just as members of their families or community).
- Seek to understand:
  - children’s and young peoples’ participation in family livelihood-generating activities
  - how children are likely to be affected by land acquisition, and by household livelihood and income loss or disruption
  - existing societal risks to children’s safety and protection, which the company’s operations and services could worsen (e.g. family violence, child abuse such as sexual and physical abuse, use of child labour, child trafficking)
  - the level of protection provided by the community
  - local traditional and cultural practices and beliefs (such as early marriage, discrimination of people with disabilities, minority groups, gender inequity) that could put children at risk of being exploited or discriminated against by personnel
  - societal discrimination facing representatives of the child, including women, and their ability to participate in community decision-making processes
  - which civil society/community-based organisations are available to, and accessed by, children, young people, and women.
- Think about impacts on children that are linked to the company’s operations, but without any contribution on its part.
- For example, if the staff of the company’s security provider harass or sexually abuse local girls or hire children as labourers, the company is responsible for ensuring that all reasonable steps are taken to prevent this from happening.
- Develop management and risk mitigation plans for each risk identified, that are monitored and evaluated.

## RISK

### 3. Child is abused or exploited by staff, consultants or volunteers linked to the infrastructure project, including along the transport route, causing harm to the child

- This harm can include teenage pregnancy and spread of communicable diseases and sexually transmitted infections.
- Child-safe recruitment is not undertaken.
- Child protection policies and procedures are inadequate.
- Staff are untrained.
- Children are sold as child brides or 'girlfriends' by impoverished parents or to supplement family loss of livelihood as a result of land acquisition or increased workforce competition.
- Staff, children and community members do not know how to report unsafe behaviours of project personnel.
- Staff do not respond appropriately to child protection concerns, and children are left in unsafe situations.

## MITIGATION STRATEGIES

### Undertake safe recruitment measures

- Undertake child-safe recruitment of all staff, volunteers, consultants and contractors. This includes drivers and security guards. See also *DFAT Child Protection Guidance Note – Recruitment and Screening*.
- Include a clause in employment contracts that the business has a right to dismiss the employee if he/she is found to have breached the child protection policy or code of conduct.
  - An example is using company facilities, credit cards or business accounts for: purchasing child abuse images on the internet; paying for child sexual tourism when travelling; or any other illegal or harmful activity involving children.

### Develop robust child protection policies

- Develop a stand-alone child protection policy that complies with, or builds on, the compliance standards within DFAT's Child Protection Policy. Within the policy, include:
  - definitions of child abuse and abuse and exploitation (including but in addition to child labour)
  - a commitment to zero tolerance of child abuse and exploitation
  - an explicit commitment to managing direct and indirect impacts on children
  - a statement on the company's corporate responsibility to protect children and respect children's rights
  - an explicit commitment to building the knowledge and capacity of all company stakeholders to uphold children's protection rights and the policy principles
  - an explicit commitment to funding community strengthening and child wellbeing projects that address and mitigate child protection risks (such as the establishment of community-based child protection groups; family, child and youth livelihood projects; water and sanitation projects).

- Ensure the implementation of all child protection documents is in line with relevant legislation and international law and human/child rights frameworks.
- Actively monitor (or discourage) the ‘appointment’ of children and young people as housemaids by personnel.
- Prohibit live-in housemaids under the age of 18.
- Include this in the code of conduct, and work with NGOs to link these children with local support.
- Identify a child protection focal point for the company to be a point person. Equip this person to attend and deliver training, and network with external experts.
- Consider engaging an expert to assist you in developing these documents and building the child safeguarding capacity of your company.

### **Implement robust complaint handling mechanisms**

- Provide clear complaints mechanisms for staff, children, families and the general community.
  - Make sure that community-based groups and non-governmental organisations working on behalf of children are able to access the mechanisms and deliver grievances on behalf of children.
  - Complaint handling procedures need to include reports of child abuse and exploitation, as well as breaches of the company’s child protection policy and code of conduct. They should include clear escalation, investigation and disciplinary processes for staff and stakeholders.
  - Consider using complaint boxes located within the community.
- Ensure that there is a policy and procedure for remediation of any child protection abuse that is caused by the business or they have contributed to. Include which civil society/community-based organisations are available to refer children, young people, and families to for support.

### **Provide training and community awareness**

- Provide regular training on:
  - child protection
  - the child protection policy and code of conduct
  - complaints handling mechanism
  - discipline process
  - appropriate behaviours
  - local child protection legislation and relevant standards and procedures.
- Provide training on how to recognise signs of child abuse and how to respond to child abuse disclosures.
- Clearly communicate the disciplinary process and outcomes for stakeholders found to be in breach of the company child protection policy or code of conduct. Communicate a zero tolerance to child abuse and withholding information about child abuse.
- Include an adequate budget allocation for each project to fund activities that address child protection, such as :
  - capacity building of company stakeholders
  - strengthening community/children’s support services
  - implementation of mitigation measures and activities
  - community awareness and communication
  - rehabilitation and legal justice for victims.

- Engage with community leaders and NGOs, and fund child rights/protection awareness-raising within the community (including those along transport routes) to build awareness of:
  - what child abuse and exploitation is
  - what constitutes child abuse according to local legislation and international frameworks such as the Convention on the Rights of the Child.
- Similar awareness-raising could be undertaken in schools and youth groups, focussing on strengthening children’s self-protection and understanding of child protection rights.
- Proactively communicate the company child protection policy and code of conduct within the community and along transport routes, including advocating community reporting mechanisms, with a focus on zero tolerance and the inclusion of reporting mechanisms. This could be done using brochures, posters, radio and theatre.

#### **Regularly consult with children, child protection networks and local NGOs**

- Proactively identify state child protection or welfare services, child protection networks, local NGOs and child helpline services who are experts in identifying and assisting child victims of sexual abuse and exploitation and trafficking. Bring children in and around the project site to their attention.<sup>4</sup>
- Engage in ongoing formal consultation with children and young people (as appropriate and in a child/youth friendly way) and representatives of children’s views, including women, caregivers, schools and non-governmental organisations, to identify the child protection risks related to infrastructure projects. This consultation process could also be used:
  - to identify incidents of child abuse and exploitation previously unreported
  - to discover areas of concern that had not previously been identified
  - to monitor any mitigation measures put in place as part of the initial child protection risk assessment.
- Engage with NGOs and fund safe livelihood programs/ opportunities that offer decent remuneration for young people to supplement family or personnel income.

<sup>4</sup> <http://www.theguardian.com/sustainable-business/children-large-infrastructure-honey-pot-effect>

## RISK

4. Children are engaged in child labour outside local laws and international conventions, causing harm to the child
  - Children working are unable to access education and recreation.
  - Children are engaged in harmful practices.
  - Children are exposed to harmful chemicals.

## MITIGATION STRATEGIES

### Implement clear child and youth labour policies and guidelines

- Include child labour in the company child protection policy or develop a separate policy that includes clauses covering:
  - the prohibition of employing or using underage children in any type of child labour
  - the use of robust age-verification mechanisms as part of recruitment processes, and ensuring that these mechanisms are also used in the supply chain
  - the requirement to provide safe, decent and adequately remunerated work for young workers.
- Ensure the minimum age for employment is in line with national law or international standards (whichever is higher).
- Implement monitoring mechanisms that check the age of young people being employed.

## RISK

5. Child is abused or exploited by partner staff, consultants or volunteers linked to the business operations, causing harm to the child

## MITIGATION STRATEGIES

### Assess and develop partner capacity

- Conduct a child protection due diligence on partners, contractors and suppliers prior to and throughout the engagement to identify:
  - gaps in safeguarding capacity
  - previous or current breaches or negative impacts of children’s rights
  - levels of commitment to children’s protection rights and risks.
- Include child protection clauses in contracts and agreement, including:
  - a zero tolerance to child abuse and withholding information regarding child abuse
  - a statement agreeing to committing to uphold children’s protection rights
  - a commitment to respecting women and children’s rights
  - signing onto the company’s child protection policy and code of conduct, or developing a stand-alone policy. Include child protection in MoUs and supplier contracts for those along the supply chain
  - expectations of child-safe recruitment
  - expectations of adequate supervision of all personnel including those along the supply chain
  - agreeing to a mutual complaints process. Ask for evidence of the partner’s discipline measures for their personnel in breach of the child protection policy and code of conduct, including the complaints handling systems and disciplinary measures
  - termination of the relationship where there is credible evidence of unlawful or abusive behaviour
  - collaboration and participation in capacity building on child protection
  - expectation of ongoing assessment and monitoring of child protection risks and mitigation measures.
- Provide regular training on child protection, child rights, women’s rights and the company’s child protection policies and procedures.
- Work with business partners, suppliers and contractors to build their capacity to safeguard children and young people.
- Discuss and include child protection in project negotiations.

## RISK

6. **Child is abused or exploited due to absence of immediate carer, who is employed by infrastructure project company**
  - Older children are taken out of school to care for younger children or to undertake general household duties.
  - Children are put into care of extended family or community members, and abused.
7. **The project causes negative health, social or family impacts on children**
8. **The temporary or permanent acquisition of land, forced eviction and displacement have a negative impact on children**
  - Homes or livelihood are lost.
  - Access to schools and hospitals is reduced.

## MITIGATION STRATEGIES

### Support workers with carer responsibilities

- Provide flexible work practices for people with carer responsibilities.
- If possible, provide safe childcare facilities operated by screened and trained staff/volunteers.
- Identify and link with existing community-based early childhood care and education centres, or support community-based care arrangements. Ensure they have been security and child safe assessed.
- Include training sessions on positive discipline, child development, and parenting skills for both men and women.

### Include children in health and wellbeing monitoring

- Ensure that reputable research is undertaken to understand safe levels of pollution and waste for children, separate from state laws that often only consider safety levels for adults. Explicitly include children's needs in waste and pollution management plans.
- Actively monitor (when partnering with external or local experts) the health and wellbeing of children living in and around project sites.

### Manage negative social/family impacts

- Identify and map potential cumulative effects on families and their children during the impact assessment and baseline stage of project development.
- Work with governments and NGOs during the design phase to put measures or projects in place to address loss of family livelihood. These could be alternative employment and support for female-headed households.
- Support families by providing fair employment terms and decent working conditions, including an adequate living wage.<sup>5</sup>

<sup>5</sup> <http://www.theguardian.com/sustainable-business/children-large-infrastructure-honey-pot-effect>

- Work with community (particularly key stakeholders), governments and NGOs during the design phase to put measures in place to reduce the disruption of children’s education and family access to health and social support services (specifically those for women and children).
- Work with governments, community (particularly key stakeholders), and NGOs during the design phase to put measures and projects in place to address loss of food security, and to link communities and families with government and NGO services.

#### **Manage displacement**

- Proactively identify state social/welfare services, family/women’s networks and local NGOs (in existing and relocation areas), and link especially vulnerable families (including child-headed households) with their services.
- Ensure child-headed households are included in any loss of livelihood compensation.