

## **Médecins Sans Frontières Australia Child Protection Policy**

### **1. Preamble**

**Médecins Sans Frontières (MSF) International places priority on protecting the dignity, rights and safety of all people under our care. This is documented and endorsed in Médecins Sans Frontières International Agreements.**

Like all humanitarian organisations, MSF recognises that some of the people belonging to the organisation might abuse their power or the symbolic, material and human capital entrusted to them in order to gain personal advantages or to harm others, either inside or outside MSF.

MSF is especially concerned by the fact that some people might take advantage of their status as humanitarian workers, and the structural breakdown of the societies in which they intervene, to derive - with impunity- personal advantage or engage in activities that would ordinarily be illegal. MSF considers that it is its responsibility to encourage the identification and intolerance of such behaviours<sup>1</sup>.

- In the MSF International Chantilly Agreement, our duty of care is described:

“MSF missions are carried out in respect of the rules of medical ethics, in particular, the duty to provide care without causing harm to either individuals or groups. Each person in danger will be assisted with humanity, impartiality and in respect of medical confidentiality”.

- In the MSF La Mancha, the mutual accountability of MSF and staff is described:

“MSF staff members are personally responsible and accountable for their own conduct, in particular regarding abuse of power. MSF is responsible for establishing clear frameworks and guidelines for holding staff accountable for their conduct.

- MSF International also ascribes to the principles of human rights and international humanitarian law. This includes the recognition of:

“The duty to respect the fundamental rights and freedoms of each individual, including the right to physical and mental integrity and the freedom of thought and movement, as outlined in the 1949 Universal Declaration of Human Rights”

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<sup>1</sup> Extract from *Management Policy of Personal Misconduct and Abusive Behaviours within MSF*

Drawing upon these internationally acknowledged principles, MSF Australia has a profound respect and responsibility to protect the rights of all people in our care, especially children.

MSF Australia ascribes to the definition of child abuse as defined by the United Nations Convention on the Rights of the Child as:

*“all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child”.*

In the provision of safe medical services without harm, our partners, organisations and individuals who work with MSF Australia in child related areas have a responsibility and obligation to comply with MSF Australia’s Child Protection Policy.

## **2. Statement of Commitment**

MSF Australia continues to commit to providing safe environments and minimizing the risk of harm to children who are the beneficiaries of our work. Appropriate recruitment, awareness raising, training, and complaints management measures will be conducted to ensure that children at risk of harm and MSF Australia representatives working in these locations are adequately protected through this policy.

As a measure of MSF Australia’s continued priority to child safety, all staff, field workers, contractors and volunteers employed or recruited through the MSF Australia office will be advised of the Child Protection Policy in their recruitment briefing and will be asked to acknowledge receipt and understanding of the document.

## **3. Purpose/Scope of the Policy**

The purpose of this policy is to endorse MSF Australia’s continued commitment to child protection in our operations. This operational section of this policy is split into the areas of:

- Child Safe Recruitment and Screening Processes
- Child Protection Training
- Child Protection Code of Conduct
- Use of Promotional Material
- Documented Child Protection Complaints Management Procedure
- Risk Management
- Policy Review

This policy applies to:

- Volunteers
- Office staff
- Field workers contracted or recruited through MSF Australia
- Office staff who engage in the field
- Board members and consultants
- Organisations and individuals who are contracted by MSF Australia to produce images and communications or fundraising material based on travel to the field<sup>2</sup>

All MSF Australia staff, field workers, contractors or volunteers who are specifically working with children will receive more targeted recruitment processes and briefings.

This policy will be referred to in Partnership Agreements between MSF Australia and its partner operating centres. MSF Australia Operating Centre (OC) partners also have an obligation to ensure to the extent reasonably possible that the OC's meet minimum standards of protection for children associated with our programs.

#### **Outside of Scope:**

- All MSF national staff;
- Employees of/recruited through other MSF sections;
- Any instances where MSF Australia works with staff from another NGO; UN, or host country ministry (for e.g. Ministry of Health) are outside the scope of this policy

However, these individuals and organisations are expected to work in accordance with MSF principles, medical ethics human rights and international humanitarian law.

#### **4. Recruitment and Screening Practices**

**The following recruitment practices will be adhered to in the MSF Australia office:**

- Promoting our commitment through publishing the MSF Australia Child Protection Policy on our website
- Providing copies of our website links to the Child Protection Policy to all job applicants.

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<sup>2</sup> MSF Australia contracted external journalists and media related roles have references in their contracts to film and photographic protocols which must be followed when accompanying MSF Australia in the field. The *Producing and Using Images in an Ethical Way – Guidelines for MSF Staff – Humanitarian Guidelines* are also distributed to them and signed acknowledgement is needed. Such roles are contracted under the Communications Department but must correspond to the guidelines for the recruitment and screening policies for Office Recruitment (section 5 of this policy).

### **Office Recruitment:**

- Providing job descriptions for all office positions which describe key selection criteria and outline tasks and responsibilities and requiring applicants to submit a detailed application when applying for a position
- Assessing all new office positions to determine the level of risk in relation to contact with children. Office positions that are required to travel to the field for their role will be considered as positions that work with children
- Conducting interviews for all positions, via face-to-face or telephone in cases where the selected applicant is not located in Sydney
- Including behavioural-based questions at interviews and asking for examples of the candidate's past behaviour and experiences for positions working directly with children
- Requiring two reference checks in accordance with the MSF Australia Recruitment Policy
- Requiring all staff to undertake a police check. Those staff working directly with children will be required to undertake a National Police Check for vulnerable persons; or to provide an Australian Federal Police Check (Code 28). And/or, where possible a relevant criminal history check for any country of residence in the past 5 years where the person has lived for over 12 months, and also where possible in their country of nationality.
- Requiring candidates who may be working directly with children in Australia to provide a Working with Children Check (depending on the jurisdiction)
- Ensuring that all fixed term and permanent positions include a probationary period
- All current staff and volunteers will be issued a copy of the MSF Australia Child Protection Policy
- All staff working directly with children will be required to read and sign the MSF Australia Child Protection Code of Conduct during their induction period at commencement of employment/engagement
- Reserving the right to refuse employment to an individual if they may pose a risk to children in their role
- Including a provision in employment contracts that MSF Australia has the right to dismiss or transfer to other duties personnel who breach the MSF Australia Child Protection Code of Conduct

### **Field Recruitment:**

- Essential selection criteria for field positions are clearly outlined on our website and all applicants are required to submit a CV, and a detailed application form when applying for a position
- Classifying all field positions as having a level of risk in relation to contact with children
- Conducting interviews for all positions, ideally face-to-face, but telephone interviews may be necessary in cases where the selected applicant is not located in Sydney

- Including behavioural-based questions at interviews and asking for examples of the candidate's past behaviour and experiences for positions working directly with children
- Requiring a minimum of two reference checks, for field workers. The referee must be someone to whom the candidate has reported to in recent employment. If work related references are unavailable then other references will be considered. MSF Australia will also verify the identity of the referee and make direct contact with each of these referees.
- Requiring all applicants to provide an Australian Federal Police Check (Code 28) for overseas employment, where possible a relevant criminal history check for any country of residence in the past 5 years where the person has lived for over 12 months and where possible in their country of nationality
- Ensuring that all field positions include a probationary period (depending on the length of the contract)
- Identifying issues relating to child protection in pre-departure training
- Requiring all field workers to read and sign the MSF Australia Child Protection Code of Conduct during their briefings at the commencement of their mission
- Reserving the right to refuse employment to an individual if they may pose a risk to children in their role
- Including a provision in MSF Australia employment contracts that MSF Australia has the right to dismiss or transfer to other duties personnel who breach the MSF Australia Child Protection Code of Conduct

### **Experienced Field Workers:**

- Classifying all field positions as having a level of risk in relation to contact with children
- Requiring all return/repeat field workers to undergo an Australian Federal Police Check for overseas employment at least every two years. All field workers who have had a gap longer than 12 months in employment with MSF Australia will be required to undertake a new Australian Federal Police Check
- Ensuring that all field positions include a probationary period (depending on the length of the contract)
- Requiring all field workers to read and sign the MSF Australia Code of Conduct during their briefings at the commencement of their mission.
- Reserving the right to refuse re-employment to an individual if they may pose a risk to children in their role
- Including a provision in employment contracts that MSF Australia has the right to dismiss or transfer to other duties personnel who breach the MSF Australia Child Protection Code of Conduct

## **5. Child Protection Training and Awareness Raising**

Upon recruitment, all staff, field workers, consultants and volunteers who are contracted or recruited through the MSF Australia office will receive a copy of the MSF Australia Child Protection Policy and be briefed on its content. There is a requirement for signed acknowledgement that the policy is understood and will be complied with.

For those new recruits who will be working with children an extended briefing (at Welcome Days) will be provided on behaviour, reporting responsibilities and rights in the incidence of an allegation. All experienced field workers and office staff who will be working (ad hoc) with children in their roles will receive training in their pre departure briefings. They will also be asked of any concerns or observations relating to risk mitigation in their post mission briefing.

If significant changes are made to MSF International or MSF Australia's policies or Australian Government or international legislation, the relevant stakeholders (MSF Australia partners, Board members, staff, field workers, volunteers and contractors) will be notified.

## **6. MSF Australia Child Protection Code of Conduct**

MSF Australia has a Code of Conduct (Annex 1) that includes behaviour protocols, responsibility to report incidents, use of imagery and informed consent. Signed acknowledgement of understanding and compliance in the prevention of the risk of harm to children is required by all staff, field workers, consultants and volunteers who are contracted or recruited through the MSF Australia office and who will be working with children.

## **7. Use of Promotional Material**

MSF International has *Guidelines on Producing Images in an Ethical Way* (Annex 2). This addresses guidelines for good practice in the use of imagery and includes areas such as obtaining images, informed consent, protecting the rights and dignity of beneficiaries, distribution of images and legal obligations. Guidelines on appropriate behaviour in the use of imagery have also been addressed in MSF Australia's Child Protection Code of Conduct. It is the responsibility of the MSF staff member, field worker, contractor, volunteer or Board member to ensure that the rights and protection of the subjects of the imagery are always given priority over personal or organisational gain.

## **8. Child Protection Complaints Management Procedure<sup>3</sup>**

Who can report an incident or suspected incident?

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- Anybody

What needs to be reported?

- Allegations, disclosures, observations or suspected breaches of the MSF Australia Child Protection Policy or Code of Conduct

When to report?

- Any incident or suspected incident needs to be reported within 24 hours or as soon as is reasonably possible

Who to report to?

- Employees, contactors or volunteers based in the Sydney office should report the matter to their line manager or to one of the nominated reports listed in the HR Complaints & Grievance Handling Policy (their own Head of Department, HR Officer, Head of Finance & Administration, Executive Director or nominated Staff Representative)
- Employees, contractors or volunteers based in the field should report the matter to their field line manager/coordination team member and also to the Head of Field HR in the MSF Australia office. Those in the field can also report the matter directly to the country management team in the Operational Centre or use the mechanisms contained within the Whistleblowers or Abuse of Power policies.
- In the event that the reporting has been through the normal line management channels or as contained in the MSF Whistleblowers or Management Policy of Personal Misconduct and Abusive Behaviours within MSF; the relevant OC should notify immediately the Head of Field HR in the MSF Australia.
- Other representatives of MSF Australia should report the matter to any of the above

What will happen?

- The situation and information will be assessed / investigated and a confidential report will be prepared in conjunction with MSF Australia Policy and with local legislation
- The Executive Director and relevant senior management / and or Board will also be notified
- All allegations will be handled with confidentiality and any suspected victims or perpetrators will be provided with adequate counselling. Any MSF Australia representation that has been accused of child abuse allegations may be transferred to other duties until the matter has been resolved.

Possible outcomes?

- Criminal matters or child protection issues will be referred to the police or to the local Child Protection Authority (either within Australia or within another country if relevant).
- The victim and alleged perpetrator's safety needs will be assessed and responded to. This may include the provision of counselling or other measures for parties involved.
- Breaches of this Policy and Code of Conduct may result in performance management, disciplinary action or termination of employment.

False Allegations:

MSF Australia is committed to protecting the rights of the children in our care, and the rights of the staff and volunteers employed by us. All complaints are handled under our duty of care to

our stakeholders and any false allegations<sup>4</sup> will be investigated accordingly. Any offending staff member may be transferred to other duties, be subject to performance management or have their contract suspended or terminated.

## **9. Risk Management**

Child abuse is included as a recognised risk in the MSF Australia Risk Register. Child protection will be managed and reviewed in accordance with the MSF Australia Child Protection Policy guidelines and organisational risks are to be reported to the Board monthly. To ensure ongoing compliance, a check for updates to legislation regarding Child Protection will be done at minimum every two years.

## **10. Policy Review**

This policy is intended to be a living document that will be reviewed at minimum every five years. A review will be undertaken earlier according to any significant changes in domestic and international policies within MSF and/or Australian state/federal legislation.

## **11. Refer to the following MSF International and MSF Australia Policies that include relevant information and guidelines relating to the protection of the rights of beneficiaries/children**

- MSF Charter (Content: humanitarian and medical guidelines)
- MSF La Mancha Agreement (Content: humanitarian and medical guidelines)
- MSF Chantilly Agreement (Content: humanitarian and medical guidelines)
- MSF Medical Ethics Framework (Content: humanitarian and medical guidelines)
- Producing and Using Images in an Ethical Way – Guidelines for MSF Staff (Content: use of imagery)
- Photographer’s Sensitisation Document (Content: use of imagery)
- Ethical Images and MSF (Content: use of imagery)
- Dealing with the Media – Guidelines for MSF Volunteers (Content: use of imagery)
- MSF Australia Privacy Policy (Content: use of imagery)
- Social Media Guidelines for MSF Australia Office and Field Staff (Content: social networking)
- MSF Procedure for Recourse Outside the Official Channel: Whistle Blowing (Content: complaints management)

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<sup>4</sup> A false allegation refers to a complaint that has been lodged that has no basis in suspicion or fact but is made with the intention of false accusation.

- MSF Management Policy of Personal Misconduct and Abusive Behaviours within MSF (Content: complaints management)
- MSF Australia Complaints and Grievances Policy (Content: complaints management)

## Attachment 1

### Médecins Sans Frontières Australia Child Protection Code of Conduct

I, (insert name)..... engaged by Médecins Sans Frontières Australia, agree that while implementing Médecins Sans Frontières activities, I will:

- Treat children with respect regardless of race, colour, sex, 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 , harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- Not engage children in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child (including Part IIIA of the Australian Crimes Act 1914 (Cwlth) as amended), the child is below the age of consent or the act(s) are an offence under relevant laws
- Wherever possible, ensure that another adult is present when working in the proximity of children
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also 'Use of children's images for work related purposes')
- Refrain from physical punishment or discipline of children (excluding my own children)
- Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour
- Immediately report concerns or allegations of child abuse in accordance with appropriate procedures listed in part 8 of the MSF Australia Child Protection Policy - Child Protection Complaints Management Procedure

### Use of Children's Images for Work Related Purposes

When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images
- Before photographing or filming a child, obtain consent from the child or a parent or guardian of the child. As part of this I must explain 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 do not reveal identifying information about a child when sending images electronically

- Comply with the *MSF Australia Privacy Policy and Producing and Using Images in an Ethical Way – Guidelines for MSF Staff*
- Obtain approval from the Privacy Officer/Editorial Committee for any images (and accompanying text) published externally by MSF Australia

I understand that the onus is on me, as a person engaged by MSF Australia, to use common sense and avoid actions or behaviours that could be construed as child abuse when implementing Médecins Sans Frontières activities.

Signed:

Date:

**Attachment 2 –**

**Producing and Using Images in an Ethical Way – Guidelines for MSF Staff**