



**Australian Government**

**Department of Foreign Affairs and Trade**



# **DFAT CHILD PROTECTION GUIDANCE NOTE EXTRACTIVE INDUSTRIES**

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# DFAT CHILD PROTECTION GUIDANCE NOTE

## CHILD PROTECTION IN EXTRACTIVE INDUSTRIES

### 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 extractive industry activities, to ensure children are safe and protected from harm and exploitation.

### BACKGROUND

Extractive industry operations (such as mining and logging) can negatively impact children directly or through their communities and families throughout the life cycle of their operations, with a disproportionate impact on women and children specifically.

Extractive industry operations pose a risk to children's and young people's safety and wellbeing:

The **health and wellbeing of children** can be affected. Children (especially in their first 5 years of life) are generally more vulnerable to environmental hazards than adults, particularly in terms of exposure to chemical waste, water, soil and air pollution, as well as injury. Hand-to-mouth behaviours,<sup>1</sup> the inability to read warning signs, and limited knowledge of or ability to follow instructions can leave young children at heightened risk.<sup>2</sup>

Economic exploitation through **child labour** is the most commonly recognised risk, especially within the supply chain. Although many companies have policies about the use of child labour, they may not consider or monitor that risk within their supply chain.

Mining companies often employ **private and public security**. Child-safe recruitment, training and supervision of security personnel reduce children's risk of physical and sexual violence, and arrest and detention if security personnel consider their presence at sites to be a security risk.

Children and their advocates are often not consulted during the **design phase** of extractive industry projects, or during any monitoring and evaluation activities. Most often, companies do not engage directly with children as a specific stakeholder group, assuming 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.

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 in mines) increases the demand for goods and services, often resulting in inflation and increased competition in the local labour force. Families and communities are less able to provide the basic needs for their children. Surges in population affect the

<sup>1</sup>It is part of young children's healthy development to put their hands in their mouth much more than older children and adults

Oil and Gas Scoping Study. UNICEF Extractive Pilot. UNICEF. January 2015. Page 9.

<sup>2</sup>Oil and Gas Scoping Study. UNICEF Extractive Pilot. UNICEF. January 2015. Page 9.

capacities of social infrastructure such as housing, schools and health clinics, making it harder for children to access these services.<sup>3</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>4</sup>

Mining sites can 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.

Children from labour-sending areas may be separated from their parents, which can increase the number of child-headed households.<sup>5</sup> Children left in the care of the community can be more vulnerable to abuse and exploitation by community members.

Trade in diamonds and other precious resources can be directly linked to the fuelling of armed conflicts. Conflict and fragility can have devastating effects on children's lives, and children are more vulnerable and susceptible to child abuse and exploitation in these settings.<sup>6</sup> **The Voluntary Principles on Security and Human Rights** <http://www.voluntaryprinciples.org/> have been developed to provide guidance to companies on the steps that they can take to minimise the risk of human rights abuses in communities near extraction sites. The Principles give guidance on risk assessment, public safety and security, human rights abuses, and the interaction between companies and private security. We recommend that these voluntary principles are followed. In addition, **The Kimberley Process**, an international certification scheme that regulates trade in rough diamonds, aims to prevent the flow of conflict diamonds, while helping to protect legitimate trading.<sup>7</sup> We recommend that the KP minimum requirements are also implemented.

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>).

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

<sup>4</sup> Oil and Gas Scoping Study. UNICEF Extractive Pilot. UNICEF. January 2015. Page 8.

<sup>5</sup> Oil and Gas Scoping Study. UNICEF Extractive Pilot. UNICEF. January 2015. Page 8.

<sup>6</sup> Protect my future: The links between child protection and disasters, conflict and fragility.

<sup>7</sup> <https://www.kimberleyprocess.com/en/about>. Accessed 14 November 2016.

## RISK IN EXTRACTIVE INDUSTRY PROJECTS

This table outlines some common child protection risks within extractive industry projects and provides some ways to mainstream child protection into extractive industry project 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. Children suffer negative health impacts due to the company's operations

- Children are exposed to harmful pollution and waste materials (via polluted water supply, crops and air).
- Living conditions are unsafe.
- Malnutrition or nutritional deficiencies increase because of disruption of household access to resources.
- Young boys are used as recruiters or messengers in exchange for alcohol.

#### 2. Children suffer negative social or family impacts due to company's operations

- Increase in workforce size leads to more job competition.
- Reduced household access to resources increases risk of child labour.
- Opportunities to obtain employment sees men leaving families from labour-sending areas.
- Domestic violence, alcohol and substance abuse increase due to stress on families.
- Complaints of child abuse are not actioned because of corruption and community leaders and authorities benefiting from mining activities.

#### 3. The temporary or permanent acquisition of land, forced eviction and displacement have a negative impact on children

- Loss of homes or livelihood is experienced.
- Access to schools and hospitals is reduced.
- Changes to family structures, social dynamics and supports increase children's vulnerabilities.

#### 4. Child is injured or killed as a result of unsafe mining sites

- Heavy vehicle traffic increases.
- Warning signs and symbols are lacking, and some areas are not secure.

#### 5. Changes to regular routes increase dangers to children and young people

- Dangers may include abuse, harassment or increased vehicle traffic.



## MITIGATION STRATEGIES

### Work with the community, NGOs and governments at the design phase

- Identify and map potential cumulative impacts on families and their children during the impact assessment and baseline stage of project development.
  - Work with governments and non-government organisations (NGOs) during the design phase to put measures/projects in place to address loss of family livelihood, such as alternative employment and support for female-headed households.
- 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)
  - put in place measures and projects to address loss of food security
  - link communities and families with government and NGO services.
- Support families by providing fair employment terms and decent working conditions, including an adequate living wage.<sup>8</sup>

### Undertake child protection risk assessments

- Include the following factors in your risk assessments and how these could affect children (See *The Voluntary Principles on Security and Human Rights* for details <http://www.voluntaryprinciples.org/>):
  - identification of security risks
  - potential for violence
  - human rights records
  - rule of law
  - conflict analysis
  - equipment transfers (lethal and non-lethal).
- 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 impacted by land acquisition, or household livelihood and income loss or disruption
  - existing societal risks to children's safety and protection, which the company's operations and services could make worse (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

<sup>8</sup> <http://www.theguardian.com/sustainable-business/children-large-infrastructure-honeypot-effect>

- local traditional and cultural practices and beliefs such as early marriage, discrimination of people with disabilities, minority groups and gender inequity. These could put children at risk of being exploited by personnel or discriminated against
- 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 occurring.
- Develop management and risk mitigation plans for each identified risk that are monitored and evaluated.

#### **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.

#### **Identify support networks for families**

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

#### **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, when crossing roads, etc.

## RISK

### 6. Children are engaged in child labour outside local laws and international conventions, causing harm to child

- Children are working in hazardous conditions in mining operations.
- Children who are working are unable to access education and recreation.
- 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 under-age 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.
- Include:
  - the minimum age for employment in line with national law or international standards (whichever is higher)
  - the requirement to implement monitoring mechanisms that check the age of young people being employed.

## RISK

7. Child (especially those employed by the extractive industry project company) is abused or exploited due to absence of immediate carer
- 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.

## 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 for both men and women on positive discipline, child development, and parenting skills.



## RISK

### 8. Child is abused or exploited by staff, consultants or volunteers linked to the mining project, including along the transport route

- Harm to the child may include teenage pregnancy, and spread of communicable diseases and sexually transmitted infections.
- Child-safe recruitment is not undertaken.
- Child protection policies, procedures and training are inadequate.
- 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.
- Labourers are not monitored or supervised.
- Children are sold as child brides or 'girlfriends' or forced into commercial sexual exploitation by impoverished parents.
- Children are trafficked locally or to other countries by foreign minors.
- Girls and boys are exploited in the production of pornography.
- Local boys are paid to 'recruit' girls for commercial sexual exploitation.
- Transient perpetrators leave girls unsupported when they leave.
- Personnel working in overseas locations maintain a culture where there is a belief the same child protection standards towards children do not apply in an overseas context.

## MITIGATION STRATEGIES

### Undertake safe recruitment measures

- Undertake child-safe recruitment of all staff, volunteers, consultants and contractors. This includes transient local labourers, 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.
- Examples are 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 to 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.
- This could include using a complaints box located in the community.
  - 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.
- Include clear escalation, investigation and disciplinary processes for staff and stakeholders.
- Ensure that there is a policy and procedure for correcting 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, code of conduct, complaint's 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. These could be:
  - 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). This aims 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.
- Include 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>9</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 extractive industry 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>9</sup> <http://www.theguardian.com/sustainable-business/children-large-infrastructure-honeypot-effect>

## RISK

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

- Companies do not identify, monitor or address the risks to children in their supply chain.
- Companies do not provide child protection training or briefings to partners and partner staff.

## MITIGATION STRATEGIES

### Assess and develop partner capacity

- Conduct a child protection due diligence on partners, contractors and suppliers before and throughout their engagement to identify:
  - gaps in safeguarding capacity
  - previous or current breaches
  - 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 about child abuse
  - a statement agreeing to commit 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 and 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.