DIVESTING THE ORPHANAGE INDUSTRY

*Ending Australia's participation in the business
model of orphanage trafficking*

NOVEMBER 2017

Authored by:

Rebecca Nhep
CEO of International Programs, ACC International Relief
Convener, ACFID Child Rights Community of Practice Sub-Group on Residential Care
Co-Chair, Rethink Orphanages
(03) 8516 9600
0431 639 015
rebecca@accir.org.au

Kate van Doore
Postgraduate Programs Director, Griffith Law School
Co-Founder, Forget Me Not Australia and Born to Belong Foundation
Co-Chair, Rethink Orphanages
0411 480 149
k.vandoore@griffith.edu.au

TABLE OF CONTENTS

1.BACKGROUND

1.1 What constitutes orphanage trafficking

Orphanage trafficking is the active recruitment of children from vulnerable families into residential care institutions for the purpose of exploitation.[1]

Orphanage trafficking typically involves the false construction of a child's identity as an orphan, known as 'paper orphaning'. This is achieved through falsifying documents including parental death or abandonment certificates or through fabricated 'orphanhood' narratives, which are espoused to foreign donors in order to legitimise a child's admission into institutional care. Once a child is constructed as an orphan and placed into care, the orphan narrative and associated notion of vulnerability is used to elicit the sympathy of tourists, volunteers and overseas donors to solicit funds.

Like many forms of trafficking, the primary motivation driving orphanage trafficking is profit. In countries where orphanage trafficking takes place, orphanages have become a lucrative business due to the high levels of tourist, volunteer and foreign donor interest in assisting orphaned children. This has been widely termed the 'orphanage industry'.[2] Within the orphanage industry, orphanage tourism acts as the interface between the commodification of the child as a tourist attraction and object of voluntourism, and the commodification of the good intentions of tourists/volunteers. The result is profit in the form of a fee for volunteer placement or one off or recurring donations. There have also been cases of Australian charities being established specifically to unwittingly support institutions engaging in orphanage trafficking.

The ongoing profitability of the orphanage industry is entirely dependent on harbouring a sufficient number of children in institutional care to meet the demands of orphanage tourism and foreign funding. With the decline in numbers of children who legitimately require residential care, orphanage trafficking acts as one of the means by which the deficit between supply of children and demand for orphanage tourism is met.

---

[1] van Doore, K. E. (2016). Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages. The International Journal of Children's Rights, 24(2), 378-407.

[2] Cheney, K. E., & Rotabi, K. S. (2015). Addicted to Orphans: How the Global Orphan Industrial Complex Jeopardizes Local Child Protection Systems. Conflict, Violence and Peace, 1-19.

1.2 Current recognition of orphanage trafficking

Orphanage trafficking is an emerging issue within the trafficking sector and was formally recognised by the US State Department in the 2017 Trafficking in Persons Report.[3] The Trafficking Profile of the Nepal narrative specifically linked orphanage tourism and the trafficking of children into institutions:

> *'Under false promises of education and work opportunities, Nepali parents give their children to brokers who instead take them to frequently unregistered children's homes in urban locations, where they are forced to pretend to be orphans to garner donations from tourists and volunteers; some of the children are also forced to beg on the street.'[4]*

The Global Slavery Index recognised orphanage tourism in the 2016 index with respect to the Cambodian Country Report.[5] It references specific types of exploitation that take place in residential care including forcing children to perform dances for tourists to raise funds:

> *'In 2011, UNICEF reported a 75 percent increase in the number of orphanages established in Cambodia between 2005 and 2010. Funding from foreign donors coupled with increasing numbers of tourists attempting to add value to their vacations by volunteering at orphanages has driven the increase in residential care facilities. Poverty, particularly the inability of some parents to provide adequate living conditions or education for their children, and in some sinister cases, the opportunity to profit from the sale of their children into care, supplies this trend. When in care, some children are forced to perform dances for tourists, distribute flyers or perform farm work to raise sufficient funds for their maintenance. In 2016, NGOs continue to report a high number of residential care facilities being used as tourist attractions.'[6]*

The Government of Sweden recognised the issue of orphanage trafficking and its direct links to orphanage tourism and volunteering in its *2016-2018 Action Plan* to protect children from human trafficking, exploitation and sexual abuse. The Action Plan includes specific measures to prevent abuse and crimes against children in the context of orphanage tourism[7]:

---

[3] United States Department of State. (2017) Trafficking in Persons Report - Nepal, 27 June 2017, available at: http://www.refworld.org/docid/5959ec8313.html [accessed 14 November 2017]

[4] United States Department of State. (2017) Trafficking in Persons Report - Nepal, 27 June 2017, available at: http://www.refworld.org/docid/5959ec8313.html [accessed 14 November 2017]

[5] Walkfree. (2016) Global Slavery Index – Cambodia – Orphanage Tourism, available at https://www.globalslaveryindex.org/country/cambodia/ [accessed 14 November 2017]

[6] Ibid

[7] Ministry of Health and Social Affairs, Government of Sweden (2016) About what must not happen – a road map, available at

> *'The general public must also be informed of the existence of exploitation and human trafficking in children in connection with orphanage tourism and voluntary work in other countries, and how this can contribute to the increasing vulnerability of children. The measure will contribute towards reducing the vulnerability of children to human trafficking, exploitation and sexual abuse outside of Sweden'[8]*

Prosecutions and convictions for orphanage trafficking have been actioned in Nepal. Civil society organisations and governments have also documented orphanage trafficking in Cambodia, Thailand, Myanmar, Indonesia, Uganda, Kenya and many other countries.[9]

A substantial number of submissions were made to the Inquiry into Establishing a Modern Slavery Act in Australia regarding how Australia contributes to orphanage trafficking. These submissions provided evidence and examples of orphanage trafficking and demonstrated the links between this form of trafficking and Australia's investment in overseas orphanages. Witnesses were called to give evidence to the issue at public hearings held in Melbourne and Canberra. As a result, recommendations were made in the *Joint Standing Sub Committee's Interim Report* to include orphanage trafficking in the proposed *Modern Slavery Act's* definition of modern slavery and include orphanage tourism as a form of exploitation. The Sub Committee also suggested that they would seek advice on a legislative ban on the facilitation of orphanage tourism to address the primary form of exploitation involved in orphanage trafficking aside from the proposed *Modern Slavery Act.*

1.3 Orphanage trafficking and the Institutionalisation: Delineating the issues

Orphanage trafficking is a form of modern slavery that has clear links to the orphanage industry and the broader issue of the inappropriate use of institutional care. However, it must be made clear that modern slavery is not synonymous with institutionalisation. Orphanage trafficking is a serious crime involving exploitation and, as with all forms of trafficking, must be addressed through criminal law mechanism.

The prolific and inappropriate use of institutional care is a serious child welfare and protection issue involving the violation of a number of children's rights as outlined in the UN Convention on the Rights of the Child. Redress is achieved through

---

http://www.government.se/4a18d0/contentassets/81ce0fcf0eaa4d09a9f807b5c0017f21/about-what-must-not-happen.pdf [accessed 14 November 2017]

[8] Ibid

[9] Better Care Network. (2014) 'Collected Viewpoints on International Volunteering in Residential Care Centres: An overview' Lumos. (2015) 'Children in Institutions: The Global Picture'.

reforming care systems and the deinstitutionalisation of broader child welfare services systems, including divestment strategies targeting foreign donor and volunteer sending countries and entities.

In practice, due to the interwoven nature of this issue, criminal law mechanisms designed to combat orphanage trafficking cannot be unlinked from child welfare and protection reform processes, including divestment strategies. Divestment is key to breaking the business model of orphanage trafficking as well as the strengthening of care and child protection systems that uphold children's rights and reduce their vulnerability to other forms of trafficking, exploitation or harm, including the harm caused by unnecessary institutionalisation.

2.PURPOSE

The purpose of this submission is to:

➤ Provide a rationale for developing a holistic multi-tiered strategy to combatting Australia's role in the orphanage trafficking business model;

➤ Ensure Australia's response to orphanage trafficking is consistent with Australia's State party obligations to the intersecting international treaties including the *UN Convention on the Rights of the Child, Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, Convention against Transnational Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*; and

➤ Outline an approach to divestment that prioritises children's rights whilst simultaneously recognising and redirecting the goodwill of the Australian people towards better practices in volunteering and the support of children overseas.

3. RATIONALE FOR DIVESTMENT

3.1 Status of Australia's current investment

According to UNICEF, Australia is amongst the largest donor and volunteer sending country investing in overseas orphanages, particularly those in the South East Asian region.[10] Investment in overseas residential care institutions takes a number of forms and includes:

➢ **Orphanage Tourism:** Defined as travel to residential care facilities to volunteer or visit for short periods in the context of an overseas trip or vacation. It includes orphanage tourism products purchased as a part of a travel package pre-departure as well as spontaneous visits to orphanages upon arrival in the destination country in response to local advertising or direct invitation. It is inclusive of short-term missions in which teams visit or volunteer in residential care centres in the context of a mission trip.

   Orphanage tourism is a popular form of voluntourism, which is described as the general fusing of holiday and voluntary work,[11] primarily with respect to overseas travel. In 2008 the global voluntourism industry was worth an estimated USD2.6 billion,[12] with voluntourism companies reporting placements in childcare, including orphanages, as amongst the most popular placements.[13] Australia is a key sending country for orphanage tourists.

➢ **Orphanage Volunteerism**: Orphanage volunteerism is a type of volunteering where the provision of voluntary labour takes place in the context of a residential care institution. Orphanage volunteerism is distinct from orphanage tourism in that placements are typically for a longer duration and the sole purpose of travel, where travel is a component.

➢ **The provision of goods and materials:** Good and materials, including toys, clothes and education supplies, are often provided to overseas residential care institutions in the context of orphanage tourism including short-term missions trips. In some cases, goods are shipped from Australia by churches, charities and other community groups.

---

[10] Knaus, C. (2017) The race to rescue Cambodian children from orphanages exploiting them for profit. The Guardian. 19 August 2017, available at https://www.theguardian.com/world/2017/aug/19/the-race-to-rescue-cambodian-children-from-orphanages-exploiting-them-for-profit [accessed 14 November 2017]

[11] Reas, PJ. '"So, Child Protection, I'll Make a Quick Point of It Now": Broadening the Notion of Child Abuse in Volunteering Vacations in Siem Reap, Cambodia' (2015) 18(4) Tourism Review International 295, 306.

[12] Tourism Research and Marketing (2008) Volunteer tourism: A global analysis. A report by tourism research and marketing. Barcelona, Spain: Association for Tourism and Leisure Education.

[13] https://www.projects-abroad.com.au/projects/care/

Where goods are provided to orphanages operating as businesses, numerous organisations have reported such goods being sold for profit or locked away in cupboards in order to maintain the perception of 'lack' with subsequent volunteers. This in turn encourages further donations from voluntourists who seek to rectify poor standards thus continuing the cycle of investment and profit in the orphanage trafficking business model.

➤ **Foreign Funding**: Countless overseas institutions are funded by Australian registered charities, churches and through individual donations sent directly to overseas accounts. Fundraising takes place in multiple contexts including through schools, churches, events, highway collection appeals and Australian-bound orphan tours whereby overseas orphanages bring groups of children in their care to Australia to tour and perform in order to raise funds.

➤ **Direct Programs**: A significant number of Australian charities and churches operating overseas activities run residential care institutions as their direct programs or are involved in supporting them through partnerships. Where this is the case there is usually a financial and human resource investment into the residential care institutions.

There are numerous sectors in Australia that invest significantly in overseas residential care institutions in the aforementioned ways, including:

➤ **The Travel Sector**. Volunteer providers and tourism companies include orphanage tourism products in travel packages and facilitate orphanage volunteering placements for a fee.

 22 Australian tourism companies were found to be facilitating orphanage tourism and volunteering,[14] and this figure did not include companies based internationally that sell orphanage tourism packages to Australians.

➤ **The Charity Sector.** Charities invest through funding residential care institutions in the context of partnerships and through their direct programs.

 The ReThink Orphanages Mapping report identified 565 Australian charities registered under the ACNC who were involved in or who operate overseas residential care institutions. 245 were identified as directly funding or sending volunteers to overseas residential care institutions.[15]

 95 projects or organisations registered or under the auspices of an OAGDS approved organisations or Public Benevolent Institutions with DGR status

---

[14] van Doore, KE, Healy L and Jones, M. (2016) Mapping Australia's Support for the Institutionalisation of Children Overseas, ReThink Orphanages, available at
http://bettercarenetwork.org/sites/default/files/Mapping%20Australia%E2%80%99s%20support%20for%20the%20institutionalisation%20of%20children%20overseas.pdf [accessed 14 November 2017].
[15] Ibid

were found to be investing in overseas residential care institutions using tax-exempt funds.[16]

➢ **The Education Sector**. State, Independent and Catholic secondary schools and Universities invest in residential care institutions primarily through student trips, which are a form of orphanage tourism, and through volunteer placements. It is common for schools to also have a donor relationship with overseas residential care institutions and conduct fundraising activities within the school community to raise funds.

> 57.5% of Australian universities were found to be involved in supporting orphanage.[17]

> Between 9.28%- 15.79% of all public and private high schools across all states in Australia were found to be involved in supporting orphanages.[18]

➢ **The Faith-Based Sector.** The most significant amount of support emanating from the faith-based sector comes from Christian faith actors, including churches, individuals and Christian mission agencies.

> 36% of Christian churches across Australia and 52% of individual church attendees were found to support overseas residential care institutions.[19]

> 0.5% of all church attendees visited an orphanage in the context of short-term mission trips. [20]

> 20% of churches who support residential care institutions indicated they provide goods as an aspect of their support.[21]

Due to limited available data, Australia's total investment in overseas institutional care cannot be accurately quantified. The above statistics are likely to be an under-representation with respect to certain sectors, particularly the Tourism and Charity Sectors. Existing data is however sufficient to establish Australia as a substantial investor in overseas residential care institutions, which reflects Australians' generosity and desire to assist at-risk children.

---

[16] Ibid

[17] Ibid

[18] Ibid

[19] ACCI (2017) National Church Life Survey Commissioned Report
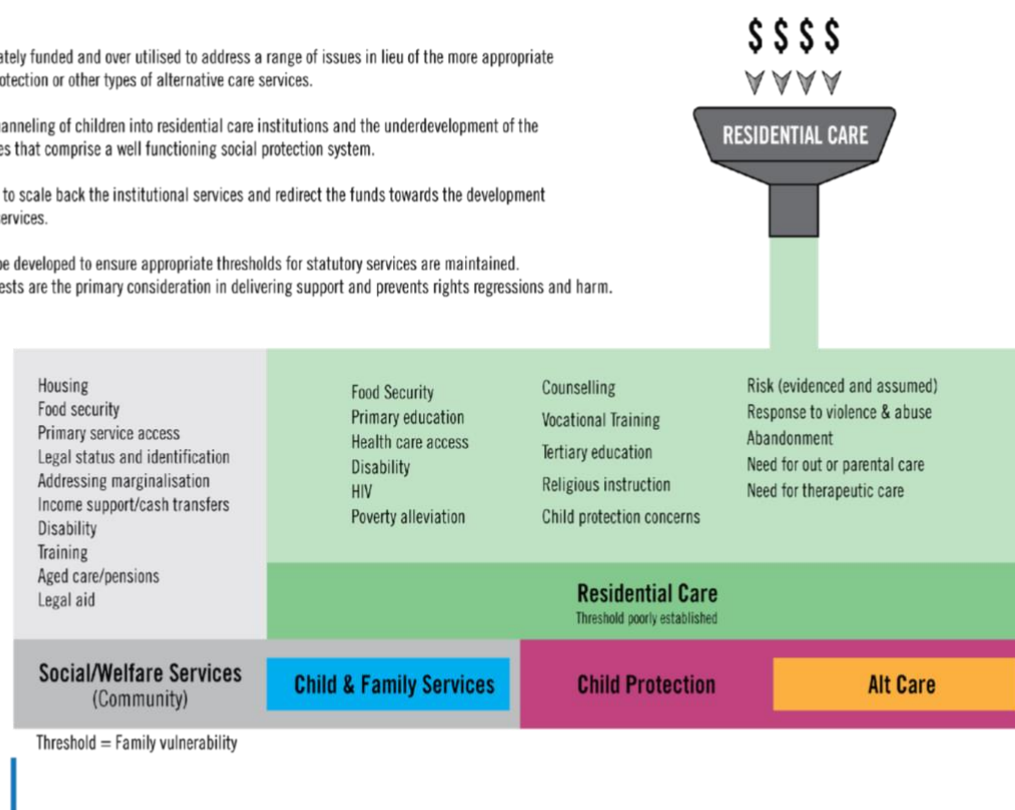
[20] Ibid

[21] Ibid

3.2 Why Australia's current investment is misplaced

Unfortunately, the good intentions of Australians investing in overseas residential care institutions do not necessarily translate into good outcomes for children. In fact, the scale of overseas investment flowing into residential care institutions in developing countries is undermining the development of the government child welfare services systems required to simultaneously meet children's needs and protect their rights. In the worst cases, the investment of overseas donors and volunteers, including Australians, acts as the incentive for the orphanage trafficking business model. At best, the concentration of resources in residential care disproportionate to need is creating situations where residential care is over extended and used to respond to child and family welfare issues that do not meet the statutory system thresholds and are more appropriately addressed through social welfare and child and family service systems. This results in children being channeled into institutional care for issues such as education, food security, disability and other issues of family vulnerability as shown in the diagram below.

Image source: ACC International Relief

Overuse of Residential Care

- Residential care is disproportionately funded and over utilised to address a range of issues in lieu of the more appropriate child and family welfare, child protection or other types of alternative care services.

- The result is the inappropriate channeling of children into residential care institutions and the underdevelopment of the full scope of supports and services that comprise a well functioning social protection system.

- Deinstitutionalisation is required to scale back the institutional services and redirect the funds towards the development of community and family based services.

- Gatekeeping mechanisms must be developed to ensure appropriate thresholds for statutory services are maintained. This ensures children's best interests are the primary consideration in delivering support and prevents rights regressions and harm.

$$\$\ \$\ \$\ \$$$

RESIDENTIAL CARE

Housing
Food security
Primary service access
Legal status and identification
Addressing marginalisation
Income support/cash transfers
Disability
Training
Aged care/pensions
Legal aid

Food Security
Primary education
Health care access
Disability
HIV
Poverty alleviation

Counselling
Vocational Training
Tertiary education
Religious instruction
Child protection concerns

Risk (evidenced and assumed)
Response to violence & abuse
Abandonment
Need for out or parental care
Need for therapeutic care

Residential Care
Threshold poorly established

Social/Welfare Services (Community) | **Child & Family Services** | **Child Protection** | **Alt Care**

Threshold = Family vulnerability

Social Protection System
(child-focused lens)

3.3 Aligning Australia's International Response to the National Framework for Protecting Australia's Children

> *'We recognise that the best way to protect children is to prevent child abuse and neglect from occurring in the first place. To do this, we need to build capacity and strength in our families and communities, across the nation.'*[22]

Australia has a strong commitment to upholding the rights of children. *The National Framework for Protecting Australia's Children 2009-2020* (The National Framework) has a common goal to protect the rights of children in policy and in practice domestically. It strongly links to Australia's international commitment to human rights principles, including the UN Convention on the Rights of the Child.[23]

The principles that underpin *The National Framework for Protecting Australia's Children 2009-2020* [24] and align with rights in the UNCRC are:

➢ All children have a right to grow up in an environment free from neglect and abuse. Their best interests are paramount in all decisions affecting them.
➢ Children and their families have a right to participate in decisions affecting them.
➢ The safety and wellbeing of children is primarily the responsibility of their families, who should be supported by their communities and governments.
➢ Australian society values, supports and works in partnership with parents, families and others in fulfilling their caring responsibilities for children.
➢ Children's rights are upheld by systems and institutions.
➢ Policies and interventions are evidence based.

The National Framework and supporting guidelines acknowledge that families at greater risk of separation also face broader challenges of exclusion and disadvantage. These challenges, which are underpinned by domestic and international evidence, identify the key risk factors leading to the abuse and exploitation of children and families. These factors are listed in the National Framework as:

➢ poverty and social isolation;
➢ unstable family accommodation and homelessness;
➢ poor child and maternal health;
➢ childhood disability, mental health and/or behavioural problems; and
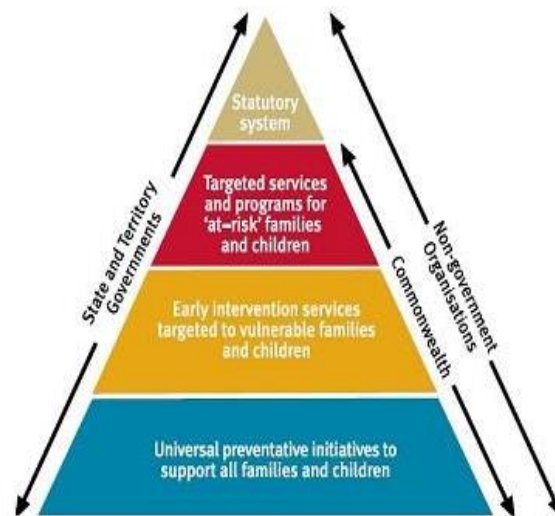➢ past experiences of trauma.

---

[22] Commonwealth of Australia (2009) Protecting Children is Everyone's Business: The National Framework for Protecting Australia's Children 2009-2020
[23] Ibid
[24] Ibid

These are the same risk factors that lead to family separation internationally. The National Framework, which is based on the Public Health Model (image right), is premised on the evidence that by providing the right services at the right time vulnerable families can be supported, child abuse, neglect and family separation can be prevented, and the effects of trauma and harm can be reduced. The model works to strengthen communities, by focusing on universal service access and then targeted services for families when needed using an early intervention focus, with a response mechanism for the families in crisis. As the response moves up the triangle, the number of families targeted is minimised as the system is based on strong mainstream service access and support.

Figure 1 – A system for protecting children

There are many Australian NGO's working internationally that embrace the theoretical underpinnings of this model with a focus on community and family capacity building. However, efforts to strengthen families and prevent separation are up against a greater force, the orphanage industry; fuelled by the significant investments from overseas countries such as Australia and perpetuated by the organisations that are aligned with, or are profiting from, the trafficking and institutionalisation of children.

Organisations in support of long-term institutions continue to argue that residential care services are in the best interests of children and there is a need for children to remain in long-term care. However, this is rarely the case, and such assertions contravene the wide body or research available and the United Nations Guidelines on Alternative Care. Whilst residential care has a place in child protection as a temporary measure, this is a top tier response and should only be a last resort option for a short time frame with very few children in the population requiring this support. Residential care institutions should not be a dominant model of care in any country, nor the primary response to enabling children access to universal services. The resources directed towards maintaining children in care need to be reinvested in solutions that address the actual root causes of child vulnerability in the community. This enables children's safe reintegration and prevents further institutionalisation.

Therefore, it is critical that Australia as a key investor in overseas institutions, redirects resources and consistently applies the child rights and best practice principles that underpin our domestic child protection services to our engagement and investment in programs internationally.

3.1.1 Human Trafficking, Tourism and the Institutionalisation of Children

> *'Australia is committed to a future where no one is subjected to human trafficking or slavery, and the human rights of all people are valued equally.'*[25]

In 2010-2014, Australia invested $7.5 million into Project Childhood, a partnership between the Australian Government and the United Nations Office on Drugs and Crime, which focused on leading causes of the sexual exploitation of children in South East Asia. This project found that the highest number of offenders were regional tourists and the primary target group of children were children without appropriate family care and children living in poverty.[26] The findings, supported by volumes of domestic and international evidence about the links between international tourism and children without appropriate care, align with the strong commitment the Australian Government has made in focusing on the prevention of the exploitation of children.

In December 2014, the Australian Government launched the *National Action Plan to Combat Human Trafficking and Slavery 2015-19*. This plan provides the strategic framework for Australia's whole-of-community response to human trafficking and slavery. Australia's international engagement to combat human trafficking and slavery is substantial and varied, focusing on both bilateral and multilateral issues that lead to the trafficking of vulnerable populations. The Action Plan highlights that whilst the trafficking of people takes many different forms, the commonality between all forms of trafficking is that it involves three main areas, which include the:

1. manipulation of complex relationships between offender and victim;
2. undermining of the freedom of the victim to make decisions for themselves; and
3. treatment of the victim as property.

These are factors that can be found at the core of the operations of the business model of orphanage trafficking globally.

The Action Plan places emphasis on 'the particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation'.[27] It is appropriate that this emphasis is extended to legislation and policy concerning children who are being trafficked as a result of Australia's involvement in orphanage tourism in developing nations.

---

[25] Commonwealth of Australia (2015) National Action Plan to Combat Human Trafficking and Slavery 2015-19

[26] https://www.unodc.org/documents/southeastasiaandpacific/2011/12/childhood/Project_Childhood_Web_slides_2_5_January_2012.pdf

[27] Commonwealth of Australia (2015) National Action Plan to Combat Human Trafficking and Slavery 2015-19, 20.

The divestment strategy suggested in this document fully aligns with the Action Plan. It is essential that Australia targets measures to combat the orphanage trafficking business model that ensure that we remove the enabling environment through the prevention of orphanage tourism, whilst also promoting appropriate alternative care arrangements for vulnerable children. This can be achieved through elements of criminalisation (orphanage tourism and orphanage trafficking as offences) to serve as prevention and deterrence strategies; detection and investigation of these offences should they take place; appropriate prosecutorial strategies; a compliance framework that speaks to both business, NGO's and charities, and victim support and protection through funding agencies that prioritise family based care.

3.1.2 Investment in the Orphanage Industry: The interface of Business and Human Rights

'Cooperation between governments, between government agencies, and between governments and civil society, business and industry, and unions is key to preventing human trafficking and slavery, detecting, investigating and prosecuting the perpetrators, and protecting and supporting victims.'[28]

Whilst a lack of understanding regarding orphanage tourism and residential care in general is a significant factor, the rise in the number of residential care institutions and its ongoing prolific use cannot be solely contributed towards lack of awareness and misguided kindness. Orphanages have emerged as a profitable industry in which both children and the good intentions of overseas donors and volunteers are being intentionally commoditised. This industry is run by individuals, organisations and companies who associate orphanages with a lucrative market, and children in care with profit.

Children, who form part of such companies and organisation's supply chains, are being trafficked into orphanages in an effort to sustain the orphanage business model and meet the demand of orphanage tourism. This is taking occuring despite awareness of the harms to individual children and to child protection system building efforts. There are also numerous examples of businesses and organisations who profit from orphanages actively countering awareness raising efforts or using 'greenwashing' tactics including renaming residential care institutions as 'kinship homes', 'boarding schools' or 'foster care' to avoid public scrutiny and maintain the status quo.[29]

As such, individual Australian donors and volunteers are being duped into continuing to invest in the 'orphanage industry' and in most cases, are unaware that

---

[28] Commonwealth of Australia (2015) National Action Plan to Combat Human Trafficking and Slavery 2015-19
[29] https://kinshipunited.org/changing-the-name/

their investment may create an incentive to the orphanage trafficking business model, rather than address child vulnerability. Australian businesses and organisations who profit from facilitating orphan experiences for tourist can therefore be complicit in human trafficking in a similar way to other types of companies' complicity in modern slavery through supply chains.

In the *Australian Human Rights Commission, Children's Rights Report* in 2015, the first recommendation relating to child rights concerned the link between exploitation and business. The recommendation asked for the Australian Government to provide immediate guidance to businesses and all industries on how they could better respect and support children's rights. This recommendation was flagged as the most concerning area of child rights in the country that needed attention. The second recommendation focused on the interface of business and human rights, requesting research into high risk key areas that lead to the exploitation of children. The acknowledgment of urgency around supporting businesses to uphold the rights of children and understand the impact their operations have is a key part of the international support for vulnerable children.[30]

The recommendation for the legislative ban affecting businesses and corporations that facilitate and profit from orphanage tourism is therefore aligned with the recommendations made by the Australian Human Rights Commission. Requiring tourism companies who meet the threshold to report on slavery in their supply chains with respect to their voluntourism and volunteering products under the Modern Slavery Supply Chains legislation would similarly align and support divestment in orphanage tourism.

3.1.3 Current global and national efforts

Commensurate with State party obligations to the *UN Convention on the Rights of the Child,* a substantial number of developing country governments are making significant attempts to reform their care systems and deinstitutionalise their child welfare service systems. This typically includes the development and introduction of Alternative Care Policies, Moratoriums on the registration of new residential care institutions and Minimum Standards of Alternative Care to govern the functioning of the care sector and encourage the diversification of care settings in accordance with the Continuum of Alternative Care (see image below).

---

[30] Children's Rights Report 2015-
https://www.humanrights.gov.au/sites/default/files/AHRC_ChildrensRights_Report_2015_0.pdf

CONTINUUM OF ALTERNATIVE CARE

PARENTAL CARE

CHILD HEADED HOUSEHOLD

KINSHIP CARE (extended family in child's community of origin)

DISTANT KINSHIP CARE (extended family located elsewhere)

FOSTER CARE (in child's community of origin)

FOSTER CARE (in another community)

SEMI INDEPENDANT LIVING

PAGODA OR FAITH BASED CARE

GROUP HOME CARE

FAMILY-LIKE RESIDENTIAL CARE

LARGER RESIDENTIAL CARE

DOMESTIC ADOPTION

INTER-COUNTRY ADOPTION

FAMILY BASED CARE | **COMMUNITY BASED CARE** | **RESIDENTIAL CARE** | **FAMILY BASED CARE**

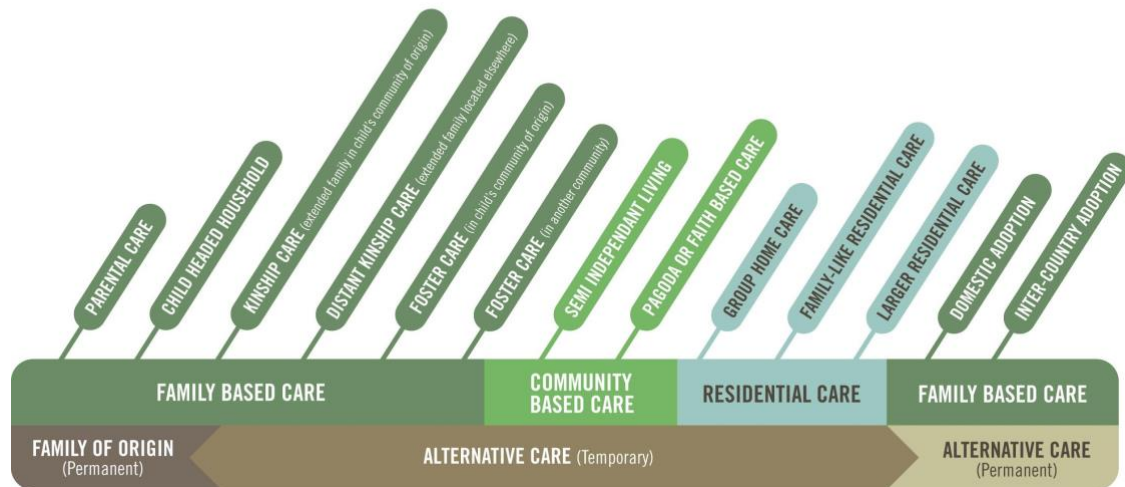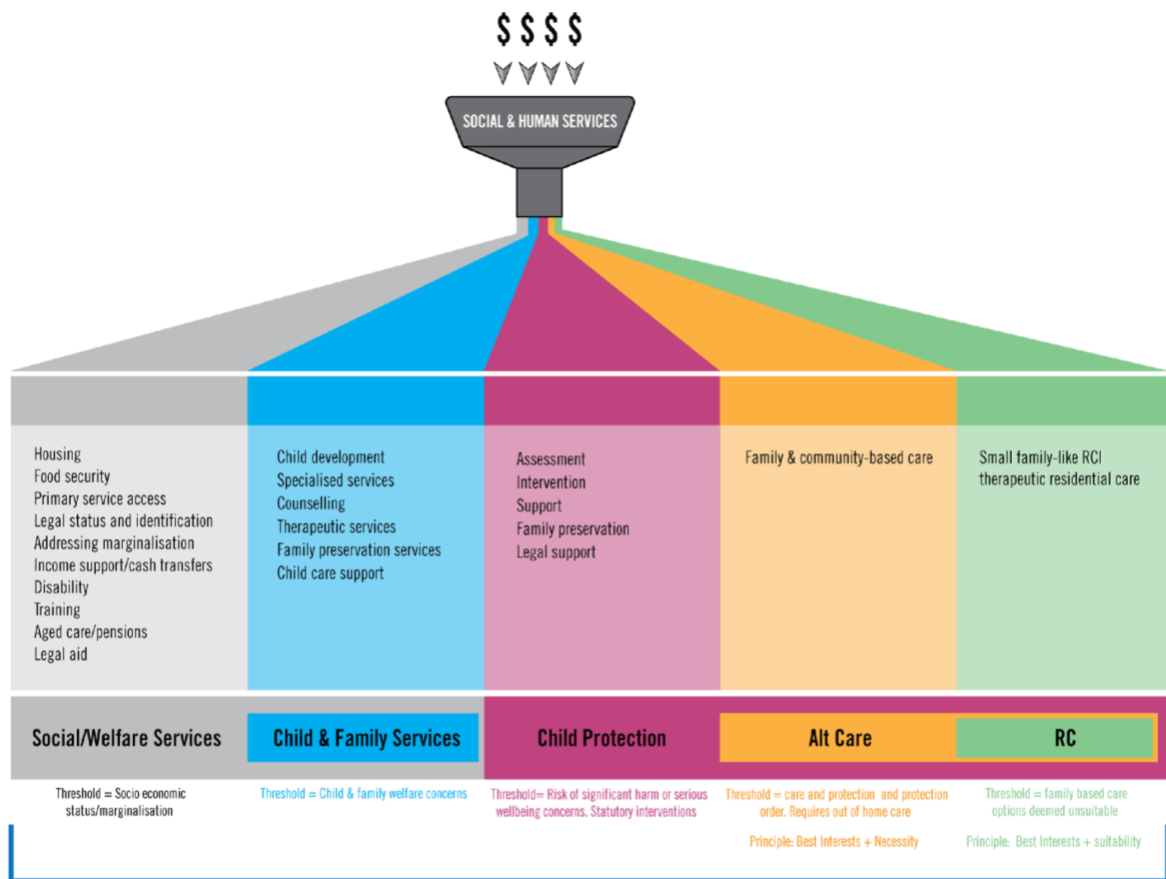**FAMILY OF ORIGIN** (Permanent) | **ALTERNATIVE CARE** (Temporary) | **ALTERNATIVE CARE** (Permanent)

Image source: ACC International Relief

Whilst progress is being made in many countries, efforts are being hampered rather than aided by the investments of foreign charities, NGOs, tourists and volunteers whose ongoing desire to invest in institutional care discourages reform at the program level. The result, in countries like Uganda, Cambodia, Nepal, Myanmar, India, Indonesia and Sri Lanka, is a widespread discrepancy between policy and practice. With limited resources and weak oversight and regulatory mechanisms, local governments are struggling to affect the desired changes and improve the situation for at-risk children. Key child protection organisations, including UNICEF and global networks such as Better Care Network and Better Volunteering Better Care are therefore turning their attention to donor countries' and imploring governments and civil society actors to invest in ways that support rather than undermine country-level care reform efforts.

Common resistance from civil society actors and donors to divesting orphanages is the lack of family-based alternatives and limited access to quality education, particularly in rural settings. Whilst this is a legitimate concern and is the current reality in many settings, it will remain the reality for generations of children to come unless investments are redirected to enable the diversification of services required to establish comprehensive child welfare and protection systems and universal access to primary services as illustrated below.

Housing
Food security
Primary service access
Legal status and identification
Addressing marginalisation
Income support/cash transfers
Disability
Training
Aged care/pensions
Legal aid

Child development
Specialised services
Counselling
Therapeutic services
Family preservation services
Child care support

Assessment
Intervention
Support
Family preservation
Legal support

Family & community-based care

Small family-like RCI therapeutic residential care

Social/Welfare Services	Child & Family Services	Child Protection	Alt Care	RC

Threshold = Socio economic status/marginalisation

Threshold = Child & family welfare concerns

Threshold= Risk of significant harm or serious wellbeing concerns. Statutory interventions

Threshold = care and protection and protection order. Requires out of home care

Principle: Best Interests + Necessity

Threshold = family based care options deemed unsuitable

Principle: Best Interests + suitability

Social Protection System
(child-focused lens)

Image source: ACC International Relief

Once developed, this comprehensive range of services will act to prevent children's vulnerability to orphanage trafficking by addressing the 'push' factors at the community level such as education and poverty. With reduced investment in institutional care and strengthened gatekeeping mechanisms curbing unnecessary entry into care, the ability of traffickers to profit from recruiting children into institutional care is simultaneously addressed and trafficking deterred.

This reinforces the importance of Australian investments into overseas programs being directed in a way that is commensurate with the global and country level care reform agendas, to support both child welfare and anti-trafficking objectives.

4.DIVESTMENT STRATEGY

In recognition of:

➤ Orphanage trafficking as a serious crime and the complex interplay of factors that create and sustain the orphanage industry in which it thrives, including criminality, intentional commodification of children and 'the good intentions of Australians;

➤ The lack of appropriate standards in alternative care (encompassing of residential care), including those programs run or funded by Australian entities, which creates an enabling environment for the orphanage industry and orphanage trafficking and in which Australia is complicit;

➤ The significant investment Australia currently makes into residential care institutions overseas and the counterproductive effect this has on the emergence of strong national child protection systems in developing countries;

➤ The lack of awareness of the Australian public regarding child rights, the harmful effects of institutionalisation and the exploitative nature of orphanage tourism, which enables ongoing investment in all its forms; and,

➤ Australia's strong commitment to combatting human trafficking and protecting children in Australia and internationally;

It is recommended that Australia develops and adopts a multi-tiered divestment strategy:
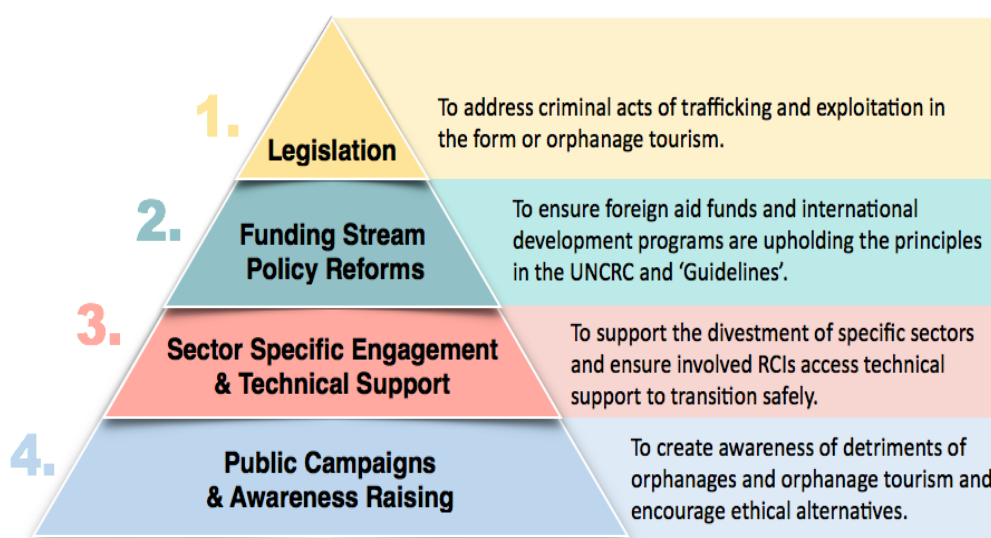
4.1 Legislation

To include orphanage tourism and orphanage trafficking in the proposed Modern Slavery Act would place Australia at the forefront of the international community on taking legislative action on this issue since it was officially recognised in the T*rafficking in Persons Report 2017*. Inclusion of orphanage trafficking and orphanage tourism in the Modern Slavery Act and Criminal Code is consistent with Australia's international obligations under the *Convention against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, the UNCRC,* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.*

The *Joint Standing Sub Committee's Interim Report on the Inquiry into Establishing a Modern Slavery Act* in Australia gave in principle support for the following with respect to orphanage tourism and trafficking:

> **4.2** The Committee gives in-principle support for developing a Modern Slavery Act in Australia, including mandatory supply chain reporting requirements for companies, businesses, organisations and governments and an Independent Anti-Slavery Commissioner. The Committee notes that it will consider other elements of a potential Modern Slavery Act in its final report, including prevention measures, support for victims, improvements to Australia's visa regime and **prevention of orphanage tourism**, as well as other recommended changes to Australian law, policy and practices to combat modern slavery.
>
> **4.31** The Committee gives in-principle support for a broad definition of modern slavery to be included in the Modern Slavery Act, to help guide companies, businesses, organisations and governments on what to look for within their supply chains, including, but not limited to, forced labour, child labour, bonded labour, human trafficking, domestic servitude, **orphanage trafficking**, sex trafficking, forced marriage, slavery and other slavery-like practices. A full non-exhaustive list of terms will be considered in the Committee's final report.

The Sub Committee made two proposals for the prevention of orphanage tourism to be legislated for. The first is in the Interim Report through inclusion in the proposed Modern Slavery Act, and the second is through a potential piece of specific legislation placing limits on, or banning, orphanage tourism by Australians and the facilitation of orphanage tourism by Australian companies. The Sub Committee chair has written to the Attorney General and Minister for Foreign Affairs to pursue this.

Orphanage tourism is a demand driver for orphanage trafficking. The business model of orphanage trafficking is predicated on the profit gained from orphanage tourism. Having perceived the attraction of vulnerable children to attract volunteers and visitors, unscrupulous operators have seized upon orphanage trafficking as a

way to exploit vulnerable children and families. Whilst countries such as Nepal and Cambodia are investing heavily in deinstitutionalisation, their efforts are being derailed by the orphanage trafficking business model which relies upon orphanage tourism from western countries such as Australia. To break this business model, both sending and receiving countries must take action and support transnational initiatives. The proposed Modern Slavery Act is an opportunity to assert extraterritorial jurisdiction over Australian nationals and corporations to ensure Australia's inadvertent involvement in orphanage trafficking does not continue to undermine the child protection work that developing nations are undertaking.

As orphanage tourism is one of the primary ways that Australian's engage in orphanage trafficking, it is essential that orphanage tourism be curtailed through criminalisation to break the business model of orphanage trafficking. There are two ways in which Australians engage in orphanage tourism – the first is through travel or tourism companies and charities/NGO's that facilitate volunteering or visiting; the second is via individual's self-arranging visiting or volunteering.

Due to public awareness campaigns focusing on the growing body of research and evidence of orphanage trafficking, there is growing momentum from the travel industry to divest of orphanage tourism. To enhance this withdrawal, legislation should seek to regulate the involvement of companies, charities and NGO's selling tourism products that facilitate orphanage tourism. This regulation should take the form of complete divestment of all general unskilled orphanage tourism within a two year period. Where orphanage trafficking is included in the definition of modern slavery, and travel companies meet the requirements for supply chain reporting, they should be required to report on how they have assessed and dealt with the risk of orphanage trafficking in their operations.

There may be a role for travel companies to play in providing specialized skills based volunteers in non-childcare related roles to assist with best practice transition to family based care, or other capacity building initiatives. This could be listed as an exemption however it would need to be suitably nuanced in order to prevent potential exploitation of an ambiguity.

Legislating for company, NGO and charity facilitation of orphanage tourism will sanction one element of Australia's contribution to this industry, however most volunteering and visiting is arranged by individuals directly. Individual volunteers and visitors are a substantial component of the orphanage trafficking business model as they are usually less equipped to conduct appropriate due diligence. Individuals often respond spontaneously in country to direct advertisements inviting them to volunteer or visit residential care institutions which feeds directly into the orphanage business model. This is a critical component of the orphanage trafficking model as many of these homes are unregistered and established purely to meet the demand of orphanage tourism. The danger in sanctioning only companies, NGO's and charities that are facilitating orphanage tourism is that it will result in individuals being able to participate in orphanage tourism with no oversight or regulation. This will effectively force all orphanage tourism into a completely unregulated space.

Where companies, NGO's and charities have a very limited and specific role in placing only skilled volunteers that is aligned with legislation, it has the potential to provide accountability through regulation.

As discussed below in 4.3, there have been a number of international and domestic public awareness campaigns with more planned in the coming months. Any proposed legislation criminalizing orphanage tourism for volunteers should serve both as both a deterrence and prevention tool. Where individuals are left out of this equation, there is a very real and inherent risk that we may exacerbate the very problem we are trying to rectify.

The following is recommended:

➢ The proposed Act should include orphanage trafficking in any definition of modern slavery that is provided. The term 'orphanage trafficking' should refer to the active recruitment of children from vulnerable families into residential care institutions for for the purpose of exploitation. Where children are recruited into ongoing institutional care for the purpose of exploitation and profit, orphanage trafficking results in the end point of 'slavery like practices'. This could be modeled on the child trafficking offences found in the Criminal Code with the same separation between 'intention' and 'recklessness' provided. This would need to have extraterritorial jurisdiction applied to capture Australian citizens and residents involved.

➢ The proposed Act should make it an offence for an Australian citizen or resident to engage in orphanage tourism overseas. This may be done either as constructing orphanage tourism as a form of exploitation (modelled upon section 3 of the Modern Slavery Act 2015 (UK)) or through inclusion in the Criminal Code as an offence in Division 271.

➢ It is proposed that 'engaging in orphanage tourism' should be defined to include visiting or volunteering at a residential care institution. Exemptions should be applied for suitably qualified persons volunteering in capacity building roles for staff of the institution in non-child care related roles.

➢ It is proposed that the actions of facilitating, enabling, organising, benefitting from, or profiting from orphanage tourism be criminalised under the proposed Modern Slavery Act. This may be modelled on division 272.18 – 272.20 of the Criminal Code. These offences seek to prevent orphanage tourism taking place. This could be introduced with a reasonable timeframe for divestment of two years.

➢ It is proposed that orphanage tourism offences apply to Australian citizens, residents and bodies corporate.

➤ Residential care institutions should include group living arrangements where children are cared for by employees or volunteers, whether on a temporary, mid-term or permanent basis. This can include orphanages, children's centres, boarding facilities, transit homes, children's villages (compound foster care), hostels, shelters and other such non-family based settings.

➤ It is noted that extraterritorial jurisdiction will need to be enacted to effect the prevention of orphanage tourism.

The rationale for the proposed legislated offences is to deter potential orphanage volunteers, visitors and tourists from engaging in orphanage tourism with vulnerable children, which drives demand for orphanage trafficking. Secondly, the rationale is to provide supplementary prosecutorial mechanisms for when orphanage tourism occurs.

4.2 Funding Stream Reforms

Australia has made a strong stance domestically against the institutionalisation of children and it is recommended this stance be taken across all sectors linked to funding institutions overseas. The Human Rights Committee has called on States signatory to the UNCRC to report on what measures of protection are adopted to protect children who are abandoned or deprived of their family environment in order to enable them to develop in conditions that most closely resemble the family. Whilst Australia is well placed to report with respect to our domestic response to vulnerable children, Charity Sector investments in overseas institutions (including Australian government contributions through tax exemptions) are in most cases counterproductive to this goal. This compromises the effectiveness of local child protection systems and in turn the ability of foreign governments to provide a suitable response to the important question posed by the Human Rights Committee.

An in-depth joint submission written by ACCIR and ACFID was provided to the Joint Standing Committee in September 2017 outlining funding stream recommendations, which if applied across the charity sector regulatory and policy landscape, would contribute significantly to the divestment of charities involved in institutional care operating contrary to the 'UN Guidelines' and promote good practice in line with Australia's domestic policies including the *National Child Protection Framework*.

The submission recognises the nuanced approach required to ensure that divestment is conducted in a safe and responsible manner, balancing the impact of divestment on children currently in institutional care with the critical need to redirect investments towards reforming the care systems in developing countries. Such measures would contribute to the prevention of orphanage trafficking whilst simultaneously addressing Australia's complicity in child rights violations and harm, caused by the inappropriate use of institutional care.

The following excerpt taken from the ACFID and ACCIR Joint Submission outlines the basis of the recommended approach to funding stream reforms and the potential impacts.

Excerpt from Joint ACFID & ACC International Relief Supplementary Submission into the Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry into Establishing a Modern Slavery Act [31]

Addressing Australian foreign aid funding as a driver of the 'orphanage industry' and 'orphanage trafficking' is a nuanced issue. A careful balance must be achieved between redirecting funding away from harmful practices and criminal activity without hampering countries' care reform efforts, defunding alternative care services demonstrating good practice, or creating a situation that promotes unsafe reintegration practices. It is for these reasons that **the Australian Government should not consider instituting a categorical ban on funding overseas residential care.**

Rather, for charities whose purpose includes the provision of alternative care services, steps could be taken to enhance the regulatory and reporting frameworks already in existence – including for those operating overseas activities under the Australian Charities and Not-For-Profits Commission (ACNC), those holding or seeking eligibility to the Overseas Aid Gift Deduction Scheme (OAGDS) and those holding or seeking eligibility to Public Benevolent Institutions (PBI) DeductibleGift Recipient (DGR) categories.

Most of these regulatory mechanisms already contain provisions that would enable residential care practices to be viewed as ineligible activities, however, what is lacking is a common and uniform interpretation statement to support whole-of-government application of existing guidelines to ensure residential activities are always identified and subject to the same considerations in determining their eligibility.

Eligible purposes/activities should be those that contribute towards the progressive realisation of children's rights as outlined in the UNCRC and work in accordance with the 'UN Guidelines' as the international guiding instrument outlining best practice in alternative care. Under this framework, eligible activities should include:

1. *Care reform efforts. Programs and activities designed to contribute towards the deinstitutionalisation of social protection systems including child protection and care systems. This could include the scaling back of the use of residential care, the development of non-institutional services, funding stream reforms, social workforce development, related capacity building and supporting the development of government policy and procedural frameworks.*

2. *Transition or safe closure of existing residential care institutions. Programs and activities designed to support existing residential care institutions through a safe transition or closure processes. This should include the advocacy efforts required to engage donors in the transition process.*

3. *Reintegration. Programs and activities designed to outwork the safe reintegration of children currently living in residential care and support to national structures to ensure continued support to families vulnerable to unnecessary separation.*

---

[31] ACFID ACCIR Joint Submission

4. ***Best practice in alternative care services****. Programs and activities <u>operating in accordance with the UNCRC and the 'UN Guidelines'</u> who provide alternative care services to children. This could include any of the care options included in the continuum of care, including residential care, however must be guided by the three overarching principles: best interests of the child, suitability and necessity. Organisations operating or funding residential care should only be eligible when they can demonstrate robust gatekeeping measures, and have the technical capacity to conduct regular assessments and placement reviews to uphold the 'measure of last resort… temporary and for the shortest duration possible' clause the 'UN Guidelines' place on the use of institutional care.[32]*

Requiring organisations to demonstrate their programmatic and policy alignment with the UNCRC and the 'UN Guidelines' would prevent the ongoing funding of inappropriate residential care services, including those:
- *operating unlawfully (unregistered, inappropriately registered);*
- *operating without adequate gatekeeping measures in place or suitable thresholds for entry into care;*
- *using institutional care as a default long-term care option;*
- *actively recruiting children into care (including trafficking);*
- *without reintegration policies and procedures;*
- *without adequate child-safeguarding policies and procedures in place; and*
- *who fail to meet the minimum standards of care.*

It would also result in an overall reduction of funding being directed towards residential care and encourage the redirection of funds towards other alternative care services including family-based care. This reduction in available funding would reduce the incentive for organisations to institutionalise children and thus the incentive for 'orphanage trafficking'. Requirements for more stringent program standards would reduce the likelihood of Australian foreign aid funds, or funds from Australian charities, churches and business fuelling the mis/over-use of residential care.

As funding and volunteering are inherently linked, particularly in the education and faith-based sectors, measures to curb the funding stream would also likely reduce the instances of Australian volunteers and voluntourists participating in orphanage tourism. This in turn would likely further reduce the risks of 'orphanage trafficking' and the likelihood of Australia's ongoing complicity in this form of modern slavery.

The full ACFID and ACCIR Joint Submission, outlining an in-depth rationale for funding stream reforms and set of specific recommendations can be found in Annex 2.

---

[32] Principle B.14 of the UN Guidelines for the Alternative Care of Children.

4.3 Sector specific engagement and technical support

Strategies to divest key sectors must be specifically tailored to each sector in order to:

➤ Address each sector's primary motivation for engagement.
➤ Be appropriate to the dominant business model or partnership framework which underpins the engagement.
➤ Include the relevant technical assistance required to divest in a responsible manner.
➤ Guide reinvestment in ethical alternatives that will be appropriate to the business model or engagement framework unique to the sector, as well as consistent with best practice principles and international child rights law.

Significant progress has already been made across the Education, Faith-Based, Charities and Tourism Sectors, both in Australia and at the global level. As a result, a substantial amount of sector specific resources have been developed and are publicly accessible. These resources include research, guidelines, manuals, online tools as well as videos and case studies. There are numerous interagency networks and country level hubs or working groups that divesting organisations and entities can connect to for technical support. These existing resources can and should be leveraged as a part of Australia's overarching divestment strategy.

With respect to the Travel Sector there are numerous industry codes of conduct that have been developed or are under development to guide ethical tourism. Several relate specifically to ethical engagement with children. These primarily good practice, however there remains a lack of comprehensive resources to guide the divestment process for Travel Sector actors. More work is also required to reach consensus between the child protection and tourism sectors as to what constitutes ethical alternatives in cases where tourists continue to engage directly with children. This is a critical piece of work that needs to be undertaken to avoid a situation where tourists are diverted from orphanages and redirected towards other practices that put children at risk.

Further information pertaining to sector by sector divestment initiatives and guiding resources can be found in *Annex 1: Sector Specific Divestment Initiatives & Resources*.

4.4 Public Campaigns

An important component of encouraging divestment is challenging the deeply entrenched 'orphan and international helper'[33] narrative which serves to legitimise western donors' support of orphanages and associated voluntourism efforts. Central to the orphan discourse is the construction of children, who in most cases have parents or families, as 'orphans'. Falsely constructing children as orphans serves to heighten the perception of a child's vulnerability and isolation. Children are portrayed as passive and deprived in contrast to the active salvation-like image assigned to those who volunteer, visit or support them.

The orphan discourse is central to the cognitive dissonance surrounding the issue in which Australians assign unquestioning merit and worth to solutions for children in developing countries, including institutional care and orphanage tourism, that would otherwise be deemed inappropriate and negative in their own country and cultural context. It results in an uncritical support of overseas residential care institutions, which in turn enables the commodification of Australian's good will towards children overseas, and the exploitation and trafficking of children into institutions.

As such, public campaigns and awareness raising initiatives are important precursors to widespread divestment of residential care programs. Campaigns aid in the deconstruction of the orphan myth and inform Australians of the harms associated with institutional care and orphanage tourism and the real situation faced by children in developing countries. They further encourage reinvestment into better solutions and promote ethical volunteering and voluntourism. This in turn decreases Australians' vulnerability to being financially exploited by those who profit from the orphanage industry.

To date considerable efforts have been made to raise awareness of the orphanage industry and the harm associated with orphanage tourism. Efforts have targeted specific sectors as well as the general public through media. The Better Volunteering Better Care initiative, co-chaired by Better Care Network and Save the Children UK, has played a lead role in fostering collaboration on a global level to campaign against orphanage tourism.

There are a number of public campaigns underway designed to specifically raise awareness amongst Australian audiences. The Better Care Network Behaviour Change Communication Campaign has been designed to change the story about orphanages and volunteering by targeting key sectors, as well as individuals, with clear and compelling messages that raise awareness and inspire ethical and sustainable behaviour change, ultimately leading to an end to the practice of

---

[33] Holmberg, B. (2016) The orphan and the savior. A relationship of love, gratitude and commodities, available at http://su.diva-portal.org/smash/get/diva2:761356/FULLTEXT01.pdf [accessed on 15 November 2017]

orphanage volunteering. The campaign is currently in the research and development stage and is due to be implemented in Australia in 2018.

DFAT's Smartraveller website includes a Volunteering Overseas information page, which includes guidance around ethical engagement with children overseas. It alerts Australians to the possibility of exploitation taking place within orphanages and encourages Australians to consider the risks, think carefully about volunteering in orphanages and conduct research into organisation's practices prior to investing or volunteering.[34] However, it does not extend to emphatically discourage the practice of orphanage tourism. DFAT is currently developing a social media campaign as a means to promote more widespread understanding of the issue of orphanage tourism and discourage its practice. It is due to be launched before the end of 2017.

There are other public campaigns being proposed, including a documentary and supporting resources set to be commissioned by Save the Children Australia. This project is currently in the concepting phase.

---

[34] http://smartraveller.gov.au/guide/Pages/volunteering-overseas.aspx

5. IMPLEMENTATION OF THE DIVESTMENT STRATEGY

5.1 Divestment strategy applied

The Divestment Strategy Applied diagram (below) visually presents the proposed interventions and how they relate to overall cohesiveness of the strategy. As a multi-tiered strategy, it is important that all components are implemented to ensure an integrated response to orphanage trafficking. The suggested model of legislative enactment, public awareness raising, funding stream reform and sector based engagement and support, represents a holistic divestment from orphanage tourism. The direct result of implementation of these aligned actions will be a significant reduction in Australia's contribution to the orphanage industry internationally.
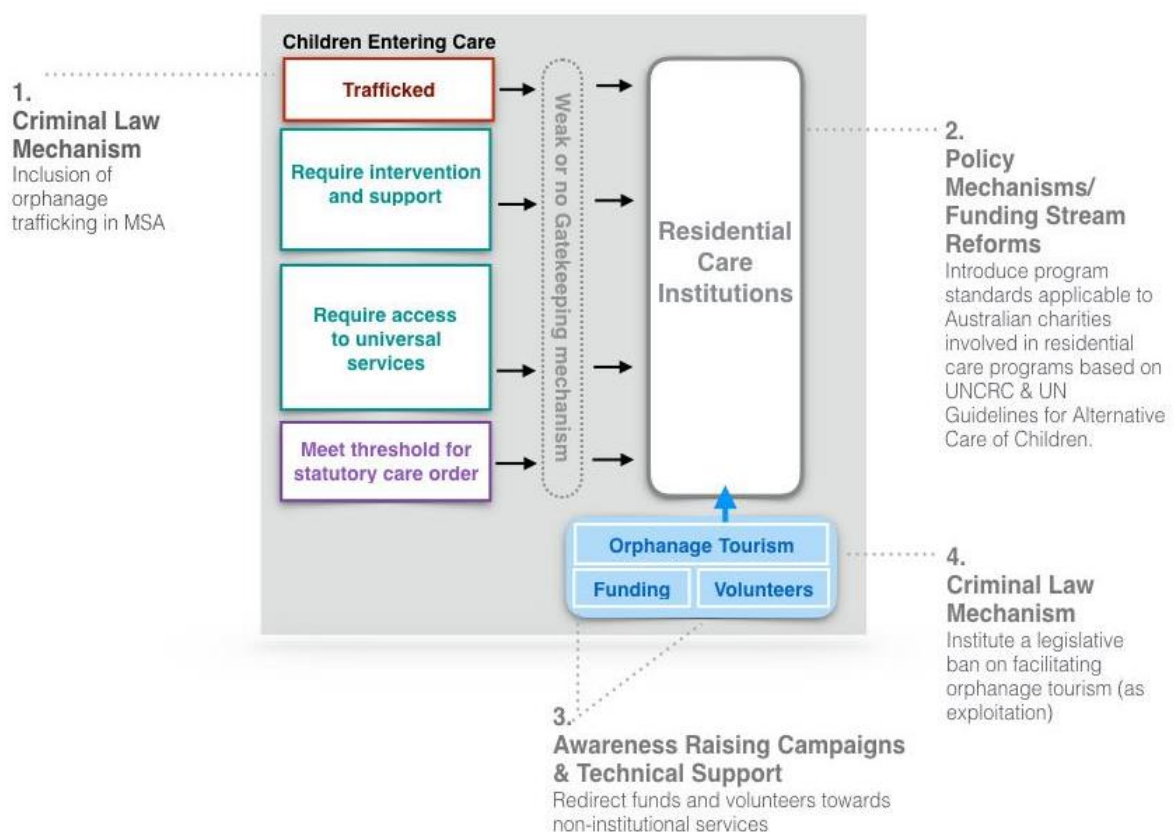
The application of all components of the multi-tiered divestment strategy would also have a significant and positive impact on the development and strengthening of child protection and child welfare service systems in countries where Australia is a key investor, as demonstrated in the image below.

Divestment Strategy Objectives

Community Services

- Community Development
- Primary Services
- Universal Prevention Services

Funding | Volunteers

Trafficking

Child & family referrals

Gatekeeping mechanism

Child & Family Services System

Child and Welfare Services
- Early Intervention
- Targeted Programs

Statutory System
- Child Protection
- Family-Based Care
- Residential Care

Funding & Programs

1. Criminal Law Mechanisms
- Reduces the incidences of orphanage tourism & forces the development of ethical alternatives which encourages investment in community-based programs.
- Deters orphanage trafficking and provide redress for victims

2. Policy Mechanisms/ Funding Stream Reforms
- Introduction of program standards encourages:
  - A focus on systems development
  - The introduction of gatekeeping mechanisms & appropriate thresholds
  - High quality alternative care services appropriate to children's needs
  - Residential care usage as a last resort and short term for the shortest duration possible
- Strengthened systems & effective gatekeeping mechanisms reduce the likelihood of children being trafficked into care.

3. Awareness Raising & Technical Support
- Public awareness of ethical volunteering and child-rights redirects efforts and resources towards community-based programs encouraging their development
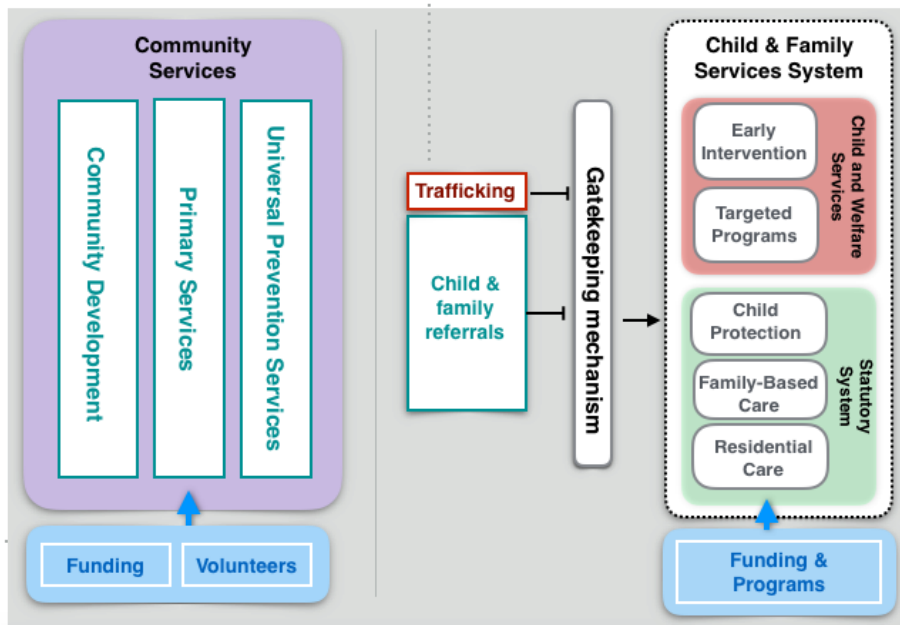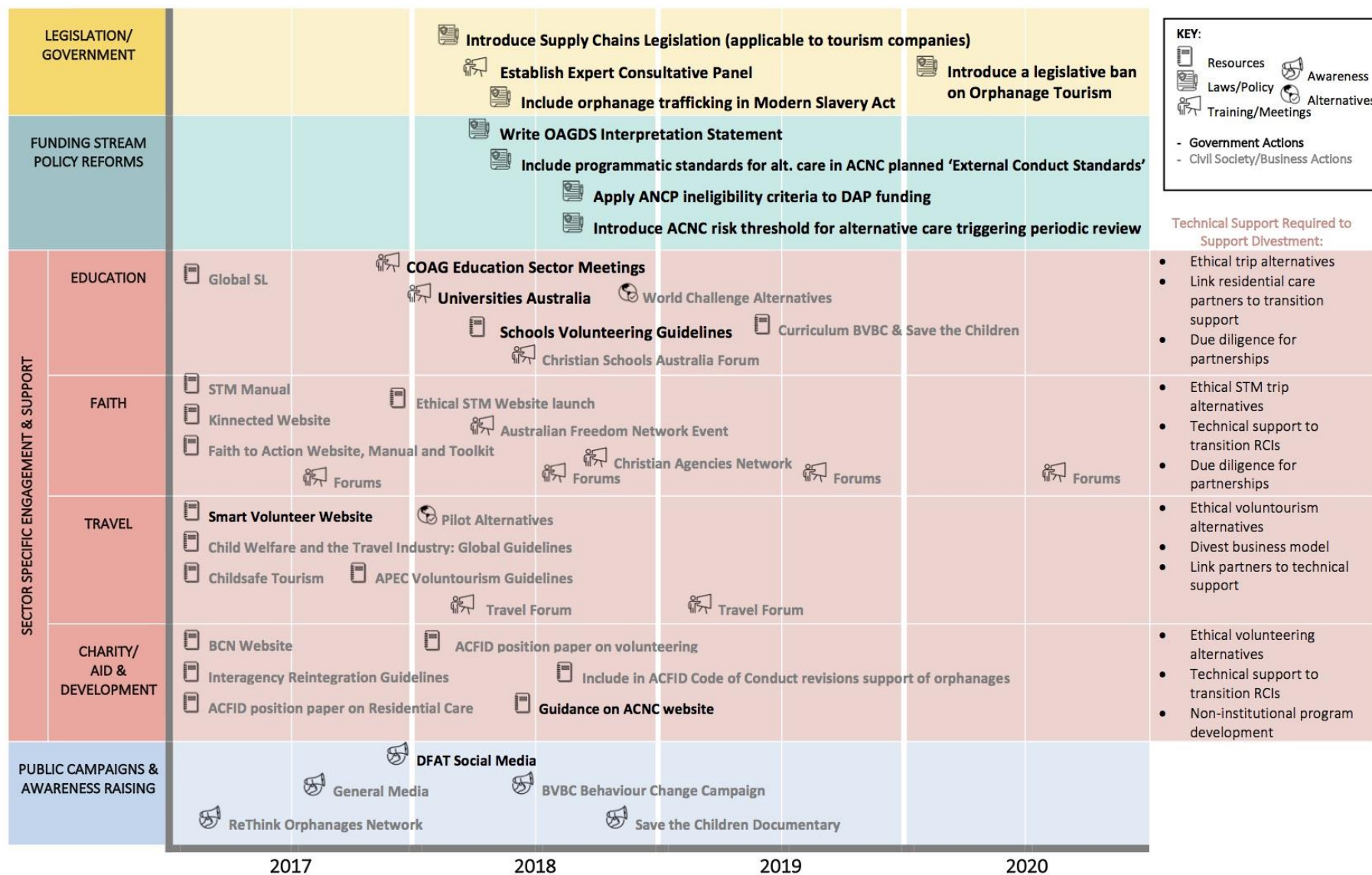
- Funds redirected from RCIs operating contract to 'UN Guidelines' or RCIs transitioned are reinvested into
  - community-based services
  - family-based care
  - systems development
- Reducing the flow of funds to RCIs removes the incentive for trafficking

Australian Investments

As the strategy outlines, funding stream reforms tighten alternative care program standards, including the introduction of gatekeeping measures, preventing trafficked children from admission to residential care institutions. It also results in the scaling back of investment in institutions and will most likely divert resources, including voluntourism efforts, towards community-based mechanisms allowing those preventative services to develop. Ethical alternatives to orphanage tourism are also likely to generate more interest in community-based programs and lead to an increase in funding directed towards prevention. Criminal law mechanisms play an integral role in breaking the business model of orphanage trafficking by ensuring that the demand for orphanage tourism, which results in orphanage trafficking, is halted. Therefore, the potential sum total impact of the integrated strategy is potentially much greater than the parts

5.2 Taking a Staged Approach

This diagram on the following page demonstrates the proposed staged implementation of the multi-tiered strategy and the collaboration between government and civil society required to divest from the orphanage industry. It includes all divestment related initiatives either proposed or document in this submission and annexes.

KEY:

Resources | Awareness
Laws/Policy | Alternatives
Training/Meetings

- Government Actions
- Civil Society/Business Actions

LEGISLATION/GOVERNMENT
- Introduce Supply Chains Legislation (applicable to tourism companies)
- Establish Expert Consultative Panel
- Include orphanage trafficking in Modern Slavery Act
- Introduce a legislative ban on Orphanage Tourism

FUNDING STREAM POLICY REFORMS
- Write OAGDS Interpretation Statement
- Include programmatic standards for alt. care in ACNC planned 'External Conduct Standards'
- Apply ANCP ineligibility criteria to DAP funding
- Introduce ACNC risk threshold for alternative care triggering periodic review

SECTOR SPECIFIC ENGAGEMENT & SUPPORT

EDUCATION
- Global SL
- COAG Education Sector Meetings
- Universities Australia
- World Challenge Alternatives
- Schools Volunteering Guidelines
- Curriculum BVBC & Save the Children
- Christian Schools Australia Forum

FAITH
- STM Manual
- Ethical STM Website launch
- Kinnected Website
- Australian Freedom Network Event
- Faith to Action Website, Manual and Toolkit
- Forums
- Christian Agencies Network
- Forums
- Forums
- Forums

TRAVEL
- Smart Volunteer Website
- Pilot Alternatives
- Child Welfare and the Travel Industry: Global Guidelines
- Childsafe Tourism
- APEC Voluntourism Guidelines
- Travel Forum
- Travel Forum

CHARITY/AID & DEVELOPMENT
- BCN Website
- ACFID position paper on volunteering
- Interagency Reintegration Guidelines
- Include in ACFID Code of Conduct revisions support of orphanages
- ACFID position paper on Residential Care
- Guidance on ACNC website

PUBLIC CAMPAIGNS & AWARENESS RAISING
- DFAT Social Media
- General Media
- BVBC Behaviour Change Campaign
- ReThink Orphanages Network
- Save the Children Documentary

Technical Support Required to Support Divestment:

- Ethical trip alternatives
- Link residential care partners to transition support
- Due diligence for partnerships

- Ethical STM trip alternatives
- Technical support to transition RCIs
- Due diligence for partnerships

- Ethical voluntourism alternatives
- Divest business model
- Link partners to technical support

- Ethical volunteering alternatives
- Technical support to transition RCIs
- Non-institutional program development

2017 | 2018 | 2019 | 2020

6. RISKS AND RISK MITIGATION

Key Concerns:

The impact of a ban on orphanage tourism on children's care in countries where there are 'few other options'

Orphanage tourism has no evidenced or legitimate lasting positive impact on children in care. It is used primarily as a mechanism to create an emotional connection between a child and a donor or volunteer/visit who is seen as a prospective donor. In most cases, where tourists and volunteers are utilised in caregiving roles, it is not in response to necessity. Rather, it is due to the fact that engaging volunteers in the personal care of children is more conducive to fostering the emotional connection upon which soliciting donations is largely dependent. Research also shows that voluntourists and volunteers' inability to speak local languages necessitates their involvement in tasks that are not language dependent, and more often than not, with children under 7 for whom the language barrier is of less concern.[35] Whilst the instances of residential care institutions being dependent on tourists and volunteers for children's caregiving are very rare, they may however, be dependent on the finances associated with voluntourists. The risks associated with withdrawal of funds are mitigated through the provision of appropriate technical support, staged withdrawal and other due processes associated with safe divestment.

As such, instituting a legislative ban on orphanage tourism, coupled with appropriate support for divesting companies and organisations, is unlikely to have a significant detrimental impact on children currently in care. The positive impacts however are significant and will benefit the current generation of children in care and prevent the institutionalisation of the next.

The criminalisation of 'good intentions'

There may be a hesitation to criminalise or ban orphanage tourism due to the perception that well meaning and good intentioned people feel that their motivations to assist are being undermined by onerous regulation. The purpose of the public awareness campaigns is to educate people on the risks and harms of orphanage tourism to the vulnerable children that they are trying to protect. Previous historical actions such as the removal of indigenous children from their families for the purpose of assimilation and supposed wellbeing, have similarly been exposed as harmful to children and halted. The general public now understands the harm of that practice. Similarly, education programs outlining the long-term harm being caused to children through orphanage tourism should act to assuage the public's concerns about the regulation of this issue. However, there have been significant public awareness campaigns already disseminated and it is clear that they are not sufficient to deter

---

[35] Klaver, F.R.M. (2015) 'A clash with volunteer tourists? An extreme case study in Guatemala', 7(2) *Worldwide Hospitality and Tourism Themes* 189.

and prevent orphanage tourism. Whilst they assist in educating about the harms, legislation and criminalisation is key to halting Australia's contribution to the orphanage trafficking industry. Thus, the messaging around this legislative enactment is key and the public must understand that these legislative actions are for the protection of children.

Orphanages and funders 'rebranding' to circumvent public awareness campaigns and legislation

There are already cases of residential care institutions overseas, Australian funding partners and travel companies starting to identify themselves and their programs as boarding schools, hostels and shelters for trafficked children in an attempt to cast off any negative publicity associated with orphanage tourism and subvert the application of the potential incoming legislation. This provides a rationale for the definition of residential care institutions to be sufficiently wide to encapsulate differing forms of residential care in order to prevent this. The fact that the institutions, funding partners and travel companies have been promoting these programs as orphanages until now illustrates the utility of the 'orphanage' and 'orphan' terms and the motivation for the orphanage trafficking business model. In attempting to circumvent these awareness campaigns and legislation, these organisations are potentially continuing to prop up the business model and where they persist with orphanage tourism, failing to uphold the rights of the children in their care.

7.FINAL REMARKS

Australia plays a significant role in the care of vulnerable children internationally. It is important that we recognise the impact of our role and how it can be utilised to ensure best practice standards are provided for vulnerable children globally. Currently, there is significant investment by Australia into residential care programs internationally, a form of alternative care that has largely been abandoned in Australia due to recognition of the harms and risks associated with the institutionalisation of children. This significant investment is driven by good intentions and a desire to assist the less fortunate which is embodied in the practice of orphanage tourism. These intentions have been manipulated into creating a demand for child trafficking into orphanages to sustain a population of 'orphans' for orphanage tourists to interact with. Australians unwittingly participate in the orphanage trafficking business model through funding, volunteering in and visiting residential care institutions overseas.

To interrupt the orphanage trafficking business model, Australia should adopt a holistic multi-tiered strategy of divestment from supporting residential care models and transitioning to support family based care options and the development of robust domestic child protection systems. This can be achieved through a combination of public awareness campaigns targeted at educating potential orphanage tourists about the negative impact of orphanage tourism on vulnerable children; legislation aimed at prohibiting orphanage tourism to disrupt the demand side of orphanage trafficking; funding stream reforms aimed at shifting Australia's financial investment from residential care to family based care; and specific engagement and technical support to assist with sectors divesting from the orphanage industry. To halt Australia's involvement in the orphanage trafficking business model, it is imperative that the proposed interventions in this divestment strategy be implemented holistically to achieve cumulative effect.

8. ANNEXES

Annex One: Sector Specific Divestment Initiatives & Resources

Charities Sector

Primary interface:

Australian charities primary investment in residential care institutions overseas takes the form of funding and direct programs. Orphanage tourism is typically used by charities as a donor engagement and retention strategy, which leverages the emotional connection donors develop with children during overseas visits to secure donations.

Charities facilitate orphanage tourism for individual tourists, volunteers, school groups, community groups and associations and churches.

Charities may utilise longer-term volunteers to reduce their dependence on remunerated staff, however these instances are less common and in general tourists and volunteers fulfil peripheral roles whilst volunteering including engaging children in play and other activities.

Primary motivation:

Differing motivations drive Australian charities' investment in overseas institutional care. They include:

- Pure altruism, including a belief that the children they support have no viable alternatives and their needs are best met through institutional care.
- A desire to facilitate religious conversion through institutionalisation (specific to faith-based charities).
- A desire to train 'next generation' leaders by bringing children into institutional care and providing them with access to high quality education.
- Concern for organisational viability. In these cases, there can be an awareness of the harm associated with institutional care, yet concerns regarding loss of income take precedence over the best interests of children.
- Profit motives. This can include using residential care to fund other charitable activities that are less attractive to donors, or for the purpose of personal profit.
- Exploitation. There have been cases where charities have been established to facilitate access to children in residential care for the purposes of sexual exploitation.

Existing divestment efforts:

There are significant efforts underway in the Charity sector to divest residential care, both in Australia and through the provision of technical support to transition programs or partner programs abroad. In response to the growing awareness of the detrimental impacts of institutional care, numerous Australian charities have or are in the process of transitioning their programs towards non-institutional services.

There are also cases of Australian charities who have terminated their funding of residential care institutions, with due process, once assessments have revealed misappropriation, deception and the commodification of children.

Other efforts include:

✓ ACFID Child Rights Community of Practice Sub-Group on Residential Care established and

provideing coaching and technical support to charities including ACFID members or ACFID member partner organisations.

✓ Australian charities such as Forget Me Not and ACC international Relief are providing technical assistance to transition residential care institutions run by or linked to Australian charities.

✓ ReThink Orphanage Network are engaging with the Charity Sector to encourage and support divestment. This includes approaching charities, providing advice, access to resources and linking organisations to care reform networks or actors in countries where they have operations to access concerted technical support.

✓ Country level care reform initiatives and networks such as Family Care First and the Alternative Care Network in Uganda are engaging with a number of Australian entities operating residential care institutions for the purpose of divestment and transition.

Existing key resources to support divestment:

✓ ACFID Position Paper: Residential Care and Orphanages in International Development[36]

✓ Interagency Guidelines on Children's Reintegration[37]

✓ Better Care Network Online Resource Library. The most extensive collection of curated research, guidelines, practitioner tools, country profiles and other resources pertaining to the care sector[38]

✓ Alternative Care Massive Open Online Course [39]

✓ Moving Forward: Implementing the 'Guidelines for Alternative Care of Children'[40]

Technical support required to ensure responsible divestment:

☐ Technical support to transition residential care institutions: This may include assessment, planning, social work training, development of reintegration procedures and case management systems, capacity building of staff, child protection training, research and assessment to underpin the development of new programs, and support to design evidence-based post reintegration programs that meet good practice principles and standards.

☐ Technical support to safely close institutions that are not suitable for transition: Not all residential care institutions are suitable to transition, in particular those that are operating as a business. It is essential that Australian charities partnering with overseas institutions are supported to assess each institution for suitability. Where there is a lack of will to transition or instances of abuse, trafficking, risk of significant harm to children in care or evidence of serious financial misappropriation and/or sabotage, residential care institutions should be flagged for closure. These situations are complex and in addition to, or in some cases in lieu of the supports listed above, organisations may require assistance with documentation, linking boards to in-country legal and investigative support, assisting entities report serious misconduct and unlawful conduct to the relevant authorities or licensed investigative organisations and/or working with local authorities to remove children from high risk environments and place them into safe temporary care in order to facilitate ongoing reintegration.

☐ Technical support to assess partnerships: This typically includes assisting organisations to conduct due diligence assessments of their partner's programs and organisational practices.

---

[36] https://acfid.asn.au/sites/site.acfid/files/resource_document/ACFID%20Position%20Paper%20-%20Residential%20Care%20and%20Orphanages%20in%20International%20Development.pdf

[37] https://familyforeverychild.org/our-impact/guidelines-on-childrens-reintegration/

[38] http://www.bettercarenetwork.org

[39] http://www.alternativecaremooc.com/index.php/en/

[40] https://www.alternativecareguidelines.org/MovingForward/tabid/2798/language/en-GB/Default.aspx

Where organisations are found to be in breach of local laws, policies and are not operating in accordance with the 'UN Guidelines', technical support may be required to guide organisations through a process of encouraging transition or exiting the partnership. ACC International Relief has developed due diligence assessment tools to support charities operating as donors with this step.

☐ <u>Technical support to establish an accountable partnership model:</u> This assists charities improve their partnership standards and ensures charities are able to screen potential partner organisations and only fund organisations operating in accordance with domestic and international law as well as sector specific best practice standards. Existing guidance materials are available to support charities with this step.

Christian Faith-Based Sector

Primary Intersection:
The Christian Faith-Based Sector primarily invests in overseas residential care institutions through funding, direct programs and the facilitation of short-term mission trips.

Funding relationships can take several forms including:
- Partnership with an overseas orphanage established by a missionary who may have been sent by the church, denomination or a mission sending agency.
- Partnership with a residential care institution established or run by a Christian charity, associated with the church, denomination or missions agency.
- Partnership with a local church or Pastor overseas who runs a residential care institution.
- Partnership with an overseas residential care institution formed as a result of relationships forged whilst on an overseas short-term mission trip.

Primary Motivation:
Christian-faith based actors are motivated by their faith and Biblical principles that promote reciprocity and solidarity with those experiencing hardship and poverty. There are many scriptural references in the Bible that establish a mandate to assist fatherless children, which are commonly applied to supporting children in orphanages.

Church administrations may also see partnerships with orphanages as an engaging project which will motivate constituents to give to the church's missions program and generate interest in the church's short-term missions program.

Orphanage Tourism and Volunteering:
Christian actors primary engagement with orphanage tourism is through short-term mission trips, which are facilitated by churches, missions agencies, Christian charities and Christian schools.

From a local church and school perspective, short-term mission trips most commonly visit and volunteer with residential care institutions they donate to. However, it is also common to visit overseas residential care institutions as a minor component of a short-term mission trip and in these cases teams may visit an orphanage they do not support. Such visits usually result in monetary or in-kind donations made during the visit.

From a Christian charity and Mission Agency perspective, short-term mission trips are advertised and offered to churches and individuals as a way to engage existing and prospective donors in their work and

encourage investment. They are also used as a recruitment strategy for long-term missionaries.

Christian Organisations involved in Care Reform:
There are a number of Faith-Based organisations or networks heavily involved in promoting care reform and/or providing resources and technical assistance to other Christian Faith-Based organisations to support divestment and transition. Examples include:
- ✓ Australian Christian Churches International Relief
- ✓ Tear Australia
- ✓ Faith to Action
- ✓ Catholic Relief Services
- ✓ Bethany Christian Services
- ✓ Buckner International
- ✓ World Without Orphans

Mission travel, a leading travel agency servicing Australian Missions Agencies and Christian charities, are in the process of divesting from residential care based-trips. With support from ReThink Orphanages Network members, Missions Travel are have commenced awareness raising with their partners and clients. Forums will continue throughout 2018.

Existing resources:
Extensive resources targeting the Christian Faith-Based Sector have been developed including awareness raising materials, videos, technical guides and manuals, case studies, research synopses, collated learning documents, websites, webinars and podcast series. Forums and conferences targeting Christian actors regularly take place across Australia and internationally.

Key resources to guide divestment include:
- ✓ Changing Mindsets and Practice[41]
- ✓ Child Protection in Short-Term Missions: Manual and Toolkit[42]
- ✓ Transitioning to Family Care for Children[43]
- ✓ Journeys of Faith: Study and facilitator's guide[44]
- ✓ A Summary of Research to Guide Faith-Based Action[45]
- ✓ Kinnected website and resources (including video case studies and tools)[46]

Technical support required:
The technical support Christian Faith-Based actors may require to divest in a responsible manner is similar to the Charities sector and includes the following:

☐ Technical support to transition residential care institutions: This may include assessment, planning, social work training, development of reintegration procedures and case management systems, capacity building of staff, child protection training, research and assessment to underpin the development of new programs, and support to design evidence-based post

---

[41] http://kinnected.org.au/assets/resources/2016/ChangingMindsets&Practice.pdf

[42] https://d3n8a8pro7vhmx.cloudfront.net/acci/pages/145/attachments/original/1464830333/ACCI_Short_Term_Missions_Manual.pdf?1464830333

[43] http://www.faithtoaction.org/transitioning-to-care-for-children/

[44] http://www.faithtoaction.org/journeys-of-faith-study-guide/

[45] http://www.faithtoaction.org/children-orphanages-and-families/

[46] http://kinnected.org.au

reintegration programs that meet good practice principles and standards.

☐ <u>Technical support to safely close institutions that are not suitable for transition:</u> Organisations may need assistance to asses the suitability of their partners for transition. Institutions found to be operating as business or those whose primary interest is not the best of the children in their care are not suitable for transition. Such institutions need to be flagged for safe closure, or reporting to local authorities. These situations are complex and in addition to, or in some cases in lieu of the supports listed above, organisations may require assistance with documentation, linking boards to in-country legal and investigative support, assisting entities report serious misconduct and unlawful conduct to the relevant authorities or licensed investigative organisations and/or working with local authorities to remove children from high risk environments and place them into safe temporary care in order to facilitate ongoing reintegration. It is essential that Australian charities partnering with overseas institutions are supported to assess each institution for suitability.

☐ <u>Technical support to establish accountable partnership models</u>: This may include developing the assessment and due diligence processes and tools, the partnership standards and accountability measures. In the case of Missions Agencies this may include looking at their missionary sending procedures and internal policy framework.

☐ <u>Advice on developing ethical short-term mission programs:</u> Including ethical alternatives in the context of their existing partnerships.

Education Sector[47]

Primary Intersection:
Education providers primary investment in residential care institutions is through orphanage tourism (school trips) and volunteering placements (universities). These may be facilitated through travel companies who facilitate school trips and volunteer placements or through direct school to orphanage partnerships. The latter are usually fostered as a result of staff or faculty's personal connection to a specific overseas residential care institution.

Primary Motivation:
Motivations vary greatly between school-based trips and university placements. School trips are often driven by teachers and parents desire to assist students to gain perspective, develop life skills, gratitude and an understanding of global poverty. University students are often motivated by a combination of career and study goals, including developing their CVs, gaining course credit and altruism.

Existing Divestment Efforts in the Education Sector:
   ✓ World Challenge, a leading facilitator of overseas school trips has made a commitment to remove all orphanage related products and placements from their portfolio.
   ✓ Engagement with individual private schools by ReThink Orphanage Network members has led to schools ending the practice of sending student trips to orphanages and the development of robust partnership and short-term trip policies and procedures.
   ✓ Projects Abroad, a major provider of volunteer placements with strong connections to universities, are in the process of divesting from orphanage tourism and volunteering and are due

---

[47] The content for this sector was provided in part by Leigh Mathews, Alto Consulting.

to end all orphanage trips by the 31st of December 2017.

Existing resources to guide divestment:
- ✓ ReThink Orphanages briefing paper on the education sector
- ✓ Global SL resource site[48]
- ✓ Global SL tools and syllabi[49]

Types of technical support required:
- ☐ Technical support to audit and assess existing programs and partnerships.
- ☐ Technical support to develop ethical alternatives to orphanage tourism.
- ☐ Technical support to develop accountable partnership frameworks for funding-based partnerships with overseas organisations. Standardised guidelines could be developed to support this.
- ☐ Technical support to engage key stakeholders within the school community and develop internal and external communications and policies.

Travel and Tourism Sector[50]

Primary interface:

The Travel and Tourism sector's primary engagement with residential care institutions is through the facilitation of visits and volunteer placements for groups, families, and individual travellers. Depending on their business model, travel companies may partner with local NGOs delivering residential care, or may take a more active role in the funding, resourcing and management of specific projects – often through their own foundations or trusts.

Primary motivation:

The travel and tourism sector is primarily motivated by market demand, which business actively generate through marketing, and meet through the provision of voluntourism opportunities in destination countries. The facilitation of these trips can generate significant revenue for companies, however this varies according to the business model of the company. Many travel companies operating in this sector see themselves as hybrid travel companies/development organisations and are motivated to 'give back' to the communities in which they operate.

Existing divestment efforts:
- ✓ Travel Sector information forums co-hosted by ReThink Orphanages Network members in Australia and Better Volunteering Better Care members globally.
- ✓ Key tourism companies with operations in Australia and globally who have removed orphanage tours from travel packages and placement options. These include the Intrepid Group, World Challenge and Projects Abroad.

Existing resources:
- ✓ ReThink Orphanage Travel Sector Briefing Paper
- ✓ APEC guidelines under development and due to be launched December 2017
- ✓ Global Code of Ethics for Tourism[51]

---

[48] http://globalsl.org/

[49] http://globalsl.org/wiki/gsl-practice-research-wiki/gsl-tools-and-syllabi/

[50] The content for this sector was provided in part by Leigh Mathews, Alto Consulting.

✓ Child welfare and the travel industry: Global Guidelines (currently under review)
✓ Tourism Concern travel guide[52]
✓ Child Safe Tourism[53]
✓ Child Safe Movement[54]

Technical support required:

☐ Technical support to assist businesses audit and appraise their receiving organisation partners, child protection measures, engage their stakeholders, link local partners to technical support for transition purposes, manage internal and external communications, and develop customised exit strategies.

☐ Technical support to implement exit strategies, including the provision of support and resources to transition residential care institution partners, and support to safely report concerns to local authorities about residential care institutions that are substandard.

☐ Technical support to assess existing and potential partnerships where there may be contact with children. This includes initial evaluations of suitability of placements included existing child protection mechanisms and other organisational practices.

☐ Technical support to establish accountable partnership models. This includes due diligence frameworks, and impact monitoring and evaluation mechanisms.

☐ Technical support to develop ethical alternatives that align with the company's business model.

---

[51] http://ethics.unwto.org/content/global-code-ethics-tourism

[52] https://ethical.travel

[53] http://www.childsafetourism.org/

[54] https://friends-international.org/childsafe-movement/

**Joint ACFID & ACC International Relief
Supplementary Submission into the Joint Standing
Committee on Foreign Affairs, Defence and Trade's Inquiry
into Establishing a Modern Slavery Act**
with input from the ACFID Child Rights Community of Practice
September 2017

1. ABOUT ACFID

The Australian Council for International Development (ACFID) is the peak body for Australia's overseas development and humanitarian not-for-profit organisations. ACFID unites Australia's non-government organisations involved in international development and humanitarian action to strengthen their collective impact against poverty.

Our vision is of a world where all people are free from extreme poverty, injustice and inequality; where the earth's finite resources are managed sustainably; and Australia is compassionate and acting for a just and sustainable world. We believe that this vision can only be realised through the collective efforts of civil society, governments, business and individuals concerned for our common humanity.

Founded in 1965, ACFID currently has 126 Members and 18 Affiliates operating in more than 100 developing countries. The total revenue raised by ACFID's membership from all sources amounts to $1.658 billion (2014–15), $921 million of which is raised from 1.64 million Australians (2014–15). 80 per cent of funding for ACFID Members is from non-government sources. ACFID's members range between large Australian multi-sectoral organisations that are linked to international federations of NGOs, to agencies with specialised thematic expertise, and smaller community based groups, with a mix of secular and faith-based organisations. A list of ACFID Member Organisations is at **Annex A.**

ACFID's Members adhere to a Code of Conduct which is a voluntary, self-regulatory sector code of good practice that aims to improve international development outcomes and increase stakeholder trust by enhancing the transparency and accountability of signatory organisations.

The Code sets standards for practice rather than standards for results. It goes beyond the minimum standards required by government regulation and focuses on good practice. The Code is underpinned by a set of values and quality principles and speaks to the results we seek to achieve, the processes that support organisations to achieve those results, and the organisational systems that enable our Members' work.

The Code addresses areas such as fundraising, governance and financial reporting. Compliance includes triennial self-assessment, annual reporting and spot checks. All Members are subject to the independent complaints handling process governed by the Code of Conduct Committee (CCC) which is independent from the Governing Board of ACFID.

2. ABOUT THE ACFID CHILD RIGHTS COMMUNITY OF PRACTICE

The Child Rights Community of Practice (CR CoP) is an Australian Council for International Development (ACFID) member-led and run working group. The overarching goal of the Child Rights Community of Practice is to promote the rights of children and child rights based approaches to development within the Australian international development sector.

The CR CoP currently has more than 60 members comprised of representatives from Australian international development agencies and child protection consultants. For the past three years, one of the key objectives of the CR CoP, and the focus of one of four of its sub-groups has been advocating for the rights of children in overseas residential care institutions. A full list of the participating agencies of the CR COP can be found at **Annex B.**

3. ABOUT ACC INTERNATIONAL RELIEF (ACCIR)

ACCIR is an Australian based International NGO which operates development and humanitarian response projects in 22 different countries. ACCIR is an ACFID member organisation and operates an Overseas Aid Fund under the Overseas Aid and Gift Deduction Scheme (OAGDS). ACCIR acts as the convenor for ACFID's Child Rights Community of Practice sub group on Residential Care and is also a co-chair of the ReThink Orphanages Network.

One of ACCIRs core thematic areas is care reform/deinstitutionalisation, which comes under ACCIR's Kinnected Program. Kinnected seeks to reduce the overuse of residential care in low and middle income countries and ensure that children's right to be raised in a family and connected to a community is respected and realised. ACCIR has Kinnected programs in 11 countries and engages in extensive donor education and advocacy work, both in Australia and globally.

ACCIR has provided technical support to 66 overseas residential care institutions undergoing transition or closure in various countries. It is through this aspect of our work that we have become aware of situations that constitute modern slavery taking place with respect to children in residential care overseas. Furthermore, it has highlighted the reality of foreign funding and orphanage volunteering, emanating from Australia and other key donor countries, acting as the primary drivers of the 'orphanage industry'.

4. TERMS OF THE INQUIRY

In this supplementary submission to the Parliamentary Inquiry into Establishing a Modern Slavery Act, ACFID & ACCIR will seek to address the third term of the inquiry as listed in the terms of reference:

- Identifying international best practice employed by governments, companies, businesses and organisations to prevent modern slavery in domestic and global supply chains, with a view to strengthening Australian legislation.

The submission will specifically look at best practice in the prevention of 'orphanage trafficking' and other related forms of exploitation, through ensuring Australian foreign aid funding, or funding from Australian charities, churches and business, does not act as a driver of demand.

5. BACKGROUND

'Orphanage trafficking' is an issue found at the nexus of foreign funding and institutional care. It is both a contributor to and consequence of the 'orphanage industry'; an industry that profits from the prolific and inappropriate institutionalisation of children in low and middle income countries. As such, this section will give a brief overview of the links between the proliferation of residential care institutions, foreign aid funding and voluntourism and the issue of 'orphanage trafficking' and modern slavery.

In countries such as Cambodia, Timor Leste, Uganda, Nepal, India and Myanmar, a significant proportion of the country's child welfare and child protection services, including alternative care, are privately funded by overseas donors. Whilst foreign aid funding is critical to the support of vulnerable

populations- including children, poorly regulated and misdirected it can also contribute to significant harm and lead to child exploitation. Recipient countries are particularly vulnerable to this when there is insufficient capacity within government to oversee and coordinate private services. This lack of capacity hampers efforts to ensure comprehensive child welfare and child protection systems are developed in line with each government's duties as State parties to the UNCRC. In this environment, decisions pertaining to the development of new privately funded service are largely determined by the interests of the overseas donors. As such services often emerge to meet 'donor demand' rather than in response to local needs or in line with government agendas. This is frequently the case with the ongoing proliferation of institutional care in low and middle income countries, despite a documented reduction in numbers of children legitimately requiring such services in some countries.[1]

To bridge the deficit between supply and demand and to access the foreign aid funds that have been purposed for the support of 'orphans in orphanages', various forms of unethical and exploitative practices have emerged. These include:
- the inappropriate and unnecessary placement of children in institutional care;
- the harbouring of children in institutional care long-term with no respect for their rights or best interests;
- preventing family reunification and contact to uphold the 'orphan identity,' often falsely applied to these children, and retain funding; and
- provision of substandard and inadequate care and protection for children residing within institutions.

These practices at a minimum constitute a violation of several articles of the UNCRC and therefore the rights of children. They are also contrary to the international best practice framework for alternative care as detailed in the UN Guidelines for the Alternative Care for Children (herby referred to as the 'UN Guidelines').

In more sinister cases, unscrupulous orphanage directors or recruiters resort to trafficking children into institutional care to gain access to the supply of foreign aid funds designated for 'orphans'. These funds are channelled through overseas charities, churches or through voluntourists and volunteers who visit residential care centres whilst overseas. Acts of 'orphanage trafficking' often include 'paper orphaning'[2] which is the false construction of children's identities as orphans[3], through forged documentation or fabricated narratives.

Individual and institutional donors, including voluntourists, are in most cases unaware of the human rights breaches and exploitation their funds are fuelling. Rather, the situation presents as a perfect storm in which the combination of inconsistently applied charity sector regulations on the donor country side, insufficient government regulation and oversight on the recipient country side and the commodification of good intentions result in the exploitation of both child and donor.

Governments in numerous affected countries have taken steps as State parties to the UNCRC to reform their care systems and uphold and protect children's right to grow up in a family. Measures include the development of Alternative Care Policies, National Action Plans, Minimum Standards in Residential and Family-Based Care Policies, the revision of child protection laws and enacting moratorium ordinances on the establishment of new orphanages[4]. In Haiti and Nepal, 'orphanage

---

[1] MoSVY 2011, A study of Attitudes Towards Residential Care in Cambodia.
[2] van Doore, K 2016, Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages.
[3] For the purposes of accessing community services, children are often classified as 'orphans' when only one parent has deceased. However, 'false construction of identity' and fabricated narratives refers to instances where claims are made that the children have no parent/s or suitable adult caregivers, when in fact these children have living parents or relatives who could provide care.
[4] Nepal, Cambodia and Myanmar are three countries who have enacted moratorium ordinances on orphanages.

trafficking' has been recognised under domestic law falling under anti-trafficking legislation and cases have been brought before the courts for prosecution. Whilst these important legal and policy reforms are resulting in positive changes, efforts to deinstitutionalise care systems, protect children's rights and prevent exploitation are being undermined by the sheer volume of voluntourists and foreign aid funding that continues to be directed towards residential care- despite these legal and policies measures.

As such, ACFID and ACCIR believe it is incumbent on key donor countries to participate in efforts to prevent such child rights breeches and end 'orphanage trafficking'. This can be achieved by targeting donor countries' tourism and charity sectors to ensure the regulatory environment is attentive to this issue and consistently interprets and applies relevant regulations.

6. AUSTRALIA'S OBLIGATIONS

Australia, through ratification of the UN Convention on the Rights of the Child (UNCRC), has assumed responsibility for putting into place the domestic laws and other measures necessary to protect, respect and fulfil the full scope of children's rights.

Whilst Australia's primary obligations under this convention are to children subject to Australian jurisdiction, joint responsibility exists to protect children outside of Australian jurisdiction who are subject to or at risk of human rights breaches where Australia 'aids or assists' in the breach and has 'knowledge of the circumstances of the breach'.[5] This joint responsibility should extend to protecting children whose rights are being violated in the context of overseas residential care institutions where these human rights breaches (and trafficking acts) are being 'aided or assisted' by Australian registered charities, and/or for the purpose of accessing Australian foreign aid funding or for voluntourism.

With the links between the recruitment of children into overseas residential care institutions and Australian funding and voluntourism now well established,[6] appropriate action should be considered by the Australian government to prevent Australia's ongoing complicity in these human rights and legal breaches. This could be achieved by curtailing the primary drivers of 'demand'; orphanage tourism and foreign aid funding. Such action would ensure that the efforts and funds of Australian volunteers, tourists and charities are supporting rather than undermining the efforts of foreign governments to reform their care sectors in line with their obligations under the UNCRC and supporting the 'UN Guidelines'.

To achieve this, ACFID and the ACCIR seek to make the following overarching recommendations for consideration:
  1. The introduction of extra-territorial legislation banning the facilitation of orphanage tourism by Australian organisations, individuals, and companies.
  2. The introduction of guidelines and regulations to curb the flow of Australian foreign aid funds to overseas residential care institutions contravening the articles of the UNCRC and/or operating contrary to the 'UN Guidelines'.

The remainder of this submission will focus on a detailed breakdown of recommendation 2 above. Opportunities to introduce minor provisions to various aspects of the existing charity sector's

---

[5] http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Manus_Island/Report/c07
[6] 2013 UNICEF Funding Stream Analysis noted the connections between RCIs in Cambodia and Australian donors.

regulatory framework will be identified with the purview of enhancing regulation and promoting higher standards of practice.

7. DISTINGUISHING BETWEEN GOOD AND POOR PRACTICE IN ALTERNATIVE CARE

Addressing Australian foreign aid funding as a driver of the 'orphanage industry' and 'orphanage trafficking' is a nuanced issue. A careful balance must be achieved between redirecting funding away from harmful practices and criminal activity without hampering countries' care reform efforts, defunding alternative care services demonstrating good practice, or creating a situation that promotes unsafe reintegration practices. It is for these reasons that **the Australian Government should not consider instituting a categorical ban on funding overseas residential care.**

Rather, for charities whose purpose includes the provision of alternative care services, steps could be taken to enhance the regulatory and reporting frameworks already in existence –including for those operating overseas activities under the Australian Charities and Not-For Profit's Commission (ACNC), those holding or seeking eligibility to the Overseas Aid Gift Deduction Scheme (OAGDS) and those holding or seeking eligibility to Public Benevolent Institutions (PBI) Deductible Gift Recipient (DGR) categories.

Most of these regulatory mechanisms already contain provisions that would enable residential care practices to be viewed as ineligible activities, however, what is lacking is a common and uniform interpretation statement to support whole-of-government application of existing guidelines to ensure residential activities are *always* identified and subject to the same considerations in determining their eligibility.

Eligible purposes/activities should be those that contribute towards the progressive realisation of children's rights as outlined in the UNCRC and work in accordance with the 'UN Guidelines' as the international guiding instrument outlining best practice in alternative care. Under this framework, eligible activities should include:

1. **Care reform efforts**. Programs and activities designed to contribute towards the deinstitutionalisation of social protection systems including child protection and care systems. This could include the scaling back of the use of residential care, the development of non-institutional services, funding stream reforms, social work force development, related capacity building and supporting the development of government policy and procedural frameworks.

2. **Transition or safe closure of existing residential care institutions**. Programs and activities designed to support existing residential care institutions through a safe transition or closure processes. This should include the advocacy efforts required to engage donors in the transition process.

3. **Reintegration.** Programs and activities designed to outwork the safe reintegration of children currently living in residential care and support to national structures to ensure continued support to families vunlenrable to unnesscary separation.

4. **Best practice in alternative care services**. Programs and activities operating in accordance with the UNCRC and the 'UN Guidelines' who provide alternative care services to children.

ACFID & ACCIR Joint Supplementary Submission - 6

This could include any of the care options included in the continuum of care, including residential care, however must be guided by the three overarching principles: best interests of the child, suitability and necessity. Organisations operating or funding residential care should only be eligible when they can demonstrate robust gatekeeping measures, and have the technical capacity to conduct regular assessments and placement reviews to uphold the 'measure of last resort… temporary and for the shortest duration possible' clause the 'UN Guidelines' place on the use of institutional care.[7]

8. POTENTIAL RESULTS

Requiring organisations to demonstrate their programmatic and policy alignment with the UNCRC and the 'UN Guidelines' would prevent the ongoing funding of inappropriate residential care services, including those:

- operating unlawfully (unregistered, inappropriately registered);
- operating without adequate gatekeeping measures in place or suitable thresholds for entry into care;
- using institutional care as a default long-term care option;
- actively recruiting children into care (including trafficking);
- without reintegration policies and procedures;
- without adequate child-safe guarding policies and procedures in place; and
- who fail to meet the minimum standards of care.

It would also result in an overall reduction of funding being directed towards residential care and encourage the redirection of funds towards other alternative care services including family-based care. This reduction in available funding would reduce the incentive for organisations to institutionalise children and thus the incentive for 'orphanage trafficking'. Requirements for more stringent program standards would reduce the likelihood of Australian foreign aid funds, or funds from Australian charities, churches and business fuelling the mis/over-use of residential care.

As funding and volunteering are inherently linked, particularly in the education and faith-based sectors, measures to curb the funding stream would also likely reduce the instances of Australian volunteers and voluntourists participating in orphanage tourism. This in turn would likely further reduce the risks of 'orphanage trafficking' and the likelihood of Australia's ongoing complicity in this form of modern slavery.

9. OPPORTUNITIES FOR CHARITY SECTOR REFORMS

At present, Australian not-for profit organisations, including international aid agencies and charities, operate in a complex and convoluted regulatory environment. There are numerous government agencies that register and regulate not-for profits and/or the services they provide. However, with respect to those operating overseas, the main forms of assurance that charities adhere to professional practice standards on an ongoing basis and do not contribute towards unsustainable development practices or those that cause harm—include:

- Registration with the Australian Charities and Not-for-Profit Commission (ACNC);
- the Overseas Gift Deductable Scheme (OAGDS) currently administered by DFAT and;

---

[7] Principle B.14 of the UN Guidelines for the Alternative Care of Children.

- the Public Benevolent Institute Deductible Gift Recipient (PBI DGR) status, conferred by the ATO.

Minimal reforms targeting the ACNC's charity regulations and the ATO DGR endorsement processes (specifically PBI DGR and OAGDS eligibility as assessed by DFAT) would likely be sufficient to prevent Australian foreign aid funding from fuelling 'orphanage trafficking' and related exploitation. These potential reforms will be explored below.

9.1 Australian Charities and Not-for Profit Commission

Not for profit organisations seeking to be registered as 'charities' must do so with the Australian Charities and Not-for Profit Commission (ACNC). The criteria require organisations to meet the ACNC's 'governance standards' in order to be registered. This is a useful threshold for entry, however, it is important to bear in mind that they do not cover program standards or codes of conduct.

As well as identifying the organisation's charitable purposes, charities are required to disclose if they have beneficiaries or activities overseas, or send money overseas. Such organisations are requested to provide additional information pertaining to how their funds are directed and to whom and what activities. The ACNC Overseas aid and development factsheet further states that such organisations may 'also need to comply with a set of minimum standards called 'external conduct standards'[8]. These standards are yet to be developed and therefore whilst there is no current obligation, there is a clear opportunity to recommend specific inclusions to the ACNC to minimise the risk of Australian charities fuelling the 'orphanage industry'.[9]

ACNC Reform Opportunities & Recommendations

One: Include in the planned 'external conduct standards' child safeguarding standards (or policy requirements) applicable to all organisations operating or funding activities overseas.

Two: Include in the planned 'external conduct standards' programmatic standards pertaining to alternative care which require all registered charities conducting or funding alternative care activities for children to operate in accordance with the UNCRC and the 'UN Guidelines'. The ACFID Position Paper on Residential Care in International Development could be used towards this end. Adherence should be a compliance requirement tied to registration with provisions for organisations to be subject to remedial action and deregistration for non-compliance.

Three: Organisations who identify (using the existing mechanism) as having overseas beneficiaries, activities or who send funding overseas could be required to further clarify if their overseas beneficiaries include children in out of home care, or activities that include alternative care services. This could then be used to identify organisations for whom the alternative care standards as included in the 'external conduct standards' (outlined in recommendation two) need apply.

---

[8] ACNC Factsheet- overseas aid and development charities, http://www.acnc.gov.au/ACNC/FTS/Overseas_charities.aspx
[9] *The not for profit overseas aid and development sector's peak body—the Australian Council for International Development (ACFID) operates a Code of Conduct. All ACFID members must sign up to the Code of Conduct. The Code is a voluntary, self-regulatory code of good practice with a compliance regime. To learn more about ACFID's Code of Conduct visit their website: https://acfid.asn.au/code-of-conduct*

Four: Institute a 2-3-year 'grandfathering process' for existing registered charities to ensure adequate time is given to meet and demonstrate compliance with the 'external conduct standards'. With respect to charities supporting overseas residential care institutions, this would safeguard against increased risks to children caused by any immediate withdrawal of funds or services. It would ensure organisations have time to secure the buy-in of their overseas partners and encourage residential care programs to transition, therefore contributing towards the country's care reform efforts.

9.2 Deductible Gift Recipient Approved Organisations

There are two DGR categories which organisations directly operating or funding overseas activities can seek approval under. Charities registered with the ACNC with the sub type of Public Benevolent Institutions (PBI) can seek DGR endorsement from the ATO, who conducts an assessment for eligibility. Charities registered with the ACNC operating an Overseas Aid Fund can seek DGR approval under the Overseas Aid Gift Deduction Scheme (OAGDS). The OAGDS register is managed by the ATO however eligibility is assessed by DFAT with a final recommendation made to the Minister of Foreign Affairs.

DGR concessions are a form of government contribution (by way of tax concessions) to approved charities. As such it is reasonable to expect DGR approved organisations to demonstrate compliance with appropriate governance and programmatic standards and, particularly, to be able to demonstrate that their work does not perpetuate harm, directly or indirectly, to children and other vulnerable groups.

Towards this stated goal, the OAGDS guidelines outline an important set of standards known as the 'eligibility criteria' comprising four criterions that must be met for organisations to be recommended for approval.[10] Criterion 1 and 4 in the 2016 OAGDS guidelines create a clear case for OAGDS ineligibility for Australian charities funding or involved in residential care services operating contrary to the 'UN Guidelines', as demonstrated below.

9.2.1 OAGDS Guidelines & Eligibility

Criterion 1: The organisations deliver overseas aid activities.

The explanation of this criterion states that:

> *'Development activities improve the long-term well-being of individuals and communities in developing countries. Eligible development activities must demonstrate: fair distribution, be informed by local people; **and deliver sustained or lasting benefits'**[11]*

Research and international child protection and child development experts agree that long-term use of residential care does not deliver sustained and lasting benefits, rather can cause detrimental long-term impacts on children, which often extend well into their adulthood[12]. These include but are not limited to developmental delays, emotional and behavioural issues, attachment disorders, hyper vulnerability upon reintegration and social and life skills deficits.[13] Organisations that allow volunteers

---

[10] DFAT 2016, Overseas Aid Gift Deduction Scheme Guidelines.
[11] DFAT 2016, Overseas Aid Gift Deduction Scheme: Guidelines p. 9, February 2016.
[12] Dunn, A, Jareg, E, Web, D n.d, A Last Resort: The Growing concern about children in residential care, Save the Children, London.
[13] Browe, K 2009, The Risk of Harm to Young Children in Institutional Care, Save the Children, London

and visitors access to residential care centres that they run or partner with risk further exacerbating the attachment disorders commonly experienced by children in residential care and contribute to their ongoing vulnerability.[14]

Explanatory notes under Criterion 1 further outline the basis by which activities are deemed <u>ineligible</u> stating that:

> 'Activities which do not demonstrate the principles of development activities or humanitarian activities will not satisfy this criterion. This may be because they discriminate, **do not meet locally identified needs**; create dependency; **do not lead to lasting benefits; or do harm**. Organisations undertaking such activities will not be recommended for approval under the OAGDS'[15]

Over sixty years of global research into the effects of institutional care on children demonstrates the detrimental impacts on children's development. Furthermore, in the majority of cases, children's vulnerabilities are not overcome, rather vulnerabilities are delayed and in many cases exacerbated.[16] Global statistics also demonstrate that 80% of children currently in residential care are not orphans or children who lack suitable adult caregivers.[17] The vast majority of children in residential care are there for reasons such as poverty, disability or access to education.[18] Residential care is an inappropriate response to these common 'root causes' of child vulnerability and when used unnecessarily can do significantly more harm than good. Therefore, residential care used in this manner does not meet locally identified needs, does not deliver lasting benefits and can cause significant harm. As such, under Criterion 1 of the OAGDS eligibility criteria, organisations engaged in long-term residential care programs contrary to the 'UN Guidelines' should not be considered eligible for OAGDS approval.

Criterion 4:   The organisation has appropriate safeguards in place and manages risks associated with child protection and terrorism.

The explanation for Criterion 4 states that:

> 'The organisation will have a child protection policy and procedures in place that **promote child protection and child-safe practices**'[19]

Child protection experts agree that neither the unnecessary and long-term use of residential care, nor allowing volunteers and tourists access to children in institutional care settings constitute practices that promote child protection and safeguarding. Children in residential care are exposed to a heightened risk of physical and sexual abuse and these risks are exacerbated by organisations who allow non-essential persons access to children in residential care centres through orphanage tourism and volunteering.[20]

---

[14] Guiney, T 2012, Orphanage Tourism in Cambodia: When residential care centres become tourist attractions, Pacific News, no. 38, July/August 2012.

[15] DFAT 2016, Overseas Aid Gift Deduction Scheme: Guidelines p. 10, February 2016.

[16] Myers, J 2006, *Child Protection in America: Past, present, and future*, Oxford University Press, New York, see also R Rollinson, *Residential Child Care in England 1948–1975: A history and report*, commissioned by the Irish Commission to Inquire into Child Abuse, 2009, available at: http://www.childabusecommission.ie/rpt/pdfs/CICA-VOL5-08A.pdf

[17] We Are Lumos, http://wearelumos.org/the-problem

[18] We are Lumos, http://wearelumos.org/chart/reasons-institutionalisation-one-european-country

[19] DFAT 2016, Overseas Aid Gift Deduction Scheme: Guidelines p. 15, February 2016.

[20] Csaky, C 2009, Keeping Children out of Harmful Institutions, Save the Children, London. Resande, S 2013, No Child's Play: Respect for children's rights at tourist destinations. Examples from Thailand, Cambodia and South Africa, Fair Trade Centre, Cambodia & Thailand.

Child protection, as distinct from safeguarding, is concerned with protecting the full scope of children's rights. However, certain rights are automatically forfeited when a child is admitted into residential care, including their right to be raised in a family. Therefore, entry into residential care, where the suitability and necessity principles have not been met, constitute the violation of children's rights, often instituted by organisations claiming to protect them.

The OAGDS Frequently Asked Questions document further states that:

> '…OAGDS seeks to ensure that organisation applying for OAGDS have good governance structures in place and a **high standard of international development practice**, based on their track record'.[21]

The long-term use of residential care is deemed an outdated and harmful practice in international development and child protection practice by major child protection organisations, sector experts, governments, academics and UNICEF. The only provision for residential care in the UNCRC and the 'UN Guidelines' is for last resort and temporary option when all other family and community-based options have been deemed as not in the individual child's best interests or have been comprehensively exhausted[22]. Australian organisations involved in long-term residential care, contravening the UNCRC and not supporting the 'UN Guidelines' (as the key international guiding instruments for determining best practice in alternative care, child rights and child protection) should therefore not be eligible for OAGDS approval based upon elements of Criterion 4.

9.2.2 2015 Review of the OAGDS Guidelines

In 2015 DFAT conducted a review of the OAGDS guidelines. The stated purpose of the review was to *'Make the OAGDS guidelines and processes clearer, simpler and more robust, **while reflecting current international practice and standards**'* [23]

A report outlining the key findings of the review recognised *'The support of orphanages as a vexed issue'*[24] and acknowledged the feedback from several approved organisations questioning the appropriateness of allowing OAGDS approved organisations to engage in residential care as an eligible activity. Despite recognising the concerns raised and the stated objective of reflecting international best practice, the revised guidelines released in February 2016 failed to articulate a clear stance on residential care and removed all former references to the support of overseas residential care institutions as an ineligible activity. No clear guidance was given apart from directing organisations involved with children in institutions to have *'additional child safe practices'* in place.[25] By taking a child safeguarding rather than a child protection and rights perspective, the guidelines fall short of reflecting international practice and standards as they fail to consider the appropriate use of residential care or take measures to ensure children's rights and best interests are at the centre of decision making. It is these principles of suitability and necessity, rather than safeguarding, that are at the heart of best practice in alternative care and the global care reform agenda. As such it is these principles that must be demonstrated in approved OAGDS organisation's programs to ensure that Australian aid funding is not fuelling the 'orphanage industry' and 'orphanage trafficking'.

---

[21] DFAT 2016, Overseas Aid Deduction Scheme: Frequently asked questions, p. 2, February 2016.
[22] UN General Assembly 1998, Convention in the Rights of the Child. UN General Assembly 2009, The Guidelines for the Alternative Care of Children.
[23] DFAT 2015, Review of the Overseas Gift Deduction Scheme, p. 3, August 2015.
[24] Ibid p.3
[25] ibid p.15.

9.2.3 Issues related to the lack of regular review

The OAGDS guidelines fulfil two important functions apart from establishing the criteria used to assess an organisation's initial eligibility. Firstly, the guidelines outline a set of benchmarks for good practice which organisations are expected to maintain with the purview of 'creating an effective and capable community of international development NGOs'.[26] In meeting these standards, Australian organisations operating in the international development space demonstrate they have an appropriate level of expertise to deliver sustainable development benefits to overseas communities. This safeguards against good intentions being a sufficient qualifier, which as noted by ACFID, is critical if harm, dependency and the creation of 'an industry that demands the organisation's unnecessarily protracted interventions' is to be avoided.[27] Secondly, as stated in the OAGDS review, OAGDS approval acts as a vetting and endorsement of charities, which builds public confidence by '*assuring taxpayers their donations are going to support good overseas aid charities.*'[28]

These are important post-approval functions and to deliver on their promise it is essential that charities take seriously their responsibilities requiring them to regularly review their practice; identify any significant changes since being granted OAGDS status, and/or; consider whether the guidance of approved activities has shifted. Any significant changes require declaration to ensure an entity remains eligible. The Annual Statement that must be provided by all charities to the ACNC provides and regular opportunity for charities to make these considerations and seek clarification or review if in doubt.

While the principle of primary responsibility for ensuring compliance with regulation does, and should, lie with the governing entities of charitable organisations, where 'systemic issues have been identified and/or certain risk thresholds amongst categories of DGR have been surpassed'[29] it is appropriate for there to be external reviews undertaken. Reviews should be avoid being punitive and focus first on remediation with penalty or deregistration imposed only where entities are unwilling or unable to remediate their practice or have been found to be acting in flagrant breech.

Due to the considerable concern around Australian groups inadvertently perpetuating the 'orphanage industry' and 'orphanage trafficking', through donations and grants, it would be reasonable to identify this practice as constituting a sufficient risk threshold pertaining to DGRs engagement with children in out of home care overseas. Organisations who surpass the risk threshold, such as those that identify as funding or directly running residential care (via annual statements), could be flagged for periodic review with the purview of ensuring DGR entities are not complicit in or acting in a way that fuels the 'orphanage industry' and associated 'orphanage trafficking' and modern slavery practices. To avoid creating loopholes, this measure should apply to all charities registered with the ACNC who conduct this work, regardless of what other status they hold.

Recommended Reforms to OAGDS DGRs

One: Develop an Interpretation Statement on OAGDS eligibility and Residential Care in line with the 'UN Guidelines'. ACFID's Position Paper on Residential Care in International Development,

---

[26] ibid
[27] ACFID 2017, ACFID Submission on Tax Deductible Gift Recipient Reform Opportunities Discussion Paper, July 2017.
[28] DFAT review op.cit p.
[29] ACFID 2017 op.cit.p.11

which outlines the sector's stance on the appropriate use of residential care could be used as the basis for this statement.

Two: Ensure that the primary burden of ongoing compliance with DGR lies with the governing entity while providing regular opportunities for assessments of ongoing eligibility—such as through the Annual Statement process of the ACNC.

Three: Consider identifying 'alternative care' as a risk category for organisations operating or funding activities overseas, with a threshold set at the funding or provision of residential care. Organisations who surpass this risk threshold could subsequently be flagged for periodic review against the eligibility guidelines, including the proposed OAGDS supporting Interpretation Statement on Residential Care. A review should be undertaken with the first intention to support remediation of poor practice and with penalty or deregistration imposed for those unwilling or unable to act on remedial advice, or those found to be acting in flagrant breech.

Four: Consider instituting a 'grace period' for DGRs operating overseas activities contrary to the OAGDS guidelines. With respect to DGRs supporting institutional care overseas, a grace period would provide organisations with the opportunity to improve their practices and undergo safe transition where necessary. It would safeguard against any adverse effects caused by an immediate withdrawal of funds or services. This 'grace period' could align with the 12-month time frame suggested in the DGR Reform Opportunities Discussion Paper with respect to DGRs requirement to meet governance standards under the ACNC[30].

9.3 Public Benevolent Institutions DGR

A Public Benevolent Institution (PBI) is a type of charitable institution whose main purpose is to relieve poverty or distress, such as sickness, disability, destitution, suffering, misfortune or helplessness.[31] Charities registering under the ACNC can select PBI as their charity sub type and apply to the ATO for PBI DGR status in order to access tax concessions including the ability to issue tax deductible receipts for all donations over $2. The ATO is responsible for assessing a given PBIs' DGR eligibility, including whether they meet the 'in Australia condition'[32].

Prior to the decision in the Hunger Project Case, the ATO held the view expressed in TR2003/5 that the 'in Australia' condition required the PBI DGR to be established and operated in Australia, with its purposes and beneficiaries also located in Australia.[33] [34] PBIs desiring to pursue relief of poverty or distress outside of Australia were required to establish an Overseas Aid Fund and seek DGR endorsement under OAGDS or partner with an already established Overseas Aid Fund DGR approved

---

[30] DGR discussion paper op. cit. p.5.
[31] [1] Australian Charities and Not-For-Profits Commission, *2016, Factsheet: Public benevolent institutions and the ACNC*, viewed 7/3/2016, http://www.acnc.gov.au/ACNC/FTS/Fact_PBI.aspx
[32] Australian Taxation Office, *TR 2003/5 Income tax and fringe benefits tax: public benevolent institutions (This document is currently being reviewed as a consequence of the decision outlined in the Decision Impact Statement for Commissioner of Taxation v. Hunger Project Australia)*, viewed 7/3/2016, http://law.ato.gov.au/atolaw/view.htm?docid=txr/tr20035/nat/ato/00001, Paragraph 25 states:
"For endorsement as a deductible gift recipient so that it can receive tax deductible gifts, the public benevolent institution must be 'in Australia'. This involves a range of factors including establishment, control, maintenance and operation in Australia and the providing of public benevolence in Australia."

[34] Australian Taxation Office NFP Advisory Group, *Discussion Paper: Current operation of the "in Australia" special condition for certain deductible gift recipients and income tax exempt entities*, Final August 2015

*ACFID & ACCIR Joint Supplementary Submission - **13***

under the OAGDS guidelines. OAGDS approved DGRs however, were limited to engaging in 'development activities. '[5] Welfare activities, including the support of residential care institutions were explicitly listed as ineligible. Therefore, the risks associated with Australian foreign aid funding contributing to the inappropriate use of institutional care overseas and incentivising 'orphanage trafficking' were limited to non-compliance amongst OAGDS approved DGRs.

The Hunger Project Case decision[35] however, led the ATO to remove the requirement for PBI DGR purposes and beneficiaries to be located within Australia. The ATO subsequently changed their Giftpack guidance to reflect this new position.[36] In 2016 the ACNC released a Commissioners Interpretation Statement: Public Benevolent Institutes to further clarify the implications of the changes.[37]

As a result, it is now possible for an Australian PBI DGR to use tax deductible donations to fund non-development activities in developing countries, which contradicts the established OAGDS guidelines and the objectives of the ATO framework for endorsing an Overseas Aid Fund DGR. It has also resulted in a discrepancy of standards between the two DGR types, with PBI DGR being viewed as a path of least resistance in terms of ease of approval and requirements to meet standards of practice. This is of concern with respect to the issue of Australia's involvement in the unnecessary proliferation of residential care in developing countries and 'orphanage trafficking', as organisations wishing to establish, fund or partner with long-term residential care institutions are now able to do so with relative ease under the new PBI DGR regulations. As such there is significant potential for this to result in an increase in Australian charities' involvement in the 'orphanage industry' unless provisions are put in place to increase the eligibility criteria and ongoing compliance standards for PBIs. ReThink Orphanages 2016 mapping report identified 22 organisations registered as PBIs under the ACNC contributing towards institutional care overseas[38].

This Commissioner's Interpretation Statement acknowledges the increased risks associated with charities operating overseas including a lack of experience in international development, financial misappropriation, abuse to children and other vulnerable people, and poor accountability and transparency;[39] the very risks the more rigorous OAGDS guidelines were developed to mitigate. In recognition of these increased risks, the ACNC Charities Commissioner's Interpretation Statement implied that organisations seeking to register with the ACNC as a PBI should expect the ACNC to inquire as to how they will address these risks[40]. However, it falls short of providing a set of benchmarking standards to guide PBIs towards good practice.

Whilst we would welcome the inclusion of appropriate practice standards in the PBI registration and/or PBI DGR eligibility criteria, previously made recommendations pertaining to the ACNC's planned 'external conduct standards' in the ACNC section of this submission could be sufficient to address the risks inherent to PBI charities operating or funding activities overseas. However, should this recommendation be rejected, the inclusion of specific standards and compliance measures in the PBI DGR eligibility criteria should be further explored. This would ensure that PBI DGRs would be

---

[35] ibid. Paragraph 61 "The Commissioner's view on the meaning of "in Australia" for DGRs has been updated in GiftPack to remove the reference to 'purposes and beneficiaries' being in Australia. GiftPack now states: For funds, institutions and authorities to be in Australia, they must be established and operated in Australia."

[36] Ibid Paragraph 61 "The Commissioner's view on the meaning of "in Australia" for DGRs has been updated in GiftPack to remove the reference to 'purposes and beneficiaries' being in Australia. GiftPack now states: For funds, institutions and authorities to be in Australia, they must be established and operated in Australia."

[37] ACNC 2016, Commissioners Interpretation Statement: Public Benevolent Institutions, COS 2016/03.

[38] ReThink Orphanages op.cit p.12

[39] ACNC Commissioner's Statement op. cit p.11

[40] ACNC Commissioner's Statement, op.cit. p.11

expected to adhere to appropriate professional standards proportionate to the expectations placed on OAGDS approved DGRs. PBI DGRs would also be required to verify their ongoing eligibility through the Annual Statement made in support of their ACNC registration.

Recommended Reforms to PBI registration and PBI DGR eligibility

One: Support the recommendations in the ACNC section of this report to address the risks associated with PBI organisations operating overseas and increase standards of practice and accountability.

AND/ OR

Two: Develop standards of practice applicable to organisations seeking PBI registration and PBI DGR to address the risks outlined in the ACNC's Commissioner's Interpretation Statement. This would simultaneously address the risk of PBIs fuelling the 'orphanage industry' and incentivising 'orphanage trafficking' and other forms of modern slavery in overseas institutions.

Three: Ensure that ongoing eligibility with a standard of practice (if developed) is annually reported against in the Annual Statement charities make to the ACNC as part of their ongoing registration with the regulatory. This would only be of assistance with respect to PBI DGRs should recommendation two above be adopted.

Four: Institute a 'grandfathering process' for existing PBIs to ensure adequate time is given to meet and demonstrate compliance with any 'external conduct standards' or new standards of practice introduced. With respect to charities supporting overseas residential care institutions, this would safeguard against increased risks to children caused by any immediate withdrawal of funds or services. It would ensure organisations have time to secure the buy-in of their overseas partners and encourage residential care programs to transition, therefore contributing towards the country's care reform efforts.

9.4 AUSTRALIAN NGO COOPERATION PROGRAM AND DIRECT AID PROGRAM GRANTS

The Australian NGO Cooperation Program (ANCP) is an annual grants program and the primary mechanism through which DFAT partners with Australian NGOs to alleviate poverty and contribute towards sustainable development in overseas communities and countries. NGO partners must undergo a very rigorous assessment process and be accredited by DFAT to be eligible to receive ANCP funding. The ANCP funding criteria lists the support of institutions, including orphanages, in its list of ineligible activities. **As such there is no current risk associated with ANCP funding contributing towards the 'orphanage industry' or related trafficking and slavery like practices in institutions.**

Australia's Direct Aid Program (DAP) is a small grants program managed by Australia's overseas posts. It forms a part of Australia's development program and is funded out of the Australia Aid budget. Grants are made available to local community associations, individuals and NFP organisations operating in country of each respective post.

The DAP guidelines outline a set of broad principles and a selection criteria designed to guide DAP committees at post in their consideration of applications. Eligibility is further linked to Official

Development Assistance (ODA) classifications, as outlined in the OECD 'Is It ODA 2008 Factsheet'.[41] In addition, the guidelines list in their assessment considerations, 'Whether the project involves children and if so, does the applicant have procedures in place to protect them'.[42] There is however, no further guidance evident regarding what child safeguarding or protection standards DAP committees are expected to use in making that determination. A list of projects or project activities that are 'as a general rule not funded',[43] are included in the guidelines, however these make no mention of exclusions relating to funding residential care.

The high degree of discretion given to DAP committees at post coupled with a lack of guidance regarding the eligibility of residential care exposes the Australian Government and Aid Program to a degree of risk. As such it is recommended that the same exclusions applied to the ANCP program be similarly applied to the DAP program to create consistency and mitigate any risk of the Australian Aid Program's involvement in the inappropriate use of residential care and related child-rights and trafficking issues.

Recommended reforms to DAP Program:

One: ANCP ineligibility criteria be applied to the DAP program.

Two: Ensure DFAT personnel at post are well informed of the issues surrounding residential care, the 'orphanage industry' and orphanage tourism. Information could be widely disseminated or target posts located in high-risk countries. National guidleines and efforts towards deinstitutionalisation and progress towards establishement of continum of alternative care models could be documented at relevant posts to inform such funding decisions and support national, CSO and INGO efforts toward deintitutionalisation.

10. SUMMARY OF POTENTIAL IMPACT

The various recommendations outlined in this report could have a significant impact on curbing Australia's involvement in fuelling the 'orphanage industry' and in reducing the demand for children to be trafficked into institutional care. As a key donor and volunteer sending country, Australia can substantially affect a reduction in the over/misuse of residential care particularly in countries in the Pacific and South-East Asian region. Reducing the over/misuse of residential care will have a positive impact on this form of trafficking and modern slavery.

Using the current regulatory environment to work with Australian charities to ensure that they are not contributing to or exacerbating the 'orphanage industry' would likely capture the bulk of Australian foreign aid funding flowing to overseas residential care institutions. This would include funds emanating from sectors such as the Christian faith-based sector, which is anecdotally accepted as one of the largest sectors financially supporting overseas residential care institutions.

ACCI commissioned a set of research questions in the 2016 National Church Life Survey (NCLS) with the goal of quantifying the Christian faith-based sector's involvement in both financially supporting and volunteering within overseas residential care institutions. The commissioned questions were spread across two surveys: the NCLS Church Attenders Survey and the NCLS Operations Survey. The findings of the Church Attenders Survey revealed that 51% of church attendees in Australia financially support an overseas residential care institution. Of this 51%, 21% channel their support through their

---

[41] Is it ODA Factsheet 2008.
[42] http://dfat.gov.au/people-to-people/direct-aid-program/Pages/dap-general-guidelines.aspx.
[43] ibid.

local church. A further 34% channelled their support through an Australian charity and only 5% sent direct remittances to an overseas organisation.[44] The Operations survey findings indicated that 36% of churches support overseas residential care institutions, 90% of which constitutes financial support. The disaggregated data further revealed that 28% out of the 36% channelled funds collected for the support of an overseas residential care institution through an Australian charity. Only 10% indicated they sent direct remittances to an overseas organisation. This reveals that the Australian charities sector acts as the major conduit for funds emanating from the Christian faith based sector and therefore strengthens the argument for focused work with the charity sector to reform its practices. It is highly probable that a similar, conduit relationships exist between charities and schools/businesses raising funds purposed for overseas residential care institutions.

11. FINAL REMARKS

The Australian Parliament has demonstrated a commendable degree of global leadership with respect to combatting orphanage tourism and trafficking. Efforts to date have rightfully gained the attention of other key donor countries and led to an increased public awareness and consideration of the issue. By introducing further measures including world-first legislation banning the facilitation of orphanage tourism and charity sector reforms to address foreign funding as the primary driver, the Australian Government will successfully end Australia's ongoing complicity in this aspect of modern slavery. Furthermore, the Australian Government's bold measures will both encourage and provide a road map for other countries to consider and adopt similar reforms. This, if achieved amongst several donor countries, could signal the end of the 'orphanage industry' and the total eradication of 'orphanage trafficking'.

Rebecca Nhep*
CEO of International Programs, ACC International Relief
Convener, ACFID Child Rights Community of Practice Sub-Group on Residential Care
Co-Chair Rethink Orphanages
(03) 8516 9600
rebecca@accir.org.au

Joanna Pradela*
Director of Policy and Advocacy, Australian Council for International Development (ACFID)
(02) 6285 1816
jpradela@acfid.asn.au

With thanks to the ACFID Child Rights Community of Practice for their substantial input.

---

[44] ACCI, 2017 National Church Life Survey Commissioned Report - church attendees gave to multiple RCIs and/or through multiple means accounting for the total disaggregated figures exceeding the sum-total percentage.

ANNEX A. LIST OF ACFID MEMBERS

Full Members:

- ACC International Relief
- Act for Peace - NCCA
- ActionAid Australia
- Action on Poverty
- Adara Development Australia
- ADRA Australia
- Afghan Australian Development Organisation
- Anglican Aid
- Anglican Board of Mission - Australia Limited
- Anglican Overseas Aid
- Anglican Relief and Development Fund Australia
- Asia Pacific Journalism Centre
- Asian Aid Organisation
- Assisi Aid Projects
- Australasian Society for HIV, Viral Hepatitis and Sexual Health Medicine
- Australia for UNHCR
- Australia Hope International Inc.
- Australian Business Volunteers
- Australian Doctors for Africa
- Australian Doctors International
- Australian Himalayan Foundation
- Australian Lutheran World Service
- Australian Marist Solidarity Ltd
- Australian Medical Aid Foundation
- Australian Mercy
- Australian Red Cross
- Australian Respiratory Council
- AVI
- Beyond the Orphanage
- Birthing Kit Foundation (Australia)
- Brien Holden Vision Institute Foundation

- Bright Futures Child Aid and Development Fund (Australia)
- Burnet Institute
- Business for Millennium Development
- CARE Australia
- Caritas Australia
- CBM Australia
- ChildFund Australia
- CLAN (Caring and Living as Neighbours)
- Credit Union Foundation Australia
- Daughters of Our Lady of the Sacred Heart Overseas Aid Fund
- Diaspora Action Australia
- Diplomacy Training Program
- Door of Hope Australia Inc.
- Edmund Rice Foundation (Australia)
- EDO NSW
- Engineers without Borders
- Every Home Global Concern
- Family Planning New South Wales
- Fairtrade Australia New Zealand
- Food Water Shelter
- Foresight (Overseas Aid and Prevention of Blindness)
- Fred Hollows Foundation, The
- Global Development Group
- Global Mission Partners
- Good Shepherd Services
- Good Return
- Grameen Foundation Australia
- Habitat for Humanity Australia
- Hagar Australia
- HealthServe Australia
- Heilala*

- Hope Global
- Hunger Project Australia, The
- International Children's Care (Australia)
- International Needs Australia
- International Nepal Fellowship (Aust) Ltd
- International River Foundation
- International Women's Development Agency
- Interplast Australia & New Zealand
- Islamic Relief Australia
- KTF (Kokoda Track Foundation)
- Kyeema Foundation
- Lasallian Foundation
- Leprosy Mission Australia, The
- Live & Learn Environmental Education
- Love Mercy Foundation
- Mahboba's Promise Australia
- Marie Stopes International Australia
- Marist Mission Centre
- Mary MacKillop International
- Mary Ward International Australia
- Mercy Works Ltd.
- Mission World Aid Inc.
- MIT Group Foundation
- Motivation Australia
- Murdoch Children's Research Institute
- MAA (Muslim Aid Australia)
- Nusa Tenggara Association Inc.
- Oaktree Foundation
- Opportunity International Australia
- Our Rainbow House*
- Oxfam Australia
- Palmera Projects
- Partner Housing Australasia*
- Partners in Aid
- Partners Relief and Development Australia
- People with Disability Australia
- PLAN International Australia
- Quaker Service Australia
- RedR Australia
- Reledev Australia
- RESULTS International (Australia)
- Royal Australian and New Zealand College of Ophthalmologists
- Royal Australasian College of Surgeons
- Salesian Missions

- Salvation Army (NSW Property Trust)
- Save the Children Australia
- Service Fellowship International Inc.
- School for Life Foundation
- SeeBeyondBorders
- Sight For All
- So They Can
- Sport Matters
- Surf Aid International
- Tamils Rehabilitation Organisation Australia
- TEAR Australia
- Transform Aid International (incorporating Baptist World Aid)
- UNICEF Australia
- Union Aid Abroad-APHEDA
- UnitingWorld
- WaterAid Australia
- World Vision Australia
- WWF-Australia
- YWAM Medical Ships

Affiliate Members:

- Australian Federation of AIDS Organisations
- Australian National University – School of Archaeology and Anthropology, College of Arts and Social Sciences
- Charles Darwin University – Menzies School of Health Research
- Deakin University – Alfred Deakin Research Institute
- James Cook University – The Cairns Institute
- La Trobe University – Institute of Human Security and Social Change
- Murdoch University – School of Management and Governance
- Queensland University of Technology – School of Public Health and Social Work
- Refugee Council of Australia
- RMIT – Centre for Global Research
- Swinburne University of Technology Centre for Design Innovation
- Transparency International Australia
- University of Melbourne – School of Social and Political Sciences

- University of New South Wales- International
- University of Queensland – Institute for Social Science Research
- University of Sydney – Office of Global Engagement
- University of the Sunshine Coast – International Projects Group
- University of Technology, Sydney – Institute for Sustainable Futures
- University of Western Australia – School of Social Sciences

- Vision 2020
- Western Sydney University- School of Social Sciences and Psychology

* Denotes Interim Full Member

** Denotes Interim Affiliate Member

ANNEX B. LIST OF CHILD RIGHTS COMMUNITY OF PRACTICE MEMBERS

Full Name	Position	Organization
Ragna Gilmour	COP Member	Quaker Service Australia
Claire Birks	COP Member	ChildFund Australia
Ms Sophie Gulliver	COP Member	CARE Australia
Anna Noonan	COP Member	Consultant
Esther Obdam	COP Member	The Fred Hollows Foundation
Clinton Tedja	COP Member	The Salvation Army NSW Property Trust
Bethany Hender	COP Member	Australian Council for International Development
Claire Achmad	COP Member	World Vision Australia
Emma Braithwaite	COP Member	Australian Red Cross
Mr Clinton Tedja	COP Member	The Salvation Army NSW Property Trust
Jackson Heilberg	COP Member	Australian Council for International Development Child Rights CoP
Ms Louise Villanti	COP Member	Save the Children Australia
Rebekah Kofoed	COP Member	ChildFund Australia
Ms Lee Sayer	COP Member	Habitat for Humanity Australia
Sophie Seck	COP Member	Australian Council for International Development
Meg Laufer	COP Member	Act for Peace
Melanie Sleap	COP Member	Plan International Australia
Mrs Mwiyeria Munyeki	COP Member	World Vision Australia
Ms Annie Douglas	COP Member	The Oaktree Foundation
Ms Ruth Dearnley	COP Member	Influence Global
Ms Julia Kendall	COP Member	The Fred Hollows Foundation
Ms Katherine Lim	COP Member	The Fred Hollows Foundation
Dr Nanditha Janajeevi Hettitantri	COP Member	ADARA Development Australia
Emily Ellis	COP Member	International Women's Development Agency
Ms Jo Thomson	COP Member	ChildFund Australia Learning4Development
Lisa Schultz	COP Member	Consultant
Ms Julie Wiltshire	COP Member	Consultant
Mr Philip Morris	COP Member	International Nepal Fellowship (Aust) Ltd
Ms Joanna Pradela	COP Member	Australian Council for International Development
Ms Karen Rasmussen	COP Member	Act for Peace
Ms Fiona Williams	COP Member	Save the Children Australia
Ms Katie Blok	COP Member	ACC International Relief
Rebecca Hunter	COP Member	Asian Aid Organisation
Ms Karen Flanagan, AM	COP Member	Save the Children Australia
Ms Anne Fitzpatrick	COP Member	Australian Lutheran World Service
Ms Tamara Domicelj	COP Member	Act for Peace

Victoria Mcdonough	COP Member	Australian Red Cross
Mrs Alana Goodwin	COP Member	The Salvation Army NSW Property Trust
Ms Siobhan Mccann	COP Member	Plan International Australia
Ms Uma Komalan, MA	COP Member	Oxfam Australia
Ms Uma Komalan, MA	COP Member	Oxfam Australia
Katie Blok	COP Member	ACC International Relief
Ms Belinda Lucas	COP Member	Learning4Development
Mrs Jan Bayliss	COP Member	Global Mission Partners
Jessica Waite	COP Member	International Women's Development Agency
Laura Healy	Convenor	The Fred Hollows Foundation
Manasi Kogekar	COP Member	ChildFund Australia
Mr Dan Skehan	COP Member	Transform Aid International
Ms Mel Harwin	COP Member	Transform Aid International
Ms Veronica Joseph	COP Member	Habitat for Humanity Australia
Ms Keri Chittenden	COP Member	So They Can
Ms Rebekah Kofoed	COP Member	UNICEF Australia
Mrs Rebecca Nhep	COP Member	ACC International Relief
Ms Mary-Ann Nicholas	COP Member	Burnet Institute
Ms Peta Thomas	COP Member	Global Development Group
Mrs Jessica Hill	COP Member	Interplast Australia & New Zealand
Ms Karla Pardo	COP Member	World Wide Fund for Nature Australia
Sophie Levins	COP Member	Habitat for Humanity Australia
Amy Lamoin	COP Member	UNICEF Australia
Sophie Shugg	COP Member	Plan International Australia
Ms Gaye Wealthy	COP Member	Plan International Australia
Ms Caitlin Barrett	COP Member	Love Mercy Foundation
Ms Cassi Jenkins	COP Member	Love Mercy Foundation
Mark Kavenagh	Convenor	ChildFund Australia
Ms Justine Aenishaenslin	COP Member	Transform Aid International
Catherine Middleton	COP Member	International Needs Australia
Mrs Jackie Robertson	COP Member	Transform Aid International
Noreen McGrath	COP Member	Interplast Australia & New Zealand
Keren Winterford	COP Member	Institute for Sustainable Futures
Melissa Stewart	COP Member	World Vision Australia
Kate Eversteyn	COP Member	Consultant
Ms Sandra Louise Thompson	COP Member	Consultant
Meg Northrope	COP Member	DFAT
Nick Brodie	COP Member	DFAT
Toni Hunt	COP Member	DFAT
Dilani Edirisuriya	COP Member	DFAT
Julia Hartelius	COP Member	Australian Red Cross
Ms Fadia Tasneem	COP Member	MAA International Inc.
Cath Napier	COP Member	Save the Children Australia
Geordie Fung	COP Member	The Oaktree Foundation

ACFID & ACCIR Joint Supplementary Submission - 22

Ms Paula Fitzgerald	COP Member	RedR Australia
Ms Chrissy Galerakis	COP Member	Plan International Australia
Emily Dwyer, Youth Advisor	COP Member	Oxfam Australia
Robert Madsen	COP Member	AVI
Mrs Sarineh Manoukian	COP Member	The Fred Hollows Foundation
Alana George	COP Member	The Fred Hollows Foundation

- *Denotes non-ACFID member*