Submission to the Inquiry into the rights of women and children

ReThink Orphanages Australia is a cross-sector network with members drawn from academia, child protection, not-for profit, charity, tourism, faith-based and education sectors. The network was formed in early 2015 to prevent the unnecessary institutionalisation of children by shifting the way Australia engages with overseas aid and development.

ReThink Orphanages Australia has played a lead role in advocating for Australia to introduce measures to combat orphanage trafficking and child exploitation in overseas orphanages, particularly in the context of the 2017 Parliamentary Inquiry into Establishing a Modern Slavery Act, the subsequent drafting of the Modern Slavery Act 2018 Guidance for Reporting Entities, and the ACNC Minimum External Conduct Standards introduced in 2019. ReThink Orphanages Australia also works with partners in other countries and regions, including through the ReThink Orphanages Global Network and country hubs, to encourage and support other countries and sectors to adopt similar measures.

We make this submission in response to the Terms of Reference including orphanage trafficking as a human rights violation which impacts the lives of women and children across the world. This submission particularly focuses on providing understanding regarding the treatment of children internationally in relation to orphanage trafficking and the impact of this treatment on their human rights; and outlines how Australia can continue to provide leadership on the issue of orphanage trafficking internationally.

Orphanage Trafficking and Exploitation in Overseas Institutions

An 'orphanage', for the purposes of this submission, includes all types of residential care institutions for children, including those referred to as:

- Children's Homes
- Children's Villages
- Shelters and transit centres
- Institutions
- Boarding facilities

Orphanages are often regarded as places of safety for children. Yet, due to recent Royal Commission in Australia, we are acutely aware of the harms that can be caused by child institutionalisation. Orphanages, otherwise known as residential or institutional care, are still a common form of out of home care for children in many low- and middle-income countries, particularly in the Asia Pacific and Southeast Asian regions. Orphanages in these countries are often used as a first port of call for any childhood vulnerability including disability, lack of access to education or healthcare, or lack of social welfare infrastructure. The research agrees that institutional care for children is harmful and should not be utilised as a broadscale response to childhood vulnerability. Most orphanage care is funded by charity or private donors and not

by governments. Unfortunately, a lack of oversight or monitoring combined with these private funding arrangements make orphanages financially viable as businesses and spaces ripe for exploitation. This has resulted in orphanages recruiting children to pose as orphans to garner more funding.

Orphanage trafficking is a nuanced and complex issue. On the surface it is an issue of supply and demand whereby the steady stream of volunteers and donors who wish to support orphaned children overseas creates a demand for a ready supply of children to be harboured in institutions. To meet the demand, children are recruited or transferred from families into institutions for the purpose of exploitation or profit. Below the surface, however, is an enabling environment, which orphanage trafficking is dependent upon for its existence. This environment is the result of intersecting factors including poverty, marginalisation and vulnerability affecting families, a lack of appropriate community-based support for children and families, and privatised and under regulated institutionalised systems of alternative care in which children's care is easily commodified.[1] In this environment, traffickers are able to operate by disguising their intent to exploit and profit from children in orphanages under the guise of offering support to families. They typically recruit children from vulnerable families who are faced with few if any other options to access services such as education, or meet children's basic food, healthcare and shelter needs. Families may also initiate the transfer of a child to an orphanage, once again, seeking support in response to vulnerability, however, unwittingly hand their children over to an operator with intent to exploit and commodify children once in 'care'. Regardless of whether a child is recruited under false pretences or transferred as a result of deception, if the intention is exploitation once in the orphanage it constitutes orphanage trafficking.

Orphanage tourism, where people visit or volunteer in orphanages as part of an overseas trip, is a key risk indicator for orphanage trafficking, as it is one of the most effective and common means of profiting from children's institutionalisation and is often associated with exploitation. To elicit sympathy from tourists, visitors and volunteers, children may be kept in substandard conditions, intentionally malnourished and/or in slavery like conditions. Directors will claim this is due to insufficient funds, which can result in visitors and volunteers parting with larger sums of money in an attempt to rectify the poor standards.

In the broadest sense, unquestioning support of orphanages; the assumptions we hold about their inherent good, and the orphan status of the children residing in them, sustains the outdated and harmful system of institutional care and drives the demand for orphanage trafficking. The sheer scale of overseas investment, including from Australia, flowing into residential care institutions in developing countries is undermining the efforts of governments to meet their obligations under international child rights law to reform their child welfare and child protection service systems and reduce reliance on institutional care. At best, the concentration of resources being channelled into 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 for removal and are more appropriately addressed through social welfare and child and family service systems. In the worst cases, the investment of overseas donors and volunteers, including Australians, acts as the incentive for the orphanage trafficking business model.

Orphanage trafficking is an issue of supply and demand whereby the volume of volunteers and donors who wish to support orphaned children overseas create a demand for children to be harboured in institutions. To meet the demand, children are recruited or transferred from families into institutions for the purpose

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[1] Manfred Nowak, 'Report of the Independent Expert leading the United Nations global study on children deprived of liberty' (2019) UN Doc A/74/136, 13/23.

of exploitation or profit.[2] Orphanage trafficking depends upon an underlying enabling environment for its existence. This environment is the result of intersecting factors including poverty, marginalisation and vulnerability affecting families, a lack of appropriate community-based support for children and families, and privatised and under-regulated institutionalised systems of alternative care in which children's care is easily commodified.[3] In this environment, traffickers are able to operate by disguising their intent to exploit and profit from children in orphanages under the guise of offering support to families. They typically recruit children from vulnerable families who are faced with few if any other options to access services such as education, or meet children's basic food, healthcare and shelter needs. Families may also initiate the transfer of a child to an orphanage in response to vulnerability, however, unwittingly hand their children over to an operator with intent to exploit and commodify children once in 'care'. It is immaterial whether a child is recruited under false pretenses or transferred as a result of deception. If the intention is exploitation once in the orphanage, it constitutes orphanage trafficking.

Forms of exploitation common in orphanages include child labour, sexual exploitation, domestic servitude and slave like practices, including harbouring children in sub-standard and detrimental conditions to elicit sympathy and donations from tourists, volunteers and foreign donors. In addition, orphanage trafficking can be for the purpose of profit or for illicit adoption.

Children who are victims of orphanage trafficking often have their identifies as orphans falsely constructed. This is referred to as 'paper orphaning' and can be a result of falsified documentation, such as birth certificates, death certificates of parents or abandonment certificates, which are instrumental in enabling or justifying the transfer of a child into an institution. It can also be the result of fabricated orphanhood narratives espoused to donors and used to elicit sympathy and sponsorship.

Orphanage trafficking may be connected to Australian citizens, residents and entities in several ways, including through direct involvement in the founding and running of overseas orphanages, foreign funding and through facilitating or participating in orphanage tourism and volunteering. Entities, including charities and businesses, which are at risk of having orphanage trafficking in their operations or supply chains are those involved in the travel, tourism and voluntourism industries, education, and entities involved in the charity/missions/international development sector, either directly as a registered church or other type of charity, or through charity partnerships.

Australia is recognised as a key donor and volunteer sending country with respect to the support of overseas residential care services.[4] A mapping report of Australia's contribution to residential care overseas conducted in 2016 found that approximately 10% of charities with overseas activities were involved in supporting overseas orphanages through funding or sending volunteers.[5] More recent data from the 2021 National Church Life Survey found that 59% of local churches continue to support overseas orphanages either directly or through a third party Australian registered charity.[6] These figures show the scale of

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[2] Kathryn E van Doore, *Orphanage Trafficking in International Law* (2022, Cambridge University Press) 4.

[3] Manfred Nowak, 'Report of the Independent Expert leading the United Nations global study on children deprived of liberty' (2019) UN Doc A/74/136, 13/23.

[4] Christopher Knaus, 'The Race to Rescue Cambodian Children from Orphanages Exploiting Them for Profit', The Guardian (online, 19 August 2017) < https://www.theguardian.com/world/2017/aug/19/the-race -to-rescue-cambodian-children-from -orphanages-exploiting-them -for -prof

[5] Kathryn E van Doore, Laura Healy and Megan Jones, Mapping Australia's Support for the Institutionalisation of Children Overseas (Report, ReThink Orphanages, 2016) 9.

[6] F Powell, S Hourihan, S Sterland & C Gan, Church *Attenders Support for Overseas Missions*, National Church Life Survey, (Report, National Church Life Survey, 2022).

support from Australia that continues to be directed towards overseas orphanages and give some indication as to the prevalence of orphanages in Australian entities operations and supply chains.

Child institutionalisation and orphanage trafficking significantly interfere with rights owed to children under the Convention on the Rights of Children. Please see the attached appendix for a detailed analysis on this.[7]

International recognition of Orphanage Trafficking

Orphanage trafficking, and its links to foreign charity funding and volunteering, has been consistently recognised and raised as an issue by the US State Department in the context of the Trafficking in Persons Report since 2017. Orphanage tourism was first recognised as a risk for modern slavery in the Global Slavery Index in 2016. In recognition of the interlinked issues of orphanage trafficking, orphanage volunteering and the harms of child institutionalisation, existing commitments to phase out institutional care in accordance with children's rights and best interests have been reaffirmed, and new commitments to combat orphanage trafficking and volunteering have been made at international levels.

In the 2019 United Nations General Assembly Rights of the Child Resolution, Members States unanimously agreed to the following:

Article 35 (g)

> (g) Progressively replacing institutionalization with quality alternative care, including, inter alia, family and community-based care and, where relevant,

Article 35 (t):

> (t) Taking appropriate measures to protect children who are victims of trafficking and are deprived of parental care, as well as enacting and enforcing legislation to prevent and combat the trafficking in and exploitation of children in care facilities, and supporting children who are victims of human trafficking in returning to their families and in receiving appropriate mental health and psychological assistance that is victim-centred and trauma-informed, and taking appropriate measures to prevent and address the harms related to volunteering programmes in orphanages, including in the context of tourism, which can lead to trafficking and exploitation.[8]

The Committee on the Rights of the Child, after hearing from children, young people with lived experience of institutional care, survivors of orphanage trafficking and exploitation, and global experts, in the 2021 United Nations Day of General Discussion (DGD) on Children in Alternative Care, made the following recommendations in the Day of General Discussions outcomes report:

> Recommendation D.1

> States should adopt legislation and regulations to eliminate orphanage tourism and volunteering in orphanages, prevent incentives driving institutionalization and family separation and ensure

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[7] See Appendix 1: Kathryn E van Doore, 'Please stop Australians coming here: Orphanage Tourism, Child Rights and the Australian Response' (2020) *Court of Conscience* 14(1) 49-52.

[8] United Nations General Assembly, Resolution adopted by the General Assembly on 18 December 2019, A/RES/74/133, https://bettercarenetwork.org/sites/default/files/2020-01/A_RES_74_133_E.pdf

adequate offences and penalties to prevent and enable the prosecution of violations of children's rights in alternative care, including orphanage trafficking.

Recommendation E.2

States should develop and implement time-bound and adequately budgeted national deinstitutionalization strategies. They should emphasize redirecting resources from institutional care towards family-based and community-based care, by increasing access among families to the social and financial support needed to appropriately care for children, including children with disabilities, at home and within the community, ensuring access to community-based universal health care, education and targeted, inclusive, non-stigmatizing services and managing the transfer of children from institutions into family- based and community-based settings. [9]

Australia's leadership on orphanage trafficking and child exploitation in orphanages

Australia has consistently taken a position of leadership on the issue of child exploitation in orphanages since 2017. Australia was the first country to closely examine the issue of child trafficking and exploitation in institutional care settings (orphanages) in the Joint Parliamentary Committee's Inquiry into Establishing a Modern Slavery Act.[10] This examination culminated in a dedicated chapter on orphanage trafficking and exploitation in the final report, *Hidden in Plain Sight,* and suite of recommendations forming a whole of government strategy to combat the issue. As a result, Australia became the first country to formally recognise orphanage trafficking as a form of modern slavery in the context of the Modern Slavery Act,[11] and to recognise orphanage tourism and volunteering as a sector-based risk factor for modern slavery in the Acts reporting guidelines.[12] Australia was also the first country to release travel advice discouraging Australians from participating in orphanage tourism and volunteering through the DFAT Smart Volunteering Campaign. Australia committed to ensuring government funding was not used to perpetuate child institutionalisation or support programs involving orphanage volunteering and introduced criteria that made support of such programs ineligible for receipt of funds through the DFAT ANCP and Friendship Grant programs.

In addition, Australian Parliamentarians and Ministers have provided critical leadership on the issue of orphanage trafficking and tourism in international fora, such as the Commonwealth Parliamentary Association UK, CHOGM and most recently, the Inter-Parliamentary Union. This has resulted in growing international awareness of the issues and an increasing number of foreign aid and volunteer sending countries introducing domestic measures to combat orphanage tourism and trafficking.

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[9] https://www.ohchr.org/sites/default/files/2022-06/13Jun2022-DGD-Outcome-report-and-Recommendations.pdf

[10] See Hidden in Plain Sight Report (2018), Chapter 8 'Orphanage Trafficking'
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Final_report

[11] See Modern Slavery Bill 2018 Explanatory Memoranda Art 50
http://classic.austlii.edu.au/au/legis/cth/bill_em/msb2018189/memo_0.html

[12] See Modern Slavery Guidance for Reporting Entities https://www.homeaffairs.gov.au/criminal-justice/files/modern-slavery-reporting-entities.pdf

Australia was the first country to formally recognise orphanage trafficking as a form of modern slavery as falling within the definition of human trafficking in Australia's Modern Slavery Act.[13] The Commonwealth Modern Slavery Act 2018 Guidance for Reporting Entities additionally recognised orphanage trafficking and child exploitation in institutions as falling within the scope of the worst forms of child labour[14], and orphanage tourism and voluntourism with children as a sector-based risk for modern slavery.[15] This meant that, for purpose of the Modern Slavery Act, reporting entities with institutions in their operations or supply chains, including through charity partnerships, were required to include in their Modern Slavery Statement, a description of measures taken to assess and address these risks and their effectiveness.[16] While these steps demonstrated exemplary leadership and commitment by the Australian government to combat orphanage trafficking, they have yet to have the desired effect on reporting entities with existing connections with orphanages.

To support States implement their international commitments and obligations to take measures and adopt legislation and regulation to combat orphanage trafficking and eliminate orphanage tourism, a global task force was formed to draft guidance on the topic of orphanage volunteering, tourism, voluntourism and trafficking. Convened under the [Transforming Children's Care Global Collaborative](), and co-chaired by the Better Care Network and ECPAT International, the task force drafted a thematic brief containing recommendations for the development and implementation of whole of government strategy, including policy statements, legislative and regulatory measures, awareness raising and industry guidelines and standards. The following section is an extract of the key recommendations from the thematic brief.

Recommendations

Adopting a whole of government approach

Australia should employ a whole-of-government approach to eliminating orphanage tourism and voluntourism and to combating orphanage trafficking. In accordance with art. 35(t) of the 2019 UNGA Resolution on the Rights of the Child, a whole-of-government approach should be based on a clearly articulated position recognizing orphanage volunteering/voluntourism as a risk to children, a potential driver of orphanage trafficking and as a form of child trafficking. The strategy should incorporate a data and evidence agenda to develop a baseline understanding of the issue and involvement of various sectors. It should include appropriate legislative and regulatory measures aimed at curtailing orphanage volunteering practices, and work with volunteer-involving organizations and tourism operators to ensure that guidance is disseminated and supported by sector-based engagement and awareness raising initiatives.

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[13] Explanatory Memorandum, Modern Slavery Bill 2018, 8 [50]; Assistant Minister for Home Affairs Senator the Hon Linda Reynolds CSC, 'Modern Slavery Bill Passes the Parliament' (Media Release, 30 November 2018).

[14] Commonwealth of Australia, Commonwealth Modern Slavery Act 2018 Guidance for Reporting Entities (Legislative Guidance, 2019) 78.
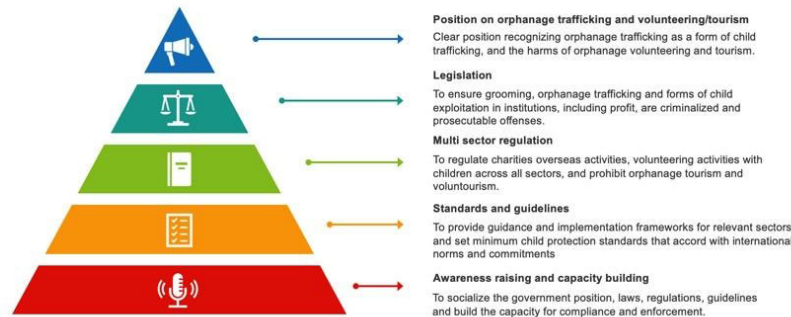
[15] Ibid 80.

[16] See n1.

- Governments should have an explicitly stated position on orphanage volunteering and other forms of unskilled and unregulated voluntourism that recognizes the harm to children and potential links to orphanage trafficking,
- Governments should issue travel advisories to warn citizens and residents of the potential harms of involvement in orphanage volunteering and other forms of unskilled and unregulated voluntourism with or for children in the context of overseas travel,
- Governments should prohibit orphanage tourism and volunteering within the context of all state-sanctioned or funded volunteering programs, or in the context of government agency-led or facilitated community engagement initiatives, whether domestic or overseas,
- Governments should ensure harmonization across government agencies with respect to the official position on orphanage volunteering and other forms of unskilled and unregulated voluntourism with or for children to ensure alignment across agency level policy and practice frameworks,
- Governments should prohibit the allocation of government funding, including Official Development Assistance (ODA),[17] to programmes, initiatives or organizations involved with orphanage volunteering or voluntourism,
- Data should be used to inform whole-of-government approaches and to monitor the implementation and effectiveness of strategies.

Practical measures to implement a whole of government approach:

- **Data**: Australia should develop a baseline understanding of the scope and scale of involvement in orphanage volunteering and tourism, including through:

  - Identifying all sectors and government departments involved in orphanage volunteering and orphanage tourism specifically, and volunteering initiatives broadly,
  - Determining the scale of involvement across sectors through data collection and data mining.
  - Ensuring data collection mechanisms are in place to regularly gather monitoring data and evaluate the effectiveness of measures including compliance with regulations.

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[17] Official Development Assistance (ODA) refers to official government aid to promote economic development and welfare in developing countries.

- **Awareness-raising**: Australia should take the lead with sector-based engagement and develop communication strategies that include:

  - National campaigns, such as the Smart Volunteer campaign, to continue to improve awareness of the harms of orphanage volunteering and orphanage tourism, within involved sectors and to socialize travel advisories and any new legislation,
  - Interministerial/interdepartmental communications to ensure all government departments are informed of, and can integrate, the Australian government position on orphanage volunteering and orphanage tourism and to support the implementation of the prohibition on orphanage volunteering activities within federal sanctioned or funded programmes or initiatives.

- **Child rights impact assessments:** Australia should introduce a requirement for child rights impact assessments to be conducted prior to the allocation of ODA grant funding. Impact assessments should consider positive and negative impacts on child rights, and the potential for initiatives to result in a conflict or rights or cause rights regressions. This needs to extend beyond existing measures as there are currently entities acting as umbrella organisations and funding orphanage care.

- **Parliamentary inquiries:** Australia could consider holding specific parliamentary inquiries, or including an exploration of orphanage volunteering, unregulated voluntourism, orphanage tourism and orphanage trafficking in the scope of related child rights, alternative care or modern slavery inquiries, as a means of raising the profile of the issue, garnering bipartisan support for action and developing regulation.

Legislation and Regulation

The Australian government should take appropriate legislative and policy measures to:

- Ensure criminal laws enable the prosecution of orphanage trafficking and exploitation offences, including the unlawful removal of a child from parents or guardians and placement in a care facility for the purpose of exploitation or profit. Specifically, the *Criminal Code* (Cth) must be amended to ensure the elements of the offence are not limited to child trafficking only being prosecutable where there is an entry/exit over an Australian border. This limits the present application of extra-territorial jurisdiction to these offences and means that Australians involved in trafficking overseas or that does not involve crossing an Australian border is not able to be prosecuted.[18]

- Criminalize the grooming of children under the age of 18 and trusted persons (parents, guardians, caregivers) for child sexual exploitation purposes to facilitate either online or offline sexual exploitation by persons in position of power, authority or trust.

- Establish by law extraterritorial jurisdiction for all offenses of trafficking, child exploitation and grooming.

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[18] Kathryn E van Doore & Rebecca Nhep 'Orphanage Trafficking and the Australian Response', *Griffith Journal of Law & Human Dignity*, 7(2) (2019) 127.

- Establish enforceable child protection regulation for the travel, volunteering and tourism industry that include a prohibition on orphanage volunteering and visits to orphanages, and regulation of other forms of voluntourism activities with and for children. Regulations should apply to all tourism and volunteering activities carried out within the country's territory, as well as to the activities conducted by domestically registered entities, including those implemented by third-parties through supply chains.

- Regulate and monitor the use of volunteers and visitors in settings and activities that involve direct contact with children, prohibiting visits to residential childcare facilities.

- Establish sufficient not-for-profit (NFP) sector regulation and ensure charitable activities comply with international child rights norms, safeguard children's best interests, and protect children from harm, abuse, rights violations, and regressions.

Practical measures to enact legislative and regulatory measures:

- **Legislative and regulatory reviews:** Australia should conduct a review of:

    - Existing child trafficking, exploitation, grooming and child protection legislation to identify gaps, areas of inconsistency with international commitments and develop plans to propose and pursue amendments.

    - Regulation governing child protection, alternative care, and travel/tourism, voluntourism, to identify opportunities to strengthen and amend regulation and include prohibitions on orphanage volunteering and tourism in relevant regulations. This should include in the context of national minimum standards for residential childcare or alternative care policy.

    - Implementation of laws and regulations and identifying gaps in implementation or effectiveness.

- **Legislative and regulatory reforms:** Australia should pursue legislative and regulatory reforms:

    - To address gaps and recommendations identified throughout the review process, taking into account the legislative and policy measures outlined above.

    - To develop mechanisms to ensure child safeguarding standards are implemented as part of the regulatory frameworks that govern the tourism industry.

- Australia should ensure there are effective implementation mechanisms for all relevant laws and regulation, including the identification and appointment of mandated authorities for implementation, monitoring and remedial action and sufficient resourcing and support for law enforcement, including training.

- **Not for profit sector regulation:** Australia should conduct a review of existing not for profit sector registration, regulation and reporting mechanisms and institute necessary reforms to ensure that NFP regulation includes at a minimum:

○ A not-for-profit sector responsibility to respect human rights and protect vulnerable persons from harm, abuse and exploitation including a requirement for NFPs to conduct child rights impact assessments for any activities engaging with children.

○ A requirement for NFPs' domestic activities involving children to be appropriately licensed or registered with the relevant government department/agency, and comply with relevant sector-based laws, policies, minimum standards and regulations.

○ Obligatory overseas conduct standards that regulate NFPs overseas activities. Such regulation should preclude NFPs from operating or supporting residential childcare facilities that are unlawfully operating or non-compliant with relevant laws, policies and national standards pertaining to alternative care and child safeguarding. It should prohibit NFP involvement in orphanage volunteering and tourism, and child sponsorship fundraising models for children in residential care.

○ An enforceable obligation to report regularly on use of funds, activities, and compliance with minimum standards.

○ A complaints and redress mechanism.

Standards and Guidelines

Standards and guidelines are important elements of the implementation framework for the legislation and regulations set out above. They should be designed in accordance with established legislation and regulation and as a means of implementing, rather than an alternative to, this legislation and regulation. Where legislation does not yet exist, or is being created or reformed, this should be done in line with the guidance set out under 'Legislation and Regulation' above, and standards and guidelines should be developed to support its implementation.

Australia should work with entities that mobilize or support volunteers, voluntourists and tourists (including those types of organizations set out in the definitions of orphanage volunteering, orphanage tourism and voluntourism above) to ensure that they adhere to relevant industry or sector standards and guidelines in their jurisdictions by:

● Ensuring that national-level policies and laws align with internationally-agreed standards.

● Publicly endorsing, promoting and enforcing standards.

● Making adherence and compliance a condition for receiving government funding or contracts.

● Providing information and guidance on standards to businesses in the travel, volunteering and tourism industry, and other entities, on the dangers of orphanage visits, and other unregulated forms of voluntourism with or for children[19], and the risk they take on in offering them as well as negative impacts on children.

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[19] ECPAT International, How voluntourism may facilitate the sexual exploitation of children. What can be done to protect children? (2022) https://ecpat.org/resource/issues-paper-how-voluntourism-may-facilitate-the-sexual-exploitation-of-children/

- Promoting information to tourists on expected child safe tourism and volunteering sector standards, and guidance for tourists on making more ethical choices.

Child Welfare and the Travel Industry: Global Good Practice Guidelines[20] are a practical working tool for businesses in the tourism sector 'to better understand the main risks they may face by not upholding child welfare practices and the subsequent impacts on children and communities.' They call on businesses to avoid orphanages and other centres that host children, and state that travel companies 'should never place volunteers or travelers in positions where they are responsible for caring for or teaching children.'

The **Global Volunteering Standard**[21] is a good practice standard for organizations that work with volunteers. It includes prohibitions on organizations -

- Allowing volunteers to work with or within orphanages or other residential childcare facilities for children,
- Working with companies that have orphanages and other residential childcare centres incorporated (or with the possibility to incorporate) in tourism programmes or packages, or
- Allowing or facilitating one-off and short-term visits to orphanages or residential childcare facilities for children.

The Code Voluntourism Policy[22] provides practical guidance for entities to ensure that only responsible and safe forms of voluntourism are undertaken with or for children. This policy outlines the risks of various forms of voluntourism and states the criteria by which organizations (private commercial companies, social enterprises and charities) may apply to join The Code. The risks outlined include the critical risks noted in orphanage-related activities in relation to child protection, The policy can be also used by other entities to protect children.

Practical measures to develop standards and guidelines

Australia should:

- Endorse and/or make public statements in support of child safe and ethical standards and guidelines in volunteering and tourism.

- Develop or adapt national-level standards, guidelines, and monitoring systems, based on legislation and regulations and aligning with international good practice standards.

- Contact the organizations responsible for the standards and guidelines set out above, to explore how they can be implemented in the national context.[23]

- Engage and consult with entities (private operators, NFPs, community/faith based, education) in-country to encourage their leadership and adherence to child safe volunteering and tourism as a sustainable and ethical industry practice.

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[20] See https://thinkchildsafe.org/wp-content/uploads/2018/05/GlobalGuidelines_ChildWelfareAndTheTravelIndustry_2018_book.pdf
[21] See standard.forum-ids.org
[22] See https://thecode.org/voluntourism/
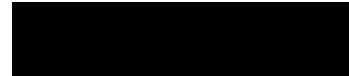[23] See info@thinkchildsafe.org, globalvolunteeringstandard@forum-ids.org, info@thecode.org

- Review relevant accreditation/funding/contracting policies to make them conditional on adherence to these standards and guidelines.
- Promote child safe volunteering and tourism information and resources/videos on government websites, including due diligence checklists for prospective tourists and volunteers.
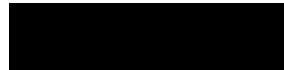
We welcome engagement with the Inquiry on the above issues and opportunities to provide ongoing support to efforts to the Australian government to continue to combat child exploitation in orphanages as a form of modern slavery.

We thank you in advance for considering this issue as part of the Inquiry and look forward to providing further assistance.

Kind regards,
On behalf of ReThink Orphanages Australia

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