

PARTNERSHIPS WITH OVERSEAS 'ORPHANAGES'



ReThink
ORPHANAGES



Implications of the proposed Modern Slavery Act for the Education Sector

INTRODUCTION

A recently released interim report on Modern Slavery and Global Supply chains indicates it is likely a Modern Slavery Act will be introduced in Australia and that the prevention of 'orphanage tourism' will be included in its scope¹. This will have implications for a range of Australian organisations, businesses, educational institutions and charities who currently fund overseas orphanages (or other forms of residential care) and/or participate in volunteering and voluntourism (including short-term mission trips) to orphanages.

As such, this briefing note has been written to give Australian educational institutions currently engaging with overseas residential care institutions an overview of the issue and an understanding of some of the potential ramifications of the proposed legislation.

BACKGROUND

In February 2017, Attorney General Senator George Brandis QC requested the Joint Standing Committee on Foreign Affairs, Defence and Trade launch an inquiry into modern slavery in Australia and to report on establishing a Modern Slavery Act in Australia. The purpose of the proposed Act is to eliminate slavery with respect to Australian supply chains.

One of the aspects of slavery and trafficking that the Joint Committee has included in its inquiry scope is 'orphanage trafficking'. Orphanage trafficking is defined as the active recruitment of children from families and communities into residential care institutions (hereby called RCIs) in overseas countries for the purpose of foreign funding and voluntourism.

As Australia is a key donor and volunteer sending country with respect to overseas RCIs, the issue has links to the 'supply chains' of several sectors in Australia, including the education, charity, tourism and faith-based sectors. It is for this reason that it was included in the scope of the inquiry.

DEFINING AN 'ORPHANAGE'

An 'orphanage', for the purposes of this briefing paper, includes all forms of residential care for children, including those referred to as:

- Children's Homes
- Residential Care Centres
- Compound foster care
- Rescue Homes
- Children's Villages
- Institutions
- Shelters
- Boarding Houses (in instances where they operate as RCIs but for educational purposes)

All the above listed types of facilities are classified as residential care institutions (RCIs).

¹. Joint Standing Committee on Foreign Affairs, Defence and Trade, 2017 Modern Slavery and Global Supply Chains, Parliament of the Commonwealth of Australia

EXPLANATION OF ORPHANAGE TRAFFICKING

As with all types of trafficking, orphanage trafficking is driven by demand, which must be met with a ready supply. The demand is for 'orphans in orphanages' who can be marketed to overseas donor communities as 'alone', 'abandoned' and 'in need of care' thus creating a perceived need for funding and volunteers to support the RCIs. However, as the number of orphanages (and amount of available funding for them) well exceeds the legitimate demand for residential care in many countries, children who don't legitimately require care are trafficked into care to meet the deficit in 'supply'.

The traffickers who connect the demand and the supply are those who actively recruit the children from their families and broker their placement into an RCI. These traffickers are sometimes orphanage directors or staff of RCIs, or in other cases they are 'middle men' who scout for children in largely poor and rural communities and receive a fee from the RCIs for each child placed, or receive payment from the children's families to take them to an RCI to access education or other services.

The trafficking of children into residential care has therefore emerged as a means for individuals and organisations to profit from the gap between the perceived and actual need for residential care in developing country contexts.

HOW IS DEMAND CREATED?

Company, charity and NGO (herein referred to as 'organisations') marketing and promotional materials essentially create the demand. They do this by using images of children and promoting stories that perpetuate the 'orphan myth' or 'myth of an orphan crisis' and appeal to donors and volunteers to help these orphans by donating their time and money to an RCI.

In numerous cases the children's identities have been falsified, either through false documents such as parent's death certificates, and in other cases, in the profiles sent to potential donors. These children are called 'paper orphans'. In reality it is rare to find an orphan in an orphanage. 80% of children in care have parents and families who are often erased from the children's stories and lives.

Sometimes organisations don't go to the extremes of producing falsified documents, but falsify stories about the children's histories and reasons for entry into residential care in donor communications. This is done to create a perception of need, desperation and dependence on the organisation- once again in pursuit of funding. The most common are false claims of abandonment, orphanhood, claims of being rescued from trafficking or found at significant risk of being trafficked. Where fabricated stories are used to legitimise keeping a child in residential care for the purpose of seeking foreign funding, then exploitation of both child and donor is at play- and these children may in fact have been trafficked into the RCI.

THE EXPLOITER AND THE EXPLOITED. WHO IS WHO?

It is important to note that individual donors and volunteers are not the traffickers in this equation, nor do they stand accused of exploiting the children in the residential care institutions they fund or visit. They are predominantly good people who want to help vulnerable children. Unfortunately, their good intentions and concern for orphaned and vulnerable children are being commodified and exploited by individuals and organisations who have realised that keeping children in residential care is a profitable business, as well as companies who profit from organising voluntourism experiences and placements in residential care institutions. Therefore, whilst the foreign funds and volunteers are fuelling the demand, they are not responsible for creating it.

Unfortunately, their good intentions and concern for orphaned and vulnerable children are being commodified and exploited by individuals and organisations which have realised that keeping children in residential care is a profitable business.

Demand is created in another way too- through keeping children in slave like conditions in RCI's to elicit the sympathy of foreign visitors and volunteers. There is ample evidence of situations where children have been kept intentionally undernourished, and in substandard or dangerous living conditions in RCI's because foreign volunteers witnessing this situation are much more likely to give finances to rectify it. Unfortunately, those funds don't always get used to better the children's lives. Goods donated are often kept locked in cupboards out of the children's reach and the sights of subsequent volunteers, or sold at local markets, with profits going to RCI directors. This act of harbouring children in unsafe conditions within RCI's and/or denying them their basic needs and rights for financial gain constitutes modern slavery.

In countries like Cambodia, children themselves are used to stir demand. They are sent into tourist districts to invite tourists to 'orphan shows' at the RCI's where they are required to dance and sing for donations. They are also kept out of school to be available to perform on demand for visitors and volunteers. Needless to say, this practice is highly exploitative and unethical.

HOW IS THE AUSTRALIAN EDUCATION SECTOR INVOLVED IN THIS?

Approximately 14% of Australian secondary schools engage in fundraising for, and visiting RCIs overseas – however this is likely to be an underestimate.

Additionally, 57.5% of Australian universities advertised orphanage placements through international volunteering opportunities².

Australian secondary schools generally engage in the support of, and volunteering at RCIs through one of two mechanisms:

- **Direct engagement with RCI through a charity partner:** Schools may develop and maintain a relationship with an RCI overseas directly through their own networks, or through an Australia registered charity that raises funding for an overseas RCI.
- **Third party tourism sector provider:** A number of for-profit operators from the tourism sector offer schools tailored travel packages that provide students with the opportunity to engage in visiting and volunteering at an orphanage as part of an overseas experience.

Australian universities offer students the opportunity to visit and volunteer in RCIs as part of their global mobility programs (as a volunteer, intern, or placement) – in many cases in exchange for course credit toward their degree. These placements may be facilitated by a number of mechanisms:

- **Third party tourism sector provider:** For-profit tourism sector providers may partner with universities to offer placements in RCIs in exchange for course credit. In other cases, many providers advertise directly to students on campus and hold recruitment sessions.
- **Direct relationships:** Students may access placements through direct relationships, faculty members or departments which have relationships with RCIs, or charities that support RCIs.
- **Partner universities:** The Australian university may partner with an overseas university who offers RCI placements through their network and own partnerships.

Over the past decade, voluntourism has become a highly lucrative industry, with many travel companies offering products to meet the demand for voluntourism experiences from schools, groups and individual travellers. These trips incorporate visits to RCIs (for a few hours or more), where visitors and volunteers are often given access to vulnerable children in exchange for financial donations or other goods. Orphanage tourism and voluntourism treats children as tourist attractions and directly results in their commodification and associated exploitation.

The demand for orphanage tourism and voluntourism experiences is further fuelled by marketing campaigns promising tourists and volunteers an opportunity to ‘make a meaningful impact’ while masking the ethical issues and exploitation these products are perpetuating.

Voluntourism companies place unskilled volunteers (including Australian school students) in RCIs without training or support to engage with children who often have highly complex and traumatic histories.

“ Many volunteer programs have high turnover, and volunteers are exacerbating attachment disorders in children who have been denied consistent love and care from a stable, primary attachment figure. Unfortunately, many volunteers and tourists are unaware that they are fuelling an industry that results in profit from the exploitation of children. ”

Whilst schools students and indeed many education providers could not be expected to know this until now – their participation in orphanage tourism / voluntourism is unintentionally participating in the exploitation of children for economic gain – a form of modern slavery.

Australian schools and universities have a duty of care to students to ensure they are not participating in activities that have been documented to cause significant harm to children, and perpetuate the separation of children from their families.

2. van Doore, K, Healy, L, Jones, M, Mapping Australia's support for the institutionalisation of children overseas, ReThink Orphanages, 2016

WHAT WILL THE LEGISLATION AFFECT?

We will not know for sure until it is drafted and passed, however at this point it appears the legislation will primarily focus on banning Australian individuals, organisations and companies from facilitating orphanage tourism.

Such a ban would likely impact:

- **Australian educational institutions** who directly, or through a third party provider engage in facilitating student visits to RCIs
- **Australian tourism providers** who include a trip to or volunteering placement in an orphanage as a component of their travel packages.
- **Australian volunteer companies** who place individuals in RCIs to volunteer for a given period of time for a fee
- **Australian charities** who advertise and organise visits or short term volunteering stints in overseas orphanages (including short-term mission trips).

This could also include child sponsor visits when in the context of an RCI.

- **Organisations** who facilitate 'orphan tours' to Australia for the purpose of fund raising for an overseas RCI.

It is highly likely that the legislation will be extra-territorial, which means as well as covering the facilitation of orphanage tourism by organisations, companies and individuals operating within Australian borders, it will extend to Australians involved in facilitating orphanage tourism overseas. It cannot however extend to cover the actions of non-Australian recruiters operating overseas. This must be addressed under the legal framework of those respective countries.

This does not mean that all organisations or companies involved in orphanage tourism are being accused of trafficking or wilful exploitation. Rather the Australian government is utilising the Australian legal framework to prevent Australia from continuing to drive the demand of this type of slavery and trafficking.

IMPACT ON AUSTRALIAN EDUCATION PROVIDERS ENGAGING WITH OR SUPPORTING RCIs

At this stage, it appears the legislation will focus on the prevention of orphanage tourism. However, the interim report does recommend that more consideration is given to what measures could be taken to ensure foreign aid, corporate or organisational funding does not directly or indirectly support modern slavery practices. Therefore, with respect to orphanage trafficking it is feasible that guidance around funding RCIs will be incorporated into the various charity sector regulations and/or strengthened in existing guidelines, and we would welcome this. These measures would likely aim to achieve two outcomes.

Firstly, to ensure RCIs under transition can continue to be funded to do so safely and to allow funding to continue to flow to organisations demonstrating good practice in alternative care (likely based on the UN CRC and UN Guidelines on Alternative Care for Children), reintegration and those engaging in care reform efforts. Secondly, curb the flow of funds to long-term residential care services that are operating contrary to child rights law and frameworks, and RCIs who are exploiting or trafficking children.

These changes may directly impact schools and universities who fundraise for and / or visit RCIs overseas, or facilitate these placements for students.

RECOMMENDATIONS FOR EDUCATION PROVIDERS

Until the legislation and other proposed changes are clear, we encourage all Australian educational providers to seek professional support and advice to ensure that their student mobility and travel programs are not inadvertently harming children overseas.

If your school or university is partnering with a third-party travel provider to facilitate student mobility and travel programs, we encourage you to discuss any concerns you have with them directly and ensure they have a clear strategy in place to exit their engagement with RCIs. We encourage schools and universities to advocate directly to travel providers to ensure that RCIs are not included in school travel itineraries or university placements.

If your school or university is directly partnering with and funding an overseas RCI, or a charity that supports an overseas RCI, then we encourage you to be the voice that advocates for that RCI to change their model of care for orphans and vulnerable children, and cease allowing visitors or volunteer groups to visit.

If the RCI your school or university funds refuse to engage with good practice and change their model of care, then we recommend you give them notice of your intention to cease funding.

These are usually the RCI's that are profiting from the status quo and that is why they won't change. Where children's best interests are not the central concern there is an increased likelihood that the children are being commodified and both donors and children exploited. Consider if there is a need to report any concerning findings to the relevant overseas authorities and support any subsequent government efforts to ensure the children's safety.

If your school or university is facilitating any form of orphanage tourism (visiting, volunteering, short-term teams) we strongly recommend you make provisions to wind these activities up and look at more ethical options if volunteering remains core to your mandate.

If you are unsure if your promotions and marketing materials are above board, accurate and ethical, then you should verify the facts with your source and refer to the relevant standards in the Australian Council for International Development (ACFID) Code of Conduct as an Australian aid sector endorsed good practice guide. Be aware of the risk of re-exploiting children through the marketing of traumatic stories.

If you are confident you are supporting programs using residential care in a way that is consistent with child rights law including the United Nations Convention on the Rights of the Child (UNCRC) and good practice frameworks (UN Guidelines on the Alternative Care for Children), then continue to do so.

FOR MORE INFORMATION

If you are unsure and want to speak to a professional who can assist you in making a determination, please contact the Australian interagency network ReThink Orphanages at info@rethinkorphanages.org

To read the full interim report in Modern Slavery and Global Supply Chains [click here](#) or go to http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Media_Releases

For more information on the issues surrounding children's care, visit the following websites:

ReThink Orphanages - An Australian interagency network advocating for Australians to shift the way they engage with children in overseas aid and development - rethinkorphanages.org

Better Care Network - an online resource library for people working with children who lack adequate family care - bettercarenetwork.org

Or [click here](#) to access the submissions to the joint standing committee's inquiry into establishing a modern slavery act in Australia. (link http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Submissions)

