

Kenya Conference of Catholic Bishops

Safeguarding Children

Policy and Procedures
(2014)

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INTRODUCTION

Everyone working for the Kenya Conference of Catholic Bishops has the obligation to ensure that the fundamental rights of children are respected.

In keeping with this, we, the Kenya Conference of Catholic Bishops, undertake to do all in our power to create safe environments where the welfare of children is paramount. This duty of care extends to the many and varied ways that the Kenya Conference of Catholic Bishops shares in the daily lives of all the children in Kenya.

At the same time, it is essential that all the people working for and with the Catholic Church become aware of their obligation to protect children. There is need to create and sustain a "culture of safety" for our children. They need to be cherished, nurtured and safeguarded by all.

This Document on *Safeguarding Children*, which is presented by the *Kenya Conference of Catholic Bishops* is a first step in articulating a policy and procedures for the personnel working in all Catholic Dioceses in Kenya. Its content is meant to be incorporated into every aspect of our planning and practices.

The Catholic Church in Kenya is committed to working in partnership with civil authorities to ensure that all aspects of child welfare are managed promptly, professionally and justly.

On behalf of the *Kenya Conference of Catholic Bishops*, I would like to thank the people who have assisted in the preparation of this document - particularly in researching the vast amount of literature available on this issue of safeguarding children.

It is our hope and prayer that this Document on *Safeguarding Children* will be a signpost for a healthy, happy, safe and secure environment for all our children.

+ John Cardinal Njue

Chairman, Kenya Conference of Catholic Bishops

1.

GUIDING PRINCIPLES

- 1.1. Each child shall be cherished, nurtured and affirmed as a gift from God.
- 1.2. Each child has an inherent right to personal dignity and bodily integrity.
- 1.3. All children, whatever their gender, culture, race, language, religious beliefs or social status have a right to protection.
- 1.4. Everyone working within the Kenya Conference of Catholic Bishops has an obligation to ensure that the fundamental rights of children are respected.¹

2.

DEFINITIONS

- 2.1. A minor is defined as any person who has not completed eighteen years of age.²
- 2.2. Child abuse refers to a form of maltreatment of a child. Someone may abuse or neglect a child by inflicting harm or by failing to act to prevent harm.
- 2.3. Physical abuse may involve hitting, shaking, kicking, suffocating, misuse of medication, applying inappropriate sanctions or otherwise causing physical harm to a child. It can also apply to one's failure to act to protect the child.

¹ These rights are elucidated in many documents, e.g. Children's Act 2001, and Kenya Constitution (2010).
² Code of Canon Law Can. 97 §1 and the Children's Act 2001, Section 2.

2.4. Emotional abuse is the persistent emotional ill-treatment or rejection of a child by conveying that he/she is unloved, inadequate or even worthless; or by overprotection and limiting exploration, learning, and normal social interaction.

2.5. Sexual abuse involves forcing or enticing a child to take part in sexual activities – whether the child is aware of what is happening or not. The activities may involve physical contact, including penetrative sex (rape or buggery) or non-penetrative sex (oral sex).

Other forms may include non-contact activities, such as involving children looking at or participating in the production of pornographic material, watching sexual acts or behaving in sexually inappropriate ways.

Boys and girls can be sexually abused by males or females, by adults, by young people, family members or people from all different walks of life.

2.6. Neglect can be defined as an omission or the failure to protect a child. This is often evidenced in the child by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, safety, affection from adults, and failure to access appropriate medical care.

3.

HOW TO RECOGNISE CHILD ABUSE

3.1. Recognising child abuse is not easy. Neither is it the responsibility of an individual to decide whether or not child abuse has taken place. However, one does have the responsibility to alert the appropriate agencies, so that they can take the necessary actions to protect a child.

3.2. The following information should be helpful, so that one may become more alert to the signs of possible abuse:

<p><i>Physical Abuse</i></p> <ul style="list-style-type: none"> - Unexplained bruising, or marks of injuries on any part of the body including hand or finger marks - Cigarette burns - Bite marks - Broken bones - Scalds 	<p><i>Emotional Abuse</i></p> <ul style="list-style-type: none"> - Failure to thrive, particularly if the child puts on weight in other circumstances, e.g. when away from home - Sudden speech disorders - Developmental delay: physically or emotionally - Withdrawal 	<p><i>Sexual Abuse</i></p> <ul style="list-style-type: none"> - Pain, itching, bruising or bleeding in the genital area - Sexually transmitted diseases - Vaginal discharge or infection - Discomfort when walking or sitting down - Abdominal pains - Pregnancy 	<p><i>Neglect</i></p> <ul style="list-style-type: none"> - Constant hunger: sometimes stealing food from other children - Constantly 'dirty' or smelly - Constantly underweight or loss of weight - Being left alone or unsupervised - Inappropriate dress for conditions
<p><i>Changes in Behaviour</i></p> <ul style="list-style-type: none"> - Fear of parents being approached - Temper outbursts - Flinching when approached or touched - Aggression - Reluctance to get changed into sports gear, etc. - Depression - Withdrawn - Running away 	<p><i>Changes in Behaviour</i></p> <ul style="list-style-type: none"> - Sulking, hair twisting, rocking, unable to play - Fear of making mistakes - Self-harm - Fear of parents being approached regarding their behaviour 	<p><i>Changes in Behaviour</i></p> <ul style="list-style-type: none"> - Unexplained aggression, withdrawn; fear of being left with a specific person/people; nightmares; running away; sexual knowledge, drawings or language beyond age; bedwetting; eating problems; self-harm sometimes leading to suicide attempts; secrets they cannot share; substance or drug abuse; unexplained sources of money; avoids making friends; sexually explicit actions towards adults 	<p><i>Changes in Behaviour</i></p> <ul style="list-style-type: none"> - Tiredness - Not seeking medical assistance - Failing to keep appointments - Having few friends - Withdrawn - Constant sadness

Note: These definitions and indicators are not meant to be definitive. They serve only as a guide to assist in recognising possible child abuse.

4.

THE POLICY OF THE KENYA CONFERENCE OF CATHOLIC BISHOPS

- 4.1. The Kenya Conference of Catholic Bishops is committed to the best practices which protect all children from harm.
- 4.2. The Kenya Conference of Catholic Bishops shall promote an understanding of protection needs and acceptable modes of behaviour, so as to reduce the risks of harm and exploitation of children.
- 4.3. The Kenya Conference of Catholic Bishops shall keep under review all structures put in place and actions taken on awareness-raising, prevention, reporting, responding and the monitoring of all forms of child abuse.
- 4.4. The Policy of the Kenya Conference of Catholic Bishops applies to:
 - All pastoral agents (clergy, religious and lay people);
 - All staff members;
 - Boards of Management; Boards of Governors;
 - Volunteers (including those seconded to the Church);
 - Partners for Various Institutions; and
 - Groups contracted to work in various Institutions.

5.

GENERAL GUIDELINES OF THE PROTECTION POLICY

5.1. Understanding good practice that can be applied in everyday work and life situations must be a priority in all that we do.

5.2. Among the Behavioural Patterns to be followed are:

- Treat all children with respect. Be mindful of their boundaries.
- Provide a good example of acceptable behaviour in a way that is in line with and truthful to the Gospel and to the Vision, Mission and Values of the Kenya Conference of Catholic Bishops.
- Never commit or condone corporal punishment.
- Be visible to others when working with children and maintain appropriate distance.
- Challenge and report potentially abusive behaviour.
- Help children to develop a sense of their own rights and to know what to do if they are violated.
- Develop a culture that enables children to talk openly about their contacts with staff of the Diocese, or others.
- Avoid spending excessive amounts of time alone with children or away from other adults.
- Avoid taking children to your home where they will be alone with you. Choose open, public locations for meetings.
- Whenever possible, in meeting a child, it is advisable to have the presence of another responsible adult.
- Do not develop relationships with children that can be deemed in any way exploitative or abusive.
- Do not do things of a personal nature that a child can do for him/herself (e.g. grooming, dressing or bathing).
- Do not show favouritism or spend excessive amounts of time with one child.

- Never sleep in the same room or bed with a child with whom one is working.
- Never act in ways that are intended to shame, humiliate, belittle or degrade a child.
- Never condone or participate in, behaviour that is illegal, unsafe or abusive.
- Avoid inappropriate use of the media, the Internet, videos and photographs. Those with pornographic contents/nature are totally forbidden.
- Never make suggestive remarks that are offensive or abusive.
- Never behave physically in a manner that is sexually provocative.
- Never engage in, or allow sexually provocative games, with children to take place.
- Never touch a child in an inappropriate or culturally insensitive way.
- Never engage in transactional sex in any form or prostitution with children.

5.3. Among the Psychological Patterns to be noted and followed are:

- Be aware of the power relationships between an adult or a staff member with a child.
- Never take any psychological advantage of a child.
- Use language that mentally and emotionally empowers a child.
- Never degrade or humiliate a child.
- Show neutrality and impartiality to children regardless of race, culture, age, gender, disability, family background, social status or religious beliefs.
- Make other adults aware of the proper treatment of children, thus minimising the risks of child abuse.
- Ensure that other adults (particularly staff) are clear on what steps are to be taken when concerns arise regarding the safety of children.
- Keep in mind that actions, no matter how well intended, can be subject to misinterpretation or even malicious intent by a third party.
- Remember that the Kenya Conference of Catholic Bishops has an obligation to treat any accusation with seriousness and must investigate the matter fully once reported.

6. RESPONDING TO CHILD ABUSE

6.1. In ensuring that the standards enunciated by the Diocese are met, it will continue to create an environment conducive to disclosure - whether this is being made by a child or an adult.

6.2. The Kenya Conference of Catholic Bishops shall:

- Take seriously any concern raised.
- Take positive steps to ensure the protection of children who are the subject of any concern.
- Support children who are the subjects of possible child abuse, and staff or other adults who raise the concerns.
- Act appropriately and effectively in investigating, and in co-operating with, any subsequent process of investigations.
- Be guided by the child protection process and the principle of the best interests of the child.
- Listen to the child who may be involved, and take seriously his/her views and concerns. In doing so, it is important to assure him/her that he/she is not to blame; that they are doing the "right thing" in reporting, and that all will be done to help them.
- Work in partnership with parents/guardians, caregivers and other professionals to ensure the protection of the child.
- Make no promises that cannot be kept - particularly in relation to secrecy - and let the person know that the information will be passed on to the Diocesan Child Protection Officer and civil authorities.
- Ensure that those involved in child protection receive proper training and support in their role.
- Develop effective links and cooperation with relevant agencies.
- Provide spiritual and psychological assistance to the victims.
- Ensure that all staff members understand their responsibilities in being alert to the signs of abuse, and their duty to refer such

concerns to the Child Protection Officer. (Staff should remember that they are not trained to deal with situations of abuse).

- Adopt procedures for dealing with concerns of possible child abuse.

7.

PROCEDURES

- 7.1. Instances of child abuse are to be reported to the Child Protection Officer or the Designated Person in the respective Diocese and Kenya Conference of Catholic Bishops.
- 7.2. Where access to the Child Protection Officer or the Diocesan Designated Person is difficult, the initial report may be made to the Parish Priest of the area and the Secretary General of the Conference. It is then his duty to report the matter to the Child Protection Officer or Designated Person as soon as possible. In no case is the Parish Priest authorised to investigate a case of child abuse.
- 7.3. Investigation of accusations is to be done with due respect for the principle of privacy and good name of the persons involved.
- 7.4. Unless there are serious contrary indications, even in the course of preliminary investigations, the accused should be informed of the accusation and given the opportunity to respond to it.
- 7.5. Vague or general accusations (based on rumour) are normally insufficient.
- 7.6. Priority and weight of evidence is always given to written statements.
- 7.7. The Child Protection Officer or the Designated Person of the Kenya Conference of Catholic Bishops and Diocese will keep written records of concern about children, even where there is no need to report the matter immediately. They will also ensure that all records are kept in locked locations.
- 7.8. Following a preliminary evaluation, the Child Protection Officer or Designated Person will bring the issue to the Diocesan Review Board.
- 7.9. The Diocesan Review Board will advise on further action.

8.

GENERAL SANCTIONS

- 8.1. If there is an allegation of violation of the guidelines, policies, or principles of the protection policy from a verifiable source, the individual concerned may be suspended from all activities of the Diocese, pending the outcome of an independent investigation. The investigation must comply with reporting procedures.
- 8.2. Failure to report and actual breaches of confidentiality in the process will be subject to investigation and to disciplinary procedures.
- 8.3. Following the outcome of the investigation, if it is found that an act had been committed in relation to children, which is either criminal, grossly infringes the rights of the child, or contravenes the principle and standards of the Kenya Conference of Catholic Bishops policy, the Conference/Diocese will take immediate disciplinary action appropriate to the circumstances.
- 8.4. In the case of staff members (employees), Volunteers and Boards of Management, the disciplinary action envisaged includes dismissal.
- 8.5. In the case of Partners in Institutions and Programmes, the disciplinary action envisaged includes termination of agreements.
- 8.6. In the case of Groups contracted to work in Institutions, the disciplinary action envisaged includes termination of contract.
- 8.7. In the case of Priests, religious Brothers and Sisters, the disciplinary action envisaged includes removal from the Diocese, the handing over of documentation concerning the case to the Major Superiors concerned, and the recommendation for further action.
- 8.8. Without prejudice to the sacramental internal forum, the prescriptions of civil law regarding the reporting of such crimes to the designated authorities should always be followed.

THE SPECIFIC CASE OF CLERGY

In the case of a complaint concerning the sexual abuse of a child being made against a Priest or Deacon in the Diocese, there are clear procedures and sanctions.³

9.1. Each Diocese shall designate a competent person to coordinate immediate pastoral care of the persons claiming to have been abused by clerics.

9.2. The Diocesan Designated Person, the Child Protection Officer and the Review Board will assist the Bishop in assessing all aspects of a case of child abuse.

9.3. When an allegation of abuse of a child by a cleric is received, a preliminary investigation in accordance with Canon 1717 shall be carried out promptly. During this investigation, the accused is presumed innocent. He may also retain the services of a lawyer. He will be notified of the results.

9.4. If there is sufficient evidence that the sexual abuse of a child has occurred, the Congregation for the Doctrine of the Faith (CDF) will be notified. The Bishop will also follow the directives received from the CDF (Holy See) including withdrawal of the accused from exercising the sacred ministry or any other ecclesiastical office or function. The Bishop will also prohibit the public participation in the Holy Eucharist, pending the outcome of the process. He may also impose or prohibit residence in a given place.

9.5. The alleged offender shall be urged to comply with medical and psychological evaluation at a facility which is mutually acceptable to the Diocese and the accused.

³ These procedures were agreed to at the Ordinary Plenary Assembly Meeting of the Kenya Conference of Catholic Bishops in Nairobi on 19th May 2011.

- 9.6. When even a single act of sexual abuse of a child by a cleric is admitted or established after an appropriate process the CDF can authorize the local Bishop to issue a decree prohibiting or restricting the public ministry of the cleric.
- 9.7. In every case involving canonical penalties, the processes provided for the Canon Law must be observed. The provisions of Canon 1722 shall be observed during the duration of the penal process.
- 9.8. If the penalty of dismissal from the clerical state has not been applied (e.g. for reasons of age or infirmity), the offender shall not be permitted to celebrate the Holy Mass publicly, administer the sacraments or present himself publicly as a priest (for example, by wearing clerical dress).
- 9.9. At all times, the Bishop has the executive power of governance, within the parameters of the universal law of the Church, to remove an offending cleric from office, to remove or restrict his faculties and to limit his exercise of priestly ministry. The Bishop shall exercise this power of governance to ensure that any cleric who has committed even a single act of sexual abuse of a minor shall not continue in active ministry, without prejudice to Cann 281, 384 and 1342 §2.
- 9.10. The priest or deacon may, at any time, request a dispensation from the obligations of the clerical state. The Bishop may also, in exceptional cases, request the Holy See to dismiss a priest or deacon from the clerical state, even without their consent.
- 9.11. The Diocese will comply with all applicable civil laws, with respect to the reporting of allegations of sexual abuse of children, to the civil authorities, and will cooperate with their investigations. The Diocese will also advise and support the complainant's right to make a report to the public authorities.
- 9.12. No priest or deacon who has committed an act of sexual abuse of a child may be transferred for a ministerial assignment in another Diocese.
- 9.13. Every Bishop who receives a priest or deacon from outside his jurisdiction will obtain all necessary information about that cleric. This shall take into account Canons 678 & 679, and Canon 586 (i.e.

the autonomy of the religious life). It must be clearly established that they are in "good standing" and that there are no child protection concerns.

This applies also to "visiting priests" or those who come to the Diocese to solemnise specific marriages.

9.14. Care will always be taken to protect the rights of all parties involved, particularly the person claiming to have been sexually abused, and the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

KENYA CONFERENCE OF CATHOLIC BISHOPS SAFEGUARDING STRUCTURES

10.1. The three official structures for dealing with child protection concerns in the Catholic Dioceses in Kenya are: the office of the Child Protection Officer, the office of the Diocesan Designated Person and the Diocesan Review Board.

10.2. The *Child Protection Officer* shall be a person of outstanding integrity who is well versed, and experienced, in dealing with child protection issues. He/she shall:

- Receive information about child protection concerns.
- Report all child protection concerns received to the civil authorities, after consultation with the Diocesan Designated Person.
- In the case of accusations involving a priest or deacon, religious men or women, immediately inform the Diocesan Designated Person, who will manage all subsequent internal investigations in such cases.
- Record all reports, i.e. keep a log of actions, events and information. These must be dated and signed by the author.
- Explain the Diocesan procedures to the person who has raised the concern.
- Contact appropriate services where a child is in need of immediate help.
- Alert the Diocesan Designated Person to provide pastoral care for the person claiming to have been abused.
- Conduct an initial interview with the respondent as soon as possible, informing him/her of the nature of the accusation and of the process being followed, as well as his/her right to seek legal advice. The respondent is not obliged, by law, to respond or to

furnish evidence, but will be informed that any statement provided will be taken into account in the investigation. A written record of the interview must be prepared, agreed upon by the respondent, and then signed and dated.

- The investigation should be conducted expeditiously, taking no longer than three months, wherever possible.
- In the case where the Child Protection Officer needs further assistance, he/she will consult the Diocesan Designated Person and/or the Diocesan Review Board.

10.3. Other duties of the *Child Protection Officer* include:

- Providing basic information about keeping children safe.
- Updating any changes to policy or procedures.
- Ensuring that child protection is built into all management systems and processes.
- Monitoring protection measures and performances in this area:
- Establishing clear, local reporting procedure, by preparing official forms.
- Guiding staff about what will happen after they have reported a child protection concern.
- Raising awareness on child safeguarding issues among the children, so that they can report any abuses.
- Ensuring that key partners are aware that all who work in the Diocese are accountable to its policy on safeguarding children.
- Identifying suitable staff for the work (office) of protecting children, and coordinating their training.
- Alerting Interview Boards within the Diocese about the need to ascertain from referees the suitability of applicants for jobs involving contact with children.
- Obtaining legal counsel on children's issues, when needed.

10.4. The Diocesan Designated Person shall be a Catholic priest "in good standing" of the respective Diocese. He shall:

- Receive information about a child protection concern involving a priest or deacon of the respective Diocese.
- Receive information about a child protection concern involving a religious (man or woman) who is working in the Diocese.
- Report the matter to the Bishop of the Diocese immediately.
- Report all child protection concerns received to the civil authorities.
- Provide immediate pastoral support for the alleged victim.
- Manage all subsequent internal investigations.
- Conduct an initial interview with the respondent, as soon as possible.
- Keep all records meticulously.
- Observe the requirements of Canon Law.
- Consult the Child Protection Officer and Review Board when needed.

10.5. The *Diocesan Review Board* shall consist of at least five but not more than seven persons. The majority of the Board shall be lay persons of proven integrity and, where possible, some expertise in matters relating to child protection concerns. The term of service on this Board is five years, renewable.

The Board shall:

- Assist the Bishop, the Designated Person and Child Protection Officer in assessing allegations of abuse of children.
- Offer advice on creating and maintaining a safe environment for children in the Diocese.
- Advise on the human (and other) resources required for implementing best safeguarding practices across services.
- Receive annual reports from the Designated Person and the Child Protection Officer.

- Keep the Document *Safeguarding Children* under review. The separate sections can be updated and extended as required. In particular, the Board shall ensure that any change in statutory guidelines will be fully and quickly reflected in future revisions.

Note: No Member of the Board shall act in a professional capacity to either the person making an allegation or the respondent.

11.

CHILD TO CHILD ABUSE

11.1 Kenya Conference of Catholic Bishops is committed to providing a school environment free from psychological, physical, emotional, verbal and sexual abuse of children by other children. The Kenya Conference of Catholic Bishops is cognisant of the fact that senior school children abuse their juniors through bullying and demanding other abusive services from them.

11.2 All educational institutions linked to the Catholic Church are expected to enhance relationships founded in the Gospel values of honesty, fairness, respect, love, compassion, forgiveness, justice and reconciliation. In witnessing the Gospel values, Kenya Conference of Catholic Bishops rejects any ideas, beliefs and behaviours which marginalise and or victimise children.

11.3 Thus Kenya Conference of Catholic Bishops discourages all forms of bullying be they:

- **Physical:** Hitting, punishing, kicking, tripping, spitting, etc.
- **Verbal:** Teasing, using offensive names, ridiculing, spreading rumours, etc.
- **Non-verbal:** Writing offensive notes or graffiti about others, rude gestures and the like.

- **Internet and Intranet:** Carried out through services such as email, chatroom, SMS, MMS, Facebook, video, webcam and voice recordings.
- **Exclusion:** Deliberately excluding others from the group, refusing to sit next to someone, or saving a seat for friends, etc.

STRATEGIES TO STEM "CHILD TO CHILD" ABUSE

Every school will:

- 11.4. Provide effective pastoral care to all children in school.
- 11.5. Educate all students, staff, teachers, parents and guardians regarding all forms of bullying and other abuses.
- 11.6. Firmly implement the School anti-bullying and other abuse policies at school level.
- 11.7. Promote a Pastoral Care structure and culture that encourages children to speak out about their personal experiences regarding bullying and other abuses from other children.

12.

OUR COMMITMENT TO THE CHILD PROTECTION POLICY

- 12.1. As the Kenya Conference of Catholic Bishops, we are committed to a culture of safety that minimises risk to children in regard to:
- Safe recruitment and vetting practices – helping to prevent those who pose a risk to children from holding positions of trust.
 - Codes of behaviour – having clear guidelines that set out what is and what is not acceptable behaviour with regard to keeping children safe.
 - Running safe institutions and activities for children – helping to ensure a safe environment for children.
- 12.2. All Diocesan personnel, staff and volunteers will sign and abide by the behavioural code of conduct.
- 12.3. All Diocesan personnel, staff and volunteers will have a copy of the *Safeguarding Children* document.
- 12.4. All Diocesan personnel, staff and volunteers will be formally briefed on child protection issues, and, contact details of the Child Protection Officer and be given Diocesan Designated Person.
- 12.5. All Boards of Management, Partners for various Institutions and groups contracted to work in various Institutions will have a copy of the *Safeguarding Children* document.
- 12.6. Every workplace will display contact details for reporting possible child protection concerns.
- 12.7. Training, learning opportunities and support on child protection issues will be provided by the Diocese.
- 12.8. All Dioceses and involved office staff shall sign the Commitment Form.

13.
CONTACT DETAILS AND COMMITMENT
FORM (SAMPLE)

13.1. The Kenya Conference of Catholic Bishops Designated Person is:

13.2. The Child Protection Officer is:

Note:

14.
COMMITMENT FORM

I.....confirm that I have been briefed on, and read the Kenya Conference of Catholic Bishops *Safe-guarding Children* Document.

The contents of this document have been explained to me, and I have had the opportunity to ask questions and to seek clarifications on points that were not clear to me.

I am now fully aware of my obligations to act in accordance with the requirements of this document, including reporting instances of abuse or suspected abuse of children that have been or are actually taking place.

I understand the consequences if I fail to act on all matters contained in this Document.

Name (Block Capitals)

Signature:

Date:

Name of Witness:
(Block Capitals)

Signature

Date:

SAFEGUARDING CHILDREN
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