

**JESUITS CONFERENCE OF AFRICA AND MADAGASCAR**  
**SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY**  
**2020**

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## INTRODUCTION

### Preamble

The Jesuit Conference of Africa and Madagascar (JCAM) brings together the Jesuits in charge of seven provinces: Central Africa (ACE), Eastern Africa (AOR), North-West Africa (ANW), West Africa (AOC), Madagascar (MDG), Zambia-Malawi (ZAM), Zimbabwe-Mozambique (ZIM); and two regions: Rwanda-Burundi (RWB) and South Africa (SAF). JCAM is presided over by a president, currently Fr. Agbonkhianmeghe E. Orobator SJ, who is responsible to the Superior General of the Society of Jesus, Fr. Arturo Sosa SJ.

From its Secretariat in Nairobi, Kenya, JCAM coordinates and oversees the activities of the following institutions:

- Hekima University College (HUC)-Nairobi
- Institut de Théologie de la Compagnie de Jésus (ITCJ)-Abidjan
- Arrupe Jesuit University (AJU)-Harare
- Jesuit Historical Institute in Africa (JHIA)-Nairobi
- African Jesuit AIDS Network (AJAN)-Nairobi
- The Justice and Ecology Office (JEO) and Justice and Ecology Network of Africa (JENA)-Nairobi
- JCAM Development Office (JDO)-Nairobi
- JCAM Tertianship-Zinkwazi, KZN

### MISSION

The Mission of the Jesuit Conference of Africa and Madagascar (JCAM) is to “build up the Society of Jesus in Africa and Madagascar into a prayerful and discerning community of apostolic men, and to foster union, communication, effective leadership and planning towards a common vision and the universal mission of the Society.” (Statutes 2.1).

### SCOPE AND PURPOSE OF THE POLICY

This Policy applies to concerns and allegations relating to JCAM employees, officials, volunteers, collaborators, consultants and partners on permanent and temporary engagement in the Secretariat. This Policy applies side by side with the local legislation except where the latter is inadequate. Concerns and allegations relating to persons not within the JCAM structure will be reported to and dealt with by the civil authorities as appropriate.

This Policy lays out the commitment of JCAM to create and sustain a safe environment for children and vulnerable adults and provides guidelines for ensuring effective action is taken on all concerns.

## BACKGROUND

In his *Motu Proprio*, “*Vos Estis Lux Mundi*” (7 May 2019), Pope Francis declares that abuses of whatever kind committed against minors and vulnerable people inflict “physical, psychological and spiritual damage to the victims and harm the community of the faithful.” To ensure that such phenomena “never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church’s mission.” Francis’ call echoes his previous declaration that “no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated. The pain of the victims and their families is also our pain, and so it is urgent that we once more reaffirm our commitment to ensure the protection of minors and of vulnerable adults.” (“Letter to the People of God,” 20 August 2018).

Furthermore, the 36<sup>th</sup> General Congregation of the Society of Jesus (2016) mandated Father General Arturo Sosa and all Jesuits “to continue working with Major Superiors and Conferences to promote, within the communities and ministries of the Society, a consistent culture of protection and safety for minors, in keeping with the suggestions of the Congregation regarding formation, community life, ministries and governance.”

Father Sosa has defined a consistent culture of protection as “a normal, habitual way of living, relating, working, in which those whom we serve, particularly children, always feel respected, safe, and loved.” This understanding is in line with the wishes of Pope Francis to create a culture of care. In the words of Francis, “The Church loves all her children like a loving mother, but cares for all and protects with a special affection those who are smallest and defenseless. This is the duty that Christ himself entrusted to the entire Christian community as a whole. Aware of this, the Church is especially vigilant in protecting children and vulnerable adults.”

In JCAM, we aim to rediscover cultural values and build on existing good practices to create and enhance a culture of care, protection and safeguarding. This vision aligns perfectly with the universal apostolic preferences of the Society of Jesus to guarantee “a healthy environment for children and young people and create conditions that allow all to develop their full potential as human beings.” The successful realization of this vision will depend on effective ongoing collaboration among Jesuits, collaborators and partners in mission.

## GUIDING PRINCIPLES

Protection of children and vulnerable adults is the responsibility of all in public ministry. As such, JCAM will consistently take measures to ensure that protection is “a habitual way of life” for all its employees, officials, volunteers, collaborators, consultants and partners.

In developing this Policy JCAM is further informed by the obligation to protect the inherent dignity and rights of children as provided for in Article 3 of the Convention on the Rights of the Child (UNCRC), Canon Law and civil legislation.

JCAM subscribes to the principle that children and vulnerable adults have inherent rights to dignity, bodily integrity and protection and everyone has an obligation to ensure these rights are realized and protected.

## STATEMENT OF COMMITMENT

The Jesuit Conference of Africa and Madagascar (JCAM) is committed to the promotion of a consistent culture of protection and well-being of children and vulnerable adults within all the communities, formation houses and works under its direction.

Such a culture will always be one in which those whom JCAM welcomes in whatever context, particularly children, feel respected and safe.

This will be achieved through safe recruitment, regular training of all employees, officials, volunteers, collaborators, consultants, partners and members of the Society of Jesus, promoting observance of international, national and ecclesiastical policies for the protection of minors and ensuring effective response to all concerns and allegations.

Everyone at JCAM has a role in creating this consistent culture of protection and all are encouraged to take the responsibility seriously.

A Code of Conduct is in place to ensure staff are properly guided (Appendix 2)

## DEFINITIONS

**Allegation:** A claim of abuse that is yet to be substantiated.

**Alleged respondent:** A person against whom an allegation of abuse has been made.

**Child abuse:** Any form of maltreatment of a child caused by an action or failure to act to prevent harm to the child.

**Child Protection:** Programming that is aimed at protecting children against rights violations.

**Child:** A child is defined as anyone below 18 years of age.

**Complainant:** The person who has made an allegation of abuse. This could be the child or any other person reporting on their behalf.

**Minor:** A minor includes children and adolescents below 18 years, but also persons with mental, cognitive and other disabilities that may limit their defence mechanisms.

**Safeguarding:** The responsibility to make sure staff (organisation representatives), operations and programmes do no harm to children and adults nor expose them to abuse or exploitation. This includes preventing inappropriate behaviour such as bullying, harassment or other behaviour stipulated in civil laws.

**Survivor:** A child or an adult who is the subject of an abuse.

**Vulnerable adult:** Any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence. People in religious life and in particular those in obedience such as novices and all in formation also fall in this category.

## PROCEDURES FOR CREATING SAFE ENVIRONMENTS

### A: SAFE RECRUITMENT

JCAM recognizes the need for procedures for selecting and recruiting employees, officials, volunteers, collaborators, consultants and partners and Society members who are either in direct or in indirect contact with children. All JCAM personnel must be carefully vetted before being placed in a position which gives them direct access to children and vulnerable adults.

The recruitment process will include the actions listed below:

- All job advertisements will include JCAM's commitment to safeguard children and vulnerable adults and require candidates to commit to safeguarding screening processes.
- Criminal history, national police or 'working with children' check. A police check for all staff and volunteers will be carried out prior to employment. Where this is not possible, employees, officials, volunteers, collaborators, consultants, partners and members must be supervised in their work.
- Standardized interviewing processes.
- All successful candidates must sign personal declarations, certifying they are free of criminal convictions and commit to adhere to the safeguarding policy.

### B: POLICY AWARENESS

A copy the Safeguarding Statement is posted on the walls of the JCAM offices and website to make people aware of our commitment to safeguard the wellbeing of children and vulnerable adults we get into contact with.

Contact details of the Designated Officer are displayed. A copy of this Policy and local child protection resources, national help lines and emergency contact details (e.g. police and social services) are readily available.

### C: CODE OF CONDUCT

While JCAM's employees, officials, volunteers, collaborators, consultants and partners are required to adhere to the Code of Conduct (Appendix 2) in their interaction with children and vulnerable adults, they are also encouraged to go beyond the expected standards of behaviour and do everything possible to create a safe and welcoming environment.

### D: FORMATION AND TRAINING

On a regular basis, JCAM will hold training sessions for all employees, officials, volunteers, collaborators, consultants and partners and members of the Society. Emphasis will be given to those new by means of an induction to this Policy and Code of Conduct. This includes training on how to report concerns or suspected abuse within the institution.

All employees, officials, volunteers, collaborators, consultants and partners and members of the Society will be given opportunities to learn more about safeguarding through workshops or seminars including through online methods.

It is emphasized that everyone within JCAM has a special responsibility for keeping children safe and for giving children information about how to access specialist advice, support and counselling.

## RESPONDING TO CONCERNS OR COMPLAINTS OF ABUSE

Everyone within JCAM has an obligation to report all concerns or complaints of abuse of children and vulnerable adults that they become aware of. Such concerns should be reported immediately to the Designated Officer. Under no circumstances should a child or vulnerable adult be left in a situation that exposes him or her to harm or risk of harm and every effort must be made to ensure that this does not happen.

Reports of concerns or alleged abuse may also be made by any other person with such information, verbally or in writing to the Designated Officer:

Miss Anastasia Makunu

Phone: +254 720623973

Email: [childprotection@jesuits.africa](mailto:childprotection@jesuits.africa)

## SAFEGUARDING STRUCTURES

Two official structures are established to deal with safeguarding concerns within JCAM Secretariat: (a) The Designated Officer and (d) the Safeguarding Committee.

The Safeguarding Committee is appointed by the President and includes the Designated Officer and 2 other persons.

The person most directly responsible for the implementation of this Safeguarding Policy is the Designated Officer. However, all employees, officials, volunteers, collaborators, consultants, partners and members of the Society are made aware that they too have an obligation to prevent any harm coming to any child in contact with JCAM and are equally duty bound to report any suspected abuse or neglect to the Designated Officer.

## ROLES

### THE DESIGNATED OFFICER

- a) Receives all reports concerning abuse of children and vulnerable adults by employees, officials, volunteers, collaborators, consultants, partners and members of the Society within JCAM. The Designated Officer must record all reports in the reporting template (Appendix 1) for consistency.
- b) Liaises with the Safeguarding Committee on all reported concerns/allegations for advice and guidance.

- c) Implements decisions made by the Safeguarding Committee including reporting to the civil authorities.
- d) Maintains safeguarding files and reports within JCAM securely, with an official log of all actions, events and information dated and signed by the authors.
- e) Explains JCAM procedures to the complainant, that is, the person making a charge, reporting an accusation, or raising concerns regarding a safeguarding issue.
- f) Contacts appropriate services, e.g. medical and psychological counselling, when a child or a vulnerable adult is in immediate need of assistance and help.

## THE SAFEGUARDING COMMITTEE

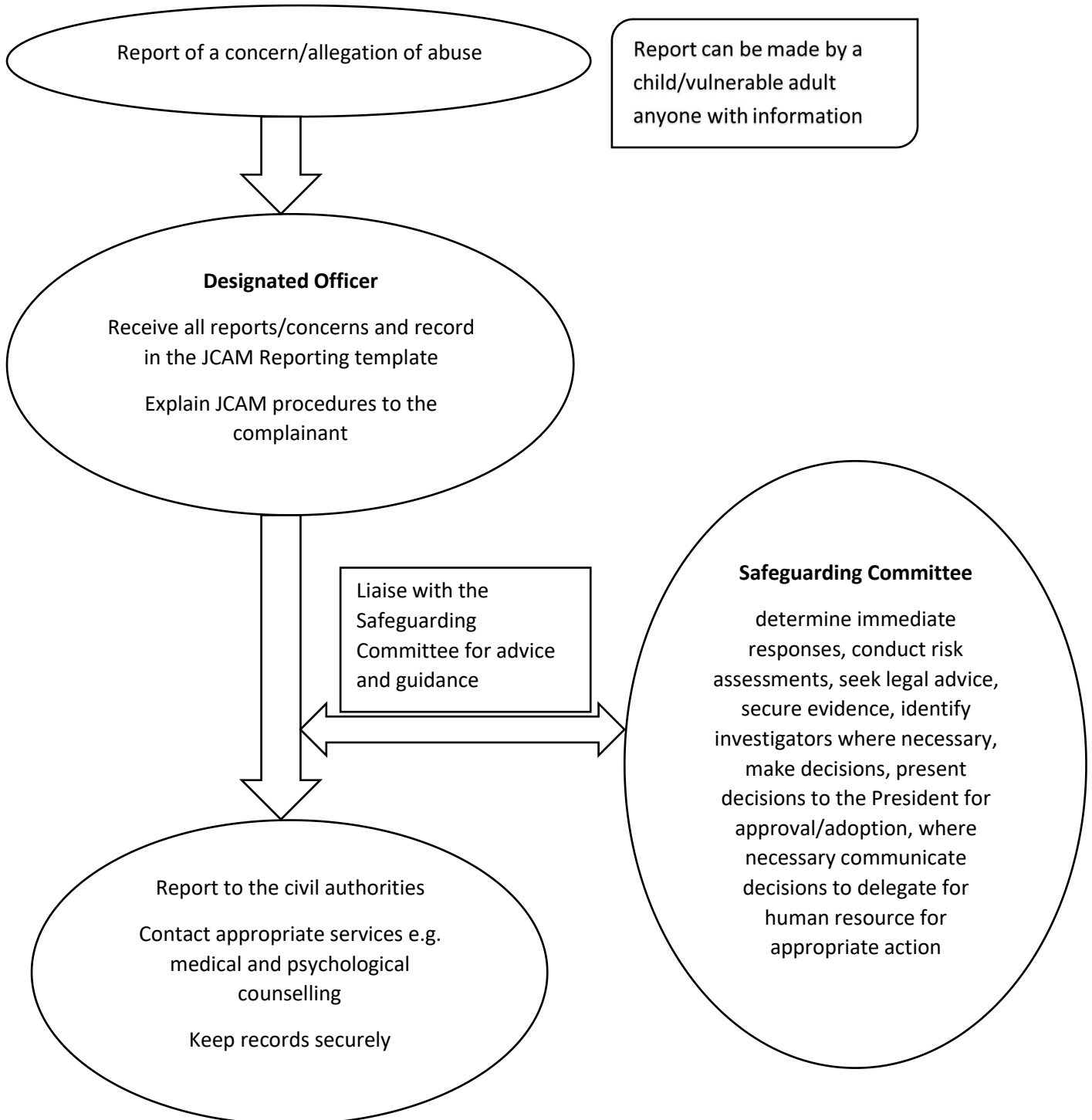
When the Designated Officer receives a report of a concern/allegation of abuse concerning an employee, official, volunteer, collaborator, consultant, partners or a member of the Society, she will immediately inform the Safeguarding Committee. The role of the Committee (in consultation with the President) is to:

- a) Analyse the report and determine immediate responses including reporting the matter to the civil authorities.
- b) Conduct a risk assessment, identify investigators where necessary, seek legal advice, ensure evidence is secured, e.g. documents, communication records and witnesses to be interviewed.
- c) Where an internal investigation will be deemed necessary (especially where concerns remain or where disciplinary action needs to be considered), the Committee will develop the terms of reference for the investigators and provide necessary support to them. In any given case, there must be two (2) investigators.
- d) Receive the investigation report once completed and decide based on the outcome of the investigation. The decision will be presented to the President for formal approval and adoption.
- e) Communicate the decision to the Delegate for Human Resource, if necessary, for appropriate action.

### **NB:**

- A safeguarding investigation is an internal fact-finding process that does not replace criminal investigations that the civil authorities/the police may undertake in any given case.
- All responses to reported concerns and allegations must comply with the requirements of both civil and ecclesiastical laws.

## REPORTING FLOWCHART





## CONFIDENTIALITY AND DATA PROTECTION

JCAM recognizes the right to privacy of parties involved in an alleged abuse claim and therefore confidentiality is required of both the Designated Officer and members of the Safeguarding Committee. In principle therefore:

- a. The Designated Officer and members of the Safeguarding Committee have a strict obligation to observe confidentiality of all reports and matters that they handle.
- b. Information on reported concerns/allegations should only be disclosed a 'need to know basis'.
- c. All records must be kept securely locked and accessible to authorized personnel only.
- d. Names of parties and witnesses in reports must be anonymized to protect their privacy.
- e. Documents relating to cases and concerns must be stored in accordance with relevant national and church laws.
- f. Actual breaches of confidentiality will be subject to investigation and disciplinary procedures.

## CARE FOR THE SURVIVOR

It is important to ensure appropriate care is accorded to the survivor, their family and others who may have be affected by a verified case of abuse. As such, pastoral care will be considered and offered as appropriate with the consent of the survivor and the family.

## MANAGEMENT OF THE ALLEGED RESPONDENT

The alleged respondent has the right to a presumption of innocence in accordance with the law until their guilt or the contrary is established in judicial proceedings or any other official process.

Where the claim is confirmed following the process(es) stated in this policy and or through civil judicial proceedings, the respondent will be held accountable for his/her abusive behaviour and the management and support to be accorded to him/her will guided by both civil law, Society of Jesus Statutes and ecclesiastical law for lay and religious staff as appropriate.

In case a claim is declared unfounded, necessary steps will be taken to restore the good name of the person falsely accused. Appropriate measures may also be taken against a person who makes deliberate false allegations.

## POLICY MONITORING AND REVIEW

The Designated Officer will lead implementation of this Policy and will provide periodic progress reports to the President.

The Policy will be reviewed after a period of three (3) years unless there are major changes in the civil or ecclesiastical laws in which case the review may be done earlier.

## APPROVAL AND ADOPTION

A handwritten signature in green ink, appearing to read "Orobator", with a stylized flourish at the end.

Signature

Date: 25<sup>th</sup> March 2020

Fr. Agbonkhianmeghe E. Orobator SJ

*JCAM PRESIDENT*

## APPENDICES

### **Appendix 1: REPORTING TEMPLATE**

1. Date of disclosure/concern:

Time of disclosure/concern:

How was information received? By telephone, letter, email or in person? (Attach any written information to this form)

2. Details of person making disclosure/raising concern

Name:

Address:

Tel:

Mobile:

Email:

Relationship to child or alleged survivor

3. Details of child, vulnerable adult or alleged survivor

Name:

Date of birth:

Address:

Tel:

Mobile:

Ethnic origin:

Language (is interpreter/signed needed):

Disability /Special needs:

4. Parent /guardian details (where appropriate)

Name:

Address (if different from above):

Tel:

Mobile:

Are they aware of the allegation, suspicion or complaint? Yes/No

## 5. Details of alleged respondent

Name:

Address:

Tel:

Mobile:

Relationship to child/vulnerable adult (parent/carer/volunteer, etc.):

Position in JCAM:

Address at time of alleged incident(s):

Current contact with children if known:

Any additional information:

## 6. Details of concern, allegation or complaint

(Include dates/times and location the incident[s] occurred, witnesses, if known).

## 7. Action taken

Has the matter been referred to civil authorities? Yes/No

If yes

Date:

Time:

If no explain why:

Who was it referred to?

Name:

Designation:

Address:

Tel:

Email:

## 8. Next Steps

Are there any immediate safety concerns? If so, please record what they are and state what actions have been taken by whom to address them:

## 10. Details of person completing the form

Name:

Tel:

Mobile:

Position:

Form completed:

Date:

Time:

Signed:

## **Appendix 2: CODE OF CONDUCT**

The following forms a code of conduct for JCAM employees, officials, volunteers, collaborators, consultants, partners and members of the Society. Failure to follow the code can lead to disciplinary action for employees, officials and collaborators, withdrawal of volunteer status for volunteers and review of contracts for consultants and partners.

### ***It is important for anyone in contact with children and vulnerable adults to:***

- Be aware of situations that may present risks and manage them
- Plan and organise the work and the workplace to minimise risks
- Be visible to others when working with children and vulnerable adults whenever possible
- Create and maintain a non-defensive attitude and an open culture in which to discuss any issues or concerns
- Foster a culture of mutual accountability so any potentially abusive behaviour can be challenged
- Respect each child's boundaries and help children to develop their own sense of their rights as well as to know what they can do if they feel there is a problem
- In general, it is inappropriate (unless you are parents, family or guardians) to:
  - spend excessive time alone with children away from others
  - take children to your own home, especially where they will be alone with you
  - beat or hit children
  - have a child or children to stay overnight at your home unsupervised
  - sleep in the same room or bed as a child
  - do for children things of a personal nature that they can do for themselves.
  - You would need to explain your actions if necessary

### ***Anyone in contact with children or vulnerable adults must never:***

- engage in inappropriate touch or actions that can be deemed to breach the personal space of the child or vulnerable adult
- develop sexual relationships with children or vulnerable adults
- develop relationships with children or vulnerable adults that could in any way be deemed exploitative or abusive
- contact a child on phone, email or social media without express consent of the parents or guardians.
- act in ways that may be abusive or may place a child at risk of abuse
- engage in actions or behaviour that could be construed as poor practice or potentially abusive. For example, one should never:
  - use language, make suggestions or offer advice, which is inappropriate, offensive or abusive
  - behave physically in a manner that is inappropriate or sexually provocative towards a child or vulnerable adult

- condone or participate in behaviour of children which is illegal, abusive or exposes the child to danger
- act in ways intended to shame, humiliate, belittle or degrade children
- discriminate against, show different treatment, or favour children to the exclusion of others
- make contact with a child on phone, email or social media without express consent of the parent or guardian.

The guiding principle is that the protection of the child is always the overriding consideration. Please note that all countries where we work subscribe to the UN definition of a child as under the age of 18.

### Appendix 3: SELF-DECLARATION FORM

#### Confidential

JCAM requires all its potential staff and volunteers to abide by good practice and commit to keep children safe and vulnerable adults from harm when relating and dealing with them. In addition, the persons are required to declare the following:

Have you ever been convicted of a criminal offence?

YES     NO

If yes, please state below the nature and date(s) of the offence(s)

FULL NAME (PRINT):

Any surname previously known by:

ADDRESS:

DATE OF BIRTH:

NATIONALITY:

#### DECLARATION

I understand that, if it is found that I have withheld information or included any false or misleading information above, I will be removed from my post whether paid or voluntary, without notice.

I understand that the information will be kept securely by the organization. I hereby declare the information I have provided is accurate.

I confirm that the contents of the JCAM Safeguarding Children and Vulnerable Policy have been explained to me and I have had the opportunity to ask questions and to seek clarifications.

I am fully aware of my obligations and understand the consequences of violating the requirements of this Policy.

Signed:

Date:



## **Appendix 4: JCAM POLICY ON USE OF VISUAL IMAGES**

### **General**

In our use of visual images, both photographic stills and video, the overriding principle is to maintain respect and dignity in our portrayal of children, families and communities.

### **Background**

JCAM supports the United Nations Convention on the Rights of the Child, which makes the best interests of the child a primary consideration (Art. 3), and states that every child has the right to privacy (Art. 16) and protection from all forms of exploitation (Art. 36). Whilst we acknowledge that images are an essential element in portraying our work to the general public and other constituencies and for raising funds, we strive to maintain the dignity of everyone with whom we work and will not use images that are disrespectful or demeaning.

### **Policy**

In our use of visual images, we adhere to the following principles:

1. We respect the dignity of the subject.

We will always seek to ask permission when taking photographs or video footage of individuals. Consent for taking and using photographs and case studies will be sought from parents and those with parental responsibility or from the children directly when they are of sufficient age and understanding. Special consideration will be given to photographs depicting children with disabilities, refugees and those in situations of conflict and disasters to accurately portray context and maintain dignity. Wherever possible, we explain to the subject the likely use of the images. We never take pictures of people who say they don't want to be photographed.

2. We do not exploit the subject.

We do not manipulate the subject in a way which distorts the reality of the situation (e.g., we do not ask them to cry for the camera). If necessary, to protect confidentiality, the names of children and families will be changed. Never would a child's full name and contact details be published.

3. We aim to provide a balanced portrayal of reality in the developing world. We show people helping and working for themselves, not as victims.

4. We use images truthfully.

Case histories/descriptions are not fabricated, although they may be adapted or edited to preserve the dignity and confidentiality of the subject. Where possible, we use a balance of images (e.g. positive and negative) to reflect the reality of a situation. We do not use an image in a way which deliberately misinterprets the true situation.

5. We maintain standards of taste and decency consistent with our values and those of our supporters. We do not use images which are erotic, pornographic or obscene. We do not make gratuitous use of images of extreme pain and suffering.

### **Practical guidance**

During the process of seeking consent, the purpose of photographs and case studies should be explained and, if possible, samples of publications in which the photograph or case study may appear shown to parents and children, preferably by a local staff member known to the family. The process of explanation and seeking of consent described should apply to photographs and also case studies used for the website.

### **Consent**

I hereby agree to the above conditions and guidelines:

Signed:

Date

## Appendix 5: Useful Contacts

1. Police Contacts: Karen Police Station

Tel. No: +254 20-882538

2. Child Help line 116

3. Child Welfare Society of Kenya - CWSK

Child Welfare Building, Madaraka Estate, Langata

Road, Next to Bible Society of Kenya

P.O. Box 43982-00100, Nairobi

Tel : +254 20 603 301/606 391/Mobile : +254 726 298 921

Email : [cws\\_ktoto@yahoo.com](mailto:cws_ktoto@yahoo.com)/[cwsktoto@childwelfaremail.co.ke](mailto:cwsktoto@childwelfaremail.co.ke)

4. Nairobi Women's Hospital

Kirichwa Road off Ngong Road

Mobile:+254 703 081 001 / 707 678 641

[www.nwch.co.ke](http://www.nwch.co.ke)