

## **POLICY ON CHILD AND YOUNG PERSON PROTECTION**

### **Preamble**

As a Community Based Organization, Oasis Mathare is a Youth and Children's Rights - Education centered development organization, committed to the welfare of Children & young persons and to supporting international, regional and national legal framework on the Rights of the youth and children. Oasis Mathare does not tolerate youth and child abuse and is bound by the Constitution of Kenya, the Children's Act 2001, regional and international laws.

Oasis Mathare's expectation is that its members/staff/volunteers and others who work/engage with Oasis Mathare have the children & young persons' best interest at heart during their involvement with Oasis Mathare. The purpose of this policy is to ensure that Oasis Mathare has procedures in place to prevent and deal with youth and child abuse by any Oasis Mathare member/staff/volunteer, partners or any other person who works/engages with Oasis Mathare.

### **A. Definitions**

For the purpose of Oasis Mathare Youth and child Protection Policy:

**Child** means any human being under the age of eighteen years

**Young Person/youth** means someone above 18 and below 35

**Abuse** includes physical, sexual, psychological and mental.

**Protection** means any action, measure or structure to prevent and protect any youth and child from abuse, exploitation and neglect.

**Guardian** means any person who in the opinion of the court has charge or control of the child.

**Children's Officer** means an authorized person from the Department of Children Services in the Ministry of Gender, Children and Social Development.

**Physical abuse:** Actual or likely deliberate physical injury to a youth or child, or wilful neglectful and failure to prevent physical injury or suffering to a youth or child.

**Sexual abuse:** Actual or likely sexual exploitation of a youth or child. The involvement of Children & young persons in sexual activities they do not truly comprehend, and to which they are unable to give informed consent or that violate the social taboos of family roles.

**Emotional / mental abuse:** Actual or likely significant emotional ill treatment, including bullying, and harassment resulting in severe adverse effects on the emotional, physical and/or behavioural development of a youth or child. All abuse involves some emotional ill treatment.

## **SCOPE**

The policy applies to the whole of Oasis Mathare as an organization with operations in Mathare Slums and its environs. The policy will also apply to Oasis Mathare board members, staff, interns, volunteers, sponsors, employees, consultants, contractors, and representatives of partner organizations/government who have been brought into contact with the children & young persons while engaging with Oasis Mathare. These people are referred to as "Oasis Mathare's Partners".

### **B. Objective of the policy**

To safeguard the welfare of Children & young persons by protecting them from youth and child abuse in compliance with the relevant laws and the Constitution of Kenya 2010.

### **C. Policy implementation**

This policy will be implemented by Oasis Mathare within the existing institution framework. The implementation of the policy will be monitored and evaluated on a continuous basis and will be anchored into Oasis Mathare's strategic plans.

Oasis Mathare is committed to creating a child and youth-friendly organization by:

- i. Committing to actively prevent and respond to youth and child abuse within the organization, community, partners and the nation at large by advocating for the rights of Children & young persons as provided for by the Constitution of Kenya 2010 and the international laws.
- ii. Setting up appropriate youth and child complaint mechanisms. These mechanisms will be established in consultation with the children & young persons as defined above and parents/guardians of the children & young persons.

The child's and young person's best interest and safety will be paramount in all decisions and programming undertaken by Oasis Mathare.

Oasis Mathare takes positive action to prevent youth and child abusers from getting involved with Oasis Mathare in any way and takes stringent legal measures against any Oasis Mathare staff or partner(s) who commits youth and child abuse. Our contractors and partners shall therefore be required to sign a declaration that they:

- a) Have not been involved in any youth and child abuse in the past.
- b) Commit to not being involved in any youth and child abuse in the future.
- c) Commit to report youth and child abuse cases that come to their knowledge immediately for action.
- d) Have provided a recommendation from the local chief and/or have a good conduct

**Oasis Mathare staff, visitors and partners should:**

- Have a duty to familiarize themselves with situations which may present risks to children & young persons and as such learn how to deal with those situations.
- Contribute to an environment where children & young persons are able to recognize unacceptable behavior and feel free to discuss their rights and concerns.
- Wherever practical, ensure that they and others meet children & young persons in open and safe spaces. We do not allow minors to be alone with one adult on our premises or in any sponsored activity unless in a counseling situation, where we highly recommend that the counselor should be from the same gender as the child or young person, or both genders should be represented. Doors should never be locked when children & young persons are inside a room with adults.
- Raise concerns about any case(s) of suspected abuse in accordance with this policy
- Ensure that in their engagements with children & young persons, the tenets of confidentiality, respect and decorum are upheld.

**Oasis Mathare staff and partners shall NOT.**

- Disclose information that identifies children & young persons to unauthorized persons or make it available to the general public without the informed consent of the family and when appropriate, the youth or child and/or guardians.

#### **D. Dealing with Youth and child Abuse**

Alleged cases of youth and child abuse shall be reported to the Director, or persons in charge. The matter shall also be referred to the Children officers and the police for appropriate action. In such actions, Oasis Mathare shall make deliberate efforts to support the prosecution of the perpetrators.

If a member/staff/volunteer raises a legitimate concern about suspected youth and child abuse, which proves to be unfounded on investigation, no action will be taken against the employee.

Any member/staff/volunteer that makes false and malicious accusations, however, will face disciplinary action including but not limited to dismissal from employment. Oasis Mathare will take appropriate legal or other action against other Oasis Mathare's staff or partners who make false and malicious accusations of youth and child abuse. A fair process shall be established to investigate and make findings. The concerned member/staff/volunteer shall be given fair hearing by the investigating panel. Appeal process will be constituted should the staff dispute the decision made by the panel.

An alleged perpetrator of youth and child abuse will be suspended from their normal relationship with Oasis Mathare during investigation of allegations. Oasis Mathare will sever all relations with any Oasis Mathare's member/staff/volunteer or partner who is proven to have engaged in youth and child abuse.

#### **E. Confidentiality**

An allegation of youth and child abuse is a serious issue. In following this policy, it is essential that all parties maintain confidentiality. Sharing of information, which could identify a youth or child or an alleged perpetrator, should be purely on a 'need to know' basis and in the best interest of the youth or child. Unless abuse has actually been proven to have occurred, one must always refer to "alleged abuse."

#### **F. Review**

Any review towards this policy, will reflect socio-political and economic dynamics that impact on children & young persons. The review will be subject to the recommendation of the Executive Director and the Oasis Mathare board's approval.

This policy is subject to a review after 4 years or earlier, subject to arising issues.

#### **Additional references**



Oasis Mathare  
P.O. Box 77216 - 00611  
Nairobi Kenya

The Constitution of Kenya, 2010

United Nations Convention on the Rights of the Child 1989

The Children & young persons's Act, 2001

Refugee Act 2006

Sexual Offences Act 2006

African Charter on the Rights and Welfare of the Youth and child 1990