

Oświęcim, 02.01.2024

Association of Roma in Poland

32-600 Oświęcim, ul. Berka Joselewicza 5

Standards for the Protection of Minors

Preamble

The overriding principle of all actions undertaken by employees of the Association of Roma in Poland (hereinafter: the Association) is to act for the benefit of minors and in their best interest. An employee of the Association treats minors with respect and takes their needs into account. The use of violence against a minor in any form by an employee of the Association is unacceptable. In pursuing these goals, the employee acts within the framework of applicable law, the Association's internal regulations, and their own competencies.

Legal Basis for the Standards for the Protection of Minors

- United Nations Convention on the Rights of the Child of 20 November 1989 (Journal of Laws of 1991, No. 120, item 526, as amended)
- Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78, item 483, as amended)
- Act of 25 February 1964 – Family and Guardianship Code (consolidated text: Journal of Laws of 2020, item 1359)
- Act of 28 July 2023 amending the Family and Guardianship Code and certain other acts (Journal of Laws, item 1606)
- Act of 13 May 2016 on Counteracting Threats of Sexual Crime (consolidated text: Journal of Laws of 2023, item 31, as amended)
- Act of 29 July 2005 on Counteracting Domestic Violence (consolidated text: Journal of Laws of 2021, item 1249)
- Act of 6 June 1997 – Penal Code (consolidated text: Journal of Laws of 2022, item 1138, as amended)
- Act of 6 June 1997 – Code of Criminal Procedure (consolidated text: Journal of Laws of 2022, item 1375, as amended)
- Act of 23 April 1964 – Civil Code (consolidated text: Journal of Laws of 2022, item 1360, as amended), Articles 23 and 24

- Act of 17 November 1964 – Code of Civil Procedure (consolidated text: Journal of Laws of 2023, item 1550, as amended)
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)
- Articles 221 and 221a of the Act of 26 June 1974 – Labour Code (consolidated text: Journal of Laws of 2022, item 1510)
- Act of 13 May 2016 on Counteracting Threats of Sexual Crime (consolidated text: Journal of Laws of 2020, item 152)

Chapter I: Explanation of Terms

§1.

1. An employee of the Association is a person employed under appointment, employment contract, or mandate contract.
2. A child is any person under 18 years of age.
3. A child's guardian is a person authorized to represent the child, in particular a parent or legal guardian. For the purposes of this document, a foster parent is also considered a guardian.
4. Parental consent means the consent of at least one of the child's parents. In the event of disagreement between parents, they must be informed that the matter must be resolved by the family court.
5. Child abuse is understood as committing a prohibited act or punishable act to the detriment of a child by any person, including an employee of the Association, or endangering the welfare of the child, including neglect.
6. The person responsible for the Internet is an employee designated by the management of the institution, supervising children's use of the Internet on the Association's premises and their online safety.
7. The person responsible for the Standards for the Protection of Minors is an employee designated by the Association's management to supervise the implementation of these Standards in the institution.
8. A child's personal data is any information allowing for the identification of the child.

Chapter II: Identifying and Responding to Risk Factors for Child Abuse

§2.

1. Employees of the Association are knowledgeable and, as part of their duties, pay attention to risk factors and symptoms of child abuse.

2. If risk factors are identified, employees of the Association engage in conversations with parents, providing information about available support and encouraging them to seek help.

3. Employees monitor the situation and well-being of the child.

4. Employees know and apply the rules of safe relationships between Association employees and children, and between children, as set out in Annex 2.

5. Recruitment of employees follows the principles of safe recruitment as set out in Annex 1.

Chapter III: Intervention Procedures in Cases of Child Abuse

§3. If an employee suspects a child is being abused, they must prepare an official note and pass the information to the President of the Association.

§4.

1. The President summons the child's guardians and informs them of the suspicion.

2. The President prepares a description of the situation and a plan to help the child.

3. The plan should indicate:

a. Actions to ensure the child's safety, including notification to the relevant school.

b. Support the Association will offer the child.

§5.

1. In more complex cases (sexual abuse, severe physical or psychological abuse), the President appoints an intervention team, which may include management and other knowledgeable employees. The team prepares a support plan for the child. If the suspicion was reported by guardians, the team's appointment is mandatory. The team may suggest external, impartial assessment. A protocol is drawn up from the meeting.

§6.

1. The support plan is presented to guardians with a recommendation for cooperation.
2. The President informs guardians of the Association's obligation to report the suspicion to the relevant institution (prosecutor/police, family court, social welfare center, or interdisciplinary team – "Blue Card" procedure), depending on the type of abuse.
3. After informing guardians, the management files a report with the appropriate authority.
4. If the suspicion reported by guardians is not confirmed, they are informed in writing.

§7.

1. An intervention card (Annex 4) is completed for each intervention.
2. All employees and others who obtain information about abuse in the course of their duties must keep this information confidential, except when providing it to authorized institutions.

Chapter IV: Principles for Protecting the Image of the Child

§8.

1. The Association ensures the highest standards of protection of children's personal data.
2. The Association recognizes the child's right to privacy and protects their image.
3. Guidelines for publishing a child's image are in Annex 5.

§9.

1. Employees may not allow media representatives to record a child's image (film, photograph, voice recording) on Association premises without written consent from a parent or legal guardian.
2. To obtain consent, employees may contact the guardian but may not provide their contact details to the media without the guardian's knowledge and consent.
3. If the child's image is only an incidental part of a larger whole (gathering, landscape, public event), parental consent is not required.

§10.

1. Publicizing a child's image in any form requires written consent from a parent or legal guardian. It is also good practice to obtain the child's own consent.
2. The written consent must specify where and in what context the image will be used.

Chapter V: Principles of Children's Access to the Internet

§11.

1. The Association, providing Internet access via the National Educational Network, must secure children from harmful content, particularly by installing and updating protective software. Rules for safe Internet use are in Annex 3.
2. On Association premises, children may access the Internet: a. Under staff supervision during computer-based activities, b. Via the Association's Wi-Fi, after entering the password.
3. When access is supervised, staff must inform children about safe Internet use and monitor their safety.

§12.

1. The person responsible for the Internet ensures the network is secured against dangerous content by installing and updating appropriate software.
2. This software is updated as needed, at least once a month.

Chapter VI: Monitoring the Implementation of the Standards

§13.

1. The President appoints Ms. Monika Piđło Mersztein as the person responsible for the Standards in the Association.
2. This person monitors implementation, responds to violations, keeps a register of reports, and proposes changes.
3. Once every 12 months, this person conducts a monitoring survey among employees (Annex 6).
4. Employees may propose changes or report violations in the survey.

5. The responsible person prepares a report for the President based on the surveys.

6. The President introduces necessary changes and announces the new version to employees, children, and guardians.

Chapter VII: Final Provisions

§14.

1. The Standards come into force on 02.01.2025.

2. Announcement is made by order of the President, electronic distribution, and publication on the Association's website.

Annexes

Annex 1: Principles of Safe Recruitment of Employees

1. Collect candidate data to verify qualifications and values, including child protection and respect for dignity.

2. Request references from previous employers, with the candidate's consent.

3. Collect personal data to check the candidate in the Register of Sexual Offenders.

4. Obtain a criminal record certificate regarding relevant offenses.

5. For non-Polish citizens, also require a criminal record certificate from the country of citizenship.

6. Obtain a statement about countries of residence in the last 20 years, under penalty of perjury.

7. If a country does not issue such certificates, a sworn statement is required.

8. All statements must include an acknowledgment of criminal liability for false statements.

9. The Association must demand a criminal record certificate if required by law.

Annex 2: Principles of Safe Relationships Between Employees and Children

- The overriding principle is acting in the child's best interest.
- Employees must maintain professional, respectful, and safe relationships, avoiding violence, inappropriate comments, or private contact.
- Communication must be patient, respectful, and age-appropriate.

- Confidentiality and privacy must be maintained, with exceptions explained to the child if necessary.
- Physical contact must be appropriate, consensual, and never secretive or abusive.
- Employees may not engage in romantic or sexual relationships with children, nor accept gifts or favors.
- All risky situations must be reported to management.

Annex 3: Principles of Safe Internet and Electronic Media Use

- The network is monitored and secured with up-to-date software.
- The responsible person ensures safety and organizes workshops on safe Internet use.
- Rules for children's use of the Internet are established and enforced.

Annex 4: Intervention Card

A template for documenting interventions, including details of the child, reason for intervention, actions taken, and outcomes.

Annex 5: Principles for Protecting the Image and Personal Data of Children

- Written consent from parents/guardians and, if possible, children is required before recording or publishing images.
- Images must not be labeled with identifying information.
- Sensitive information must not be disclosed.
- Images are stored securely, and only Association devices are used for recording.

Annex 6: Monitoring Standards – Survey (YES/NO)

Sample questions for employees regarding knowledge and observance of the Standards.

Annex 7: Risk Assessment Questions

A framework for assessing risks related to staff, partners, services, communication, and technology.

Annex 8: Risk Areas Table

A template for identifying risk areas, risk factors, significance, and actions to reduce risk.

Annex 9: Table for Identifying Priority Information and Training Needs

A table for planning training and information needs for different groups (teachers, parents, children, etc.).

Annex 10: Statement on Countries of Residence

A template for employees to declare countries of residence in the last 20 years, with a statement about criminal records.

Annex 11: Statement of Familiarity with the Standards

A template for employees to confirm they have read and accept the Standards for the Protection of Minors.

I confirm the compliance of the copy with the electronic document:

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Roman Kwiatkowski

President of the Association of Roma in Poland