



---

## **Child Rights Protection Policy of the Polish Migration Forum Foundation based in Izabelin**

### **Contents:**

- 1. Glossary**
- 2. Preliminary provisions**
- 3. Verifying, preparing, and improving the competence of Foundation Staff in contact with Children**
- 4. Parental support to protect Children from harm**
- 5. Supporting Children in the field of protection against harm**
- 6. Procedures for reporting suspicions and intervening**
- 7. Principles of personal data protection of the Child**
- 8. Rules for safe relations between the staff of the facility and the Child, specifying what behaviors are not allowed in contact with the Child**
- 9. Legal acts protecting the rights of the child in Poland**
- 10. Final provisions**



---

## Part 1. Glossary

Whenever this document refers to:

1. **Child** – it should be understood as any natural person under the age of 18.
2. **Harm** – it should be understood as non-pecuniary damage affecting the mental sphere of the victim, including physical violence, i.e. any deliberate, intentional actions against a person causing pain or injury to the body, including but not limited to beating, tugging, pushing, throwing objects, etc., and psychological, including humiliating and degrading treatment, especially insulting name-calling, excessive criticism, belittling, persistent shaming, solitary confinement, and isolation.
3. **Threat to the child's welfare** – it should be understood as actions and omissions taken by parents, legal guardians, or other people under whose care the child remains, including negligence towards the child, such as in particular: neglect of hygiene, health, child nutrition, failure to adjust the child's clothing to weather conditions, lack of proper supervision over the child's fulfillment of school obligations, negative attitude of the child against the other parent or their family.
4. **Other crimes to the detriment of the Child** – shall be understood as sexual abuse (including commercial sexual abuse), rape of a Child, molestation of a Child, debauching of a Child, grooming, kidnapping of a Child, abandonment of a Child, child pornography, non-feeding of a Child.
5. **Protection** – it should be understood as taking all reasonable actions aimed at preventing Child injury, threats to the Child's welfare, other crimes to the detriment of the Child and appropriate response in the event of an injury, threat to the Child's welfare, and other crimes to the detriment of the Child.
6. **The "Blue Card" procedure** – it should be understood as regulated in the Regulation of the Council of Ministers of 13 September 2011 on the "Blue Card" procedure and specimen forms "Blue Card" (Journal of Laws 2011.209.1245 of 2011.10.03), issued as an executive act pursuant to Article 9d (5) of the Act of 29 July 2005 on



counteracting domestic violence (Journal of Laws 2021.1249, i.e. of 2021.07.09), covers all activities undertaken and carried out by representatives of organizational units of social assistance, municipal commissions for solving alcohol problems, the Police, education and healthcare, in connection with the justified suspicion of the occurrence of domestic violence.

7. **Foundation** – it should be understood as the Polish Migration Forum Foundation with its registered office in Izabelin (05-080) at 44A Orła Białego st., entered into the Register of Associations in the National Court Register kept by the District Court for the Capital City of Warsaw in Warsaw, XIV Commercial Division of the National Court Register under the KRS number: 0000272075, nip: 1181879509, REGON: 14085197900000.
8. **Document** – this should be understood as this policy of protecting the rights of the Child.
9. **Next of kin** - it should be understood as an ascendant, descendant, sibling, relative in the same line or degree, a person in an adoption relationship and his or her spouse, as well as a person in cohabitation.
10. **Foundation Staff** – all people working or cooperating with the Foundation, including volunteers, trainees and apprentices, psychologists, therapists, and other people working and cooperating with the Foundation, in particular regardless of the type of legal relationship between them and the Foundation, its remuneration or unpaid fee.

## Part 2. Preliminary provisions

1. The provisions of the Policy for the Protection of the Rights of the Child indicated in this document apply to all Foundation Staff and Foundation Beneficiaries.
2. The aim of the established policy of protecting the rights of the Child in the Foundation is to provide Children with better protection against harm in Poland.



3. The basic principles of Child protection contained in the Child protection policy concern:
  - Part 3. Verifying, preparing, and improving the competence of the Foundation's Staff in contact with Children.
  - Part 4. Supporting parents and legal guardians in the scope of protecting Children from harm, threats to the best interests of Children, and other crimes committed to the detriment of Children.
  - Part 5. Supporting Children in Harm Protection.
  - Part 6. Procedures for reporting suspicions and intervening.
4. The rules in force at the Foundation indicated in this Document shall apply to all Foundation Staff.
5. Each of the people referred to in paragraph one above is obliged to read the content of the Document and to comply with the provisions contained therein.
6. When implementing the provisions contained in this Document, each of the people indicated in paragraph one is obliged to respect fundamental human rights, social justice, and human dignity.
7. The Staff of the Foundation is obliged to show respect for all people equally, regardless of gender, religion, color, national or ethnic origin, language, marital status, sexual orientation, age, socio-economic status, disability, political beliefs or any other distinguishing features.
8. People who are members of the Foundation's Staff are obliged to comply with the principles of social coexistence and to comply with the provisions contained in the Policy for the Protection of Beneficiaries and Staff of the Foundation, the Anti-Mobbing Procedure, and the Rules for the Provision of Services and other documents adopted by the Foundation.
9. The President of the Foundation will appoint appropriate people to monitor the implementation of the provisions contained in the Document.



---

### **Part 3. Verifying, preparing, and improving the competence of Foundation Staff in contact with children**

1. Recruitment of these members of Foundation Staff who work directly with Children takes place according to rules, which include the assessment of the substantive preparation of candidates and, depending on the needs, checking their references and the possibility of allowing contact with Children. A candidate for work at the Foundation and a member of the Foundation's Staff agrees to the Foundation's verification of their references.
2. The person supervising recruitment on behalf of the Foundation will perform the following actions before a candidate or volunteer will start work or volunteering directly with Children:
  - a. registers a person by collecting basic data to enable verification in the Register of Sexual Offenders;
  - b. verifies the person in the Register of Sexual Offenders or, if it is not possible to verify, receives from the person a declaration of no criminal record for crimes against sexual freedom and morality and crimes to the detriment of the minor and on ongoing criminal and disciplinary proceedings against that person. It also instructs the person about legal liability for making a false declaration;
  - c. acquaints the person with the basic principles of contact with Children and submits a declaration of commitment to comply with them. A model of the above statements is provided in Appendix 1;
  - d. in the event that the planned work/volunteering concerns activities related to upbringing, education, recreation, treatment or care of minors, in accordance with Article 21 of the Act of 13 May 2016 on preventing threats from sexual offences, the person supervising the recruitment is obliged to check such a person in the Register of Sexual Offenders (register with limited access) and in



the Register of people for whom the State Commission for the Explanation of Cases of Actions against Sexual Freedom and Decency against Minors under the age of 15 issued a decision on entry in the Register. The check in the register of perpetrators is documented by a printout of the feedback generated from the Register. The above documents are stored in the documentation of the person being checked.

3. The Foundation obtains a certificate from the National Criminal Register regarding people included in the Foundation's Staff working or cooperating directly with Children – when permitted by applicable law. The Foundation does not cooperate with people who are convicted of an intentional crime.
4. The Foundation does not cooperate with people who are convicted of committing an intentional crime or appearing in the Register of Sexual Offenders (register with limited access) and in the Register of people for whom the State Commission for Clarification of Cases of Actions against Sexual Freedom and Decency against a Minor under the age of 15 issued a decision on entry in the Register.
5. Within a week from the date of commencement of work at the Foundation, a person who is part of the Foundation's Staff shall receive training in violence against Children, either online or in-person, completed with a knowledge test, from which he or she shall present a positive assessment to a person working in HR and a superior.
6. At least every 2 (two) years, each of the people included in the Foundation's Staff shall receive training related to the protection of Children's rights, each time indicated by the Foundation.
7. The staff of the Foundation has easy access to contact details of local institutions that deal with the protection of Children and provide emergency assistance (Police, Family Court, Crisis Intervention Centre, Social Welfare Centre, Health Care Facilities).



---

#### **Part 4. Supporting parents and legal guardians in protecting Children from harm, Child welfare threats, and other crimes to the detriment of Children**

1. The Foundation offers parents and legal guardians support in the field of raising children without violence and protecting them from violence and abuse.
2. The Foundation offers materials in various languages for parents and legal guardians of Children, on the upbringing of Children without violence, protection of Children against violence and abuse, threats to the Child's safety on the Internet, opportunities to improve educational skills, contact details of institutions providing assistance and care in difficult life situations.
3. Each of the parents and legal guardians benefiting from the assistance and support of the Foundation has the opportunity to read this Document, which is available at the Foundation's headquarters and at [www.forummigracyjne.org](http://www.forummigracyjne.org). Documents are available in Polish, Ukrainian, English and Russian.

#### **Part 5. Supporting Children in Protecting Against Harm**

1. As part of individual support for Children, parents, and legal guardians, the subject of Children's rights, protection against exploitation, prevention of peer violence and Child safety on the Internet is discussed.
2. The Foundation shall provide the Children, parents, and legal guardians with consultations with a therapist and a psychologist or refer them to an entity that will provide such consultations.
4. As part of the therapeutic work with Children affected by experiences of violence and discrimination, actions are taken to support them in coping with the psychosocial consequences of these experiences and to support Children in the process of recovery and proper development.



5. Children who have experienced Injuries obtain diagnosis and support at the Foundation while maintaining all the essential elements described in the document "Standards of specialist diagnosis of children with the experience of forced migration" [in:] "Refugee children. Standards, diagnostic tools and psychological support".
6. In the therapeutic process, the Child is provided with full confidentiality by a psychologist, except in situations in which violence or other action that may harm the Child's safety is reported.
7. There are educational materials available for Children in the field of: the rights of the Child and protection against threats of violence and sexual exploitation, as well as rules of safety on the Internet (brochures, leaflets, books, in various languages).
8. The Foundation provides information for Children on the possibility of obtaining help in a difficult situation, including numbers of free trust telephones for Children and youth.

## **Part 6. Procedures for reporting suspicions and intervening**

### **1. Threat to the Child's safety from a parent or legal guardian**

#### **1) Proceedings in the event of harm to the Child by a parent or legal guardian**

##### **Internal procedure**

Any person who has a reasonable suspicion of harm to the Child, including the use of violence against the Child by a parent or legal guardian, is obliged to immediately submit a notification to the Police or the Social Welfare Centre. If possible, before notifying the Police





or the Social Welfare Centre, the immediate superior, the Violence Prevention Specialist (dzieci@forummigracyjne.org) and the Foundation's Management Board should be informed about the situation. However, if it is necessary to immediately notify the Police or the Social Welfare Centre of the above-mentioned people, they should be further notified.

### **External procedure - 'Blue Card' procedure**

1. Initiation of the "Blue Card" procedure takes place by filling in the "*Blue Card - A*" form by a representative of one of the entities listed in Article 9d (2) of the Act of 29 July 2005 on counteracting domestic violence (representatives of organizational units of social assistance, municipal committees for solving alcohol problems, the Police, education and health care), in the presence of *a person suspected of being affected by domestic violence*.
2. If it is not possible to complete the "*Blue Card - A*" form due to the absence of a person who is suspected of being affected by domestic violence, their health or due to the threat to their life or health, the "*Blue Card - A*" form shall be filled in immediately after direct contact with this person or after the reason preventing its completion ceases to exist.
3. Where direct contact with a person suspected of being affected by domestic violence is impractical, the "*Blue Card - A*" form shall be completed without the participation of that person.
4. When initiating the procedure, intervention measures shall be taken to ensure the safety of a person suspected of being affected by domestic violence.
5. In the event of suspicion of domestic violence against the Child, activities undertaken and carried out within the framework of the procedure are generally carried out in the presence of a parent, legal or factual guardian.
6. If the people referred to in point 5 may be perpetrators of violence against the Child, the activities involving the Child shall be carried out in the presence of an adult qualifying as the next of kin.



7. Actions involving a child who is suspected of being affected by domestic violence should be carried out as far as possible in the presence of a psychologist.
8. After completing the form "Blue Card – A", the person suspected of being violent is given the form "Blue Card – B". If the person affected by the violence is a Child, the "Blue Card – B" form is handed over to the parent, legal or factual guardian or the person who reported the suspicion of domestic violence. The 'Blue Card – B' form shall not be given to a person suspected of using domestic violence.
9. After drawing up the "Blue Card – A" form, it should be submitted to the chairman of the interdisciplinary team immediately, not later than 7 days from the date of initiating the procedure. A copy of the completed 'Blue Card – A' form shall be left with the initiating party.
10. The chairman of the interdisciplinary team, after receiving the "Blue Card – A" form, immediately, but not later than within 3 days from the date of its receipt, submits the form to the members of the interdisciplinary team or working group.
11. At the meeting, members of an interdisciplinary team or working group in the presence of an invited person who is suspected of being affected by domestic violence shall analyze the family situation and complete a 'Blue Card - C' form.
12. The Child shall not participate in the meeting of the interdisciplinary team or working group.
13. Failure to appear by a person suspected of being affected by domestic violence shall not suspend the work of the interdisciplinary team or the working group.
14. Members of the interdisciplinary team or working group shall complete a 'Blue Card - D' form in the presence of a person suspected of using domestic violence.



## **2) Proceedings in the event of a threat to the Child's well-being**

In the event of suspicion that actions taken by a parent or legal guardian lead to a threat to the good of the Child, the intervention takes place in two stages.

1. In the first place, the Violence Prevention Specialist organizes a meeting with parents or legal guardians in order to clarify the circumstances of the case and determine the rules of further proceedings and inform parents or legal guardians about the consequences of negative actions or omissions towards the Child. At this stage, it is also possible to conclude an agreement with parents or legal guardians, which clearly defines the rules of cooperation in order to help the Child.
2. In the event that the parents or legal guardians refuse to participate in the meetings agreed under the agreement or do not comply with the jointly agreed rules, the next stage applies - the Violence Prevention Specialist notifies the relevant Social Welfare Centre about the situation by providing her/his data, the Child's data, the Child's address and a description of the case, taking into account the data of the parents or guardians whose actions lead to the Child's welfare.

## **3) Obligation to report an offense**

Any person who learns of a crime committed by a parent or legal guardian, including other crimes to the detriment of the Child, has a legal obligation to immediately report a notification of a suspected crime to the Police or to the Prosecutor. Before notifying the Police, care should be taken about the safety of the Child and separate it from the person suspected of committing a crime against the Child. If possible, before notifying the Police or the Prosecutor, the immediate superior, the Violence Prevention Specialist and the Foundation's Management Board should be informed about the situation. However, in the event of the need to immediately notify the Police or the Prosecutor, the President of the



---

Foundation should be notified subsequently. An example of the notification of suspicion of an offense is attached to this Document.

## **2. Threat to the safety of the Child by the Foundation's Staff**

1. In the event of becoming aware that a person who is part of the Foundation's Staff is causing harm to the Child or commits a crime against them, this person should be removed from working with the Children until the case is clarified.
2. In the event that it is suspected that a person who is part of the Foundation's Staff commits a crime to the detriment of the Child, everyone is obliged to immediately notify the Police or the Public Prosecutor's Office competent for that purpose. Failure to report the crime results in criminal liability. If possible, before notifying the Police or the Prosecutor, the immediate superior, the Violence Prevention Specialist and the Foundation's Management Board should be informed about the situation. However, if it is necessary to immediately notify the Police or the Prosecutor of the above-mentioned people, it should be further notified.
3. In the event that a person included in the Foundation Staff has committed a different form of harm to the Child than committing a crime to its detriment, the Violence Prevention Specialist should examine all the circumstances of the case, in particular by listening to the employee suspected of harm, the Child and other witnesses to the event. In a situation where the violation of the good of the Child is significant, in particular where there has been discrimination or violation of the dignity of the Child, the Board of the Foundation should consider terminating the legal relationship with the person who has committed the harm.



### **3. Threat to the safety of the Child by another Child**

1. In the case of suspicion of harming the Child by another Child, a conversation should be conducted with the parents or legal guardians of the Child suspected of harming and with this Child, if their psychophysical development allows it. A recovery plan should be developed together with the child's parents or legal guardians. With the parents or legal guardians of the Child subjected to harm, a plan should be developed to ensure their safety, including ways of isolating them from sources of danger.
2. Ensure that a Child suspected of harming another Child is not harmed by parents or legal guardians, other adults or other children. If such a circumstance is confirmed, the procedure referred to above should be applied to parents and legal guardians.
3. If the person suspected of harm is a Child between the ages of 13 and 17, and his/her behavior is a criminal act, a conversation should be held with the parents or legal guardians of the Child harming and injured and the family court or the Police having jurisdiction over the place should be notified in writing.
4. If the person suspected of harm is over the age of 17 and their behavior is a criminal offense, then the local police or prosecutor's office should be informed by written notice.

### **Part 7. Principles of personal data protection of the Child**

1. Children's records are confidential, kept in locked locations and only accessible to authorized people.



2. Recording of the image is possible only after consent in writing. In the case of the image of Children, the consent is given by the parent or legal guardian.

## **Part 8. Rules for safe relations between Foundation Staff and the Child, specifying what behaviors are not allowed in contact with the Child**

1. **physical contact with the Child** – takes place in respect of its distinctiveness, only to the extent necessary for effective support, e.g. physiotherapy, and always with the consent of the Child and the parent or legal guardian;
2. **verbal communication with the Child** – takes place with respect to their resources and deficits, takes into account developmental needs, language barrier, and is always aimed at the best interests of the Child;
3. **equal treatment** – all Children in the Foundation are treated with equal respect regardless of their social and legal status, nationality, ethnicity, religion, skin color, etc.;
4. **direct and online contacts with the Child outside the Foundation** – always with the consent of the Child and the parent or legal guardian, only concern the purposes indicated by the Child and the parent or legal guardian;
5. **hygienic and nursing activities** - are undertaken sporadically only if the situation so requires, and the Child benefits from support without the presence of a parent or legal guardian (e.g. assistance in taking to the toilet). It should be ensured that each of these activities is assisted by another person from the Foundation or a person in whose care the Child is in (e.g.: teacher);
6. **disciplining the Child** - always proceeds in a gentle, empathetic manner, respecting the rights of the Child, and in accordance with the principles of an agreement without violence.



## Part 9. Legal acts protecting the rights of the Child in Poland

Legal acts on the basis of which the provisions contained in the Document should be created, should be created on the basis of applicable law. The following legal acts are particularly relevant:

1. Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997.78.483) – the provisions regulate the protection of the Child against violence, exploitation and demoralization.
2. Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989 (Journal of Laws 1991.120.526, as amended). – Teacher's Card (Journal of Laws 2014.191, i.e. as amended) – the provisions regulate the obligations of the teacher and disciplinary proceedings against him.
3. Act of 26 January 1982. - Teachers' Charter (Journal of Laws 2014.191, i.e. as amended) - provisions regulate the duties of a teacher and disciplinary proceedings against him/her.
4. Act of 7 September 1991 on the education system (Journal of Laws 2004.256.2572, as amended) – this document contains the obligations of the educational institution, including the powers of the director of the institution.
5. The Act of 25 February 1964 – Family and Guardianship Code (Journal of Laws 2015.583, i.e.) – a law regulating the relationship between parents and the Child as well as parents and the educational institution, as well as parental authority, contacts between the parent and the Child and the representation of the Child.
6. The Act of 6 June 1997 – Penal Code (Journal of Laws 1997.88.553, as amended) and the Act of 6 June 1997 – Code of Criminal Procedure – legal acts regulating, among others, intervention in the event of committing a crime to the detriment of the Child.



7. The Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws 2014.101, as amended) – a legal act regulating, among others, intervention in the event of threat to the child's welfare, including neglect.
8. The Act of 26 October 1982 on juvenile proceedings (Journal of Laws part 2014.382, i.e.) – the act regulating, among others, intervention in the event of the child committing a criminal act or manifesting symptoms of demoralization.
9. The Act of 20 September 2005 on counteracting domestic violence and the Regulation of the Council of Ministers of 13 September 2011 on the procedure "Blue Cards" and specimen forms "Blue Card" (Journal of Laws 2011.209.1245) (Journal of Laws 2005.180.1493, as amended) – the Act regulating, among others, intervention in the event of finding domestic violence.
10. Act of 4 February 1994 – on Copyright and Related Rights (Journal of Laws 2006.90.631, as amended) – Act on the basis of which it is possible to create regulations regarding the protection of the image of the Child in the institution.
11. The Act of 23 April 1964 – Civil Code (Journal of Laws 2014.121, i.e.) – the scope of the legislation on the protection of children's personal property.
12. The Act of 29 August 1997 – on the protection of personal data (Journal of Laws 2014.1182, as amended) – the scope of regulations regarding the protection of personal data of the Child.

## **Part 10. Final provisions**

The adopted principles and practices of Child protection are successively implemented at the Foundation and will be monitored at least once a year.