



Dear all,

We are writing here to request that you help promote and implement **the Principles for the Protection of Children from Harm (FDDS) in places of temporary stay during the ongoing humanitarian crises.**

The Principles present effective solutions, based on the experience of international organisations and good practice during humanitarian crises.

The aim of the measures recommended in this document is to better protect children with refugee experience from harm in places of temporary residence.

The Principles are addressed to organisations/institutions whose staff, associates and volunteers have direct contact with children who have had refugee experience in places of temporary stay. They regulate, inter alia, the recruitment of staff and volunteers, the relationship between staff and children and intervention in cases of suspected child abuse.

The package of documents and tools prepared by the FDDS is designed for rapid implementation, in a humanitarian crisis situation. All tools necessary for implementation are available free of charge at standards.fdds.pl.

Thank you for your cooperation,

The Empowering Children Foundation

THE BASIC PRINCIPLES FOR PROTECTING CHILDREN AGAINST ABUSE IN PLACES OF TEMPORARY STAY DURING HUMANITARIAN CRISES

Humanitarian crises resulting from wars pose a range of risks for children: from abuse by adult relatives, who themselves face many challenges and high levels of stress in such situations, to violence and exploitation by third parties, who take advantage of the child's vulnerability and lower levels of protection and attentiveness on the part of their caregivers.

There is a lack of accurate data on what percentage of refugee children experience abuse from adult relatives or third parties. However, various studies suggest that it is very high - up to 54% of children with refugee experience are victims of violence, including 20% who suffer sexual abuse. Unaccompanied children are particularly vulnerable to abuse.

Every day, thousands of children with their caregivers and children arriving without formal guardians reach Poland, seeking protection from the dangers of war. Thanks to the great mobilisation of the public, non-governmental organisations and local authorities, they find shelter, a livelihood and care. We must do everything possible to ensure that in the refugee crisis children also avoid the threat of violence and exploitation.

What is the aim of the Principles? The purpose of these Principles is to ensure that children with refugee experience are better protected from abuse in places of temporary stay.

Who are the Principles addressed to? The Principles are addressed to organisations/institutions whose staff, associates and volunteers have direct contact with children with refugee experience in places of temporary stay.

What are places of temporary stay? These are places where children are residing while waiting for their final destination, often in the care of third parties. They include reception centres, temporary collective lodgings (e.g. hostels, hotels, holiday centres, pilgrim houses, etc.), but also places where various forms of spending time by children with refugee experience are organised ad hoc without the supervision of their guardians. The provisions of this document also apply to organisations which coordinate accommodation in the private houses and flats of Polish families.

How is "child" defined in the Principles? A child is any person under the age of 18.

What is child abuse? Abuse includes all forms of physical and psychological violence, neglect and sexual abuse of a child.

The Principles outline solutions to increase the safety of children and how to identify situations of risk of abuse. They contain regulations that should be followed by all staff and volunteers of these organisations/institutions. Each organisation/institution is responsible for ensuring that all persons involved in its activities and having contact with children know, understand and agree (also by formally accepting the document) to abide by the Principles.

The Basic Principles for the Protection of Children with Refugee Experience in places of temporary stay relate to:

1. Screening and training of staff and volunteers who interact with children
2. Intervening when there is a suspicion that a child is experiencing abuse

The solutions outlined below can be adapted to any institution/organisation, taking into account its particular characteristics and needs.

Principle no. 1 - The institution/organisation guarantees that those working with children have been screened by the institution/organisation and are familiar with the principles of safe relations with children

1. Verification of persons working with children

The first stage of a war-induced humanitarian crisis often involves staff and volunteers operating in an "all hands on deck" mode. Getting through this stage is necessary to bring the situation under control and to assess needs, but it should be replaced as soon as possible by planned action that has the safety of children at its core. Some people who apply to work with children may pose a risk to them. Organisations/institutions running or working in places of temporary residence operate on a public trust basis and have a duty to protect children.

Therefore, any organisation/institution organising work with children in temporary accommodation should put in place a procedure for screening staff and volunteers before allowing them to interact with children. In the case of work or volunteering organised by an institution, non-governmental organisation or other entity, the person responsible for such activities before the staff member or volunteer joins the work/volunteering should:

1. register the employee/volunteer
2. take from him/her a declaration of no criminal record for offences against sexual freedom and decency or offences to the detriment of minors and of any pending criminal or disciplinary proceedings against him/her. He/she shall also inform the employee/volunteer of his/her criminal liability for making a false declaration.

The above mentioned declarations should also be collected from individuals providing accommodation to Ukrainian families.

In addition, before starting work/volunteering, the employee/volunteer shall acquaint him/herself with the basic rules of interacting with children (discussed later in this document) and sign a declaration of commitment to observe them. A model of the above statements can be found in **Annex 1**.

When the work/volunteering involves activities related to the upbringing, education, leisure, treatment or care of minors, then according to Article 21 of the Act of 13 May 2016 on counteracting the threat of sexual offences, the organiser of work/volunteering is obliged, before signing the contract, to verify the employee/volunteer in the Register of Sexual Offenders (register with restricted access) and in the Register of persons with respect to whom the State Commission for clarification of cases of acts directed against sexual freedom and morality against a minor under 15 years of age has issued a decision about entry in the Register.

Checking the Register of offenders is documented by a printout of feedback generated from the Register. Being listed in the Register excludes the individual from employment/volunteering. Employee details required for checking in the Register are included in **Appendix 2**.

The above documents shall be stored in the employee's/volunteer's file kept by the institution/organisation organising the work/volunteering.

2. Rules for safe interaction with children

The guiding principle for all actions undertaken by staff and volunteers who have direct contact with children who are in a humanitarian crisis is to act for the benefit of the child and in their best interests.

Staff and volunteers shall treat the child with respect and take into account the child's dignity and needs. It is unacceptable for staff and volunteers to use any form of violence against a child. Staff and volunteers, in pursuing these goals, act within the framework of the applicable law, the internal rules of the organisation/institution and their competences.

Behaviours and practices that are expected of all staff and volunteers

1. Be patient and respectful in your communication with children, understanding that children affected by war trauma may display fear, anger, indifference and express other difficult emotions arising from their experiences.
2. Listen carefully to children and give them answers that are appropriate to their age and the situation. When communicating with children, try to keep your face at the same level as the child's.
3. Assure children that if they feel uncomfortable with a situation, behaviour or words, they can tell you or a designated person (see Principle 2 - undertaking interventions) and can expect an appropriate response and/or support.
4. Value and respect children's contribution to the activities undertaken, actively involve them and treat them equally regardless of their gender, sexual orientation, ability/disability, social, ethnic, cultural, religious status and world view. Avoid favouritism in dealing with children.
5. When making decisions about a child, inform the child about these and try to take his/her expectations into account.
6. Ensure that you are within sight or hearing of other staff and volunteers when you are carrying out activities with children. In exceptional and justifiable situations where you need to be alone with a child, always notify other staff and volunteers and let them know exactly where you will be with the child.
7. Respect the child's right to privacy. If it is necessary to waive confidentiality to protect a child, explain this to the child as soon as possible.

8. Avoid unnecessary risks. When working with children, make sure that equipment and facilities are used as intended and that the environment is safe (pay attention to securing windows and stairs, restricted access to busy roads, to open water, etc.).

Unacceptable behaviour and practices by staff/volunteers

1. You must not shout at, embarrass, humiliate, belittle or insult a child.
2. You must not hit, poke, push or in any way violate the physical integrity of a child.
3. You must not enter into any romantic or sexual relationship with a child, or make inappropriate proposals to them. This includes sexually explicit comments, jokes, gestures and sharing erotic and pornographic content with a child, in whatever form.
4. You must not record a child's image (filming, voice recording, photographing). This also applies to allowing third parties to record images of children.
5. You must not invite children to your private apartment/home or meet with them outside of working hours. This includes contacting children through private communication channels (private phone, email, instant messaging, social media profiles) and sharing your own personal information.
6. You must not offer alcohol, tobacco products or illegal substances to children or use them in the presence of children.
7. You must not engage in anything other than essential physical contact with a child. This includes helping a child dress and undress, eat, wash, change, use the toilet and sleeping with a child in the same bed or room. Make sure that someone from the organisation/institution assists you in each of these activities. If nursing and hygienic care of children is your responsibility, you will be trained in this.
8. If you witness any of the above behaviour and/or situations from other adults or children, always inform the person in charge of the organisation/institution and/or follow the intervention procedure in force.

Principle no. 2 - The institution/organisation has developed a procedure for intervening when a child is suspected of suffering abuse. The procedure is shared with all persons working with children.

Children with refugee experience are vulnerable to various forms of abuse from carers, family members, staff and volunteers and other third parties. Staff and volunteers working with children in places of temporary stay may witness them being abused, may be alerted that a child has been abused or may suspect abuse based on various symptoms (behaviour, appearance, health of the child).

Whenever there is knowledge or suspicion that a child is being abused, appropriate intervention is needed to ensure the child's safety. It is very important that the organisation/institution develops a clear step-by-step procedure for anyone who has a suspicion that a child is being abused. Knowledge of intervention principles by staff/volunteers significantly increases the likelihood that they will respond to a child abuse situation.

The following is an example of an intervention procedure which can be adapted in any institution/organisation, taking into account its particular characteristics and needs. The procedure includes interventions in situations of suspected child abuse in an institution/organisation by third parties such as volunteers, staff, adult relatives, parents, legal guardians and minors.

It is important that each institution/organisation has a designated child protection officer to whom both the children in care and the staff/volunteers can report situations of concern.

PROCEDURE FOR INTERVENTION IN THE EVENT OF A SUSPECTED RISK TO A CHILD'S SAFETY

§ 1.

General rules

1. Risks to children's safety can take many forms, involving different modes of contact and communication. For the purposes of these Principles, the following classification of child safety risk has been adopted:

a. A criminal offence has been committed against a child (e.g. sexual abuse, child maltreatment)

b. Another form of abuse, which is not criminal, has occurred, such as shouting, physical punishment, humiliation

c. The child's vital needs (e.g. food, hygiene or health) have been neglected

d. The child is staying in Poland unaccompanied by an adult

2. For the purposes of this document, the procedures for intervention in cases of suspected child abuse by:

a. Third parties such as volunteers, staff and collaborators of places of temporary stay and other support places

b. Minors

c. Adult relatives of the child, parents, legal or de facto caregivers (temporary guardians)

3. For the purpose of this document, an employee is also understood as a collaborator of an institution/organisation, regardless of the form of collaboration (volunteers, persons employed under civil law contracts)

4. For the purpose of this document, a place of temporary stay is understood to be any place where refugees reside for short or long term periods, regardless of its legal form

5. Where the document refers to a family or guardianship court, this means a district court, family and juvenile division, which is generally located in the town or municipality where the child resides or in a neighbouring municipality. If you have problems determining the court's jurisdiction, you should consult the Ordinance of the Minister of Justice on determining the seats and areas of jurisdiction of courts of appeal, district courts and regional courts and the scope of cases heard by them, available at:

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20210001269/O/D20211269.pdf>

6. The locally appropriate social welfare centre should be understood as a centre located in the municipality/district where the child resides.

7. The notification of a possible criminal offence should be submitted to the locally appropriate (nearest) police department or public prosecutor's office.

8. **The person responsible for carrying out the intervention** is the person in charge of the intervention centre. If the institution runs more than one support facility, then the person responsible for conducting the intervention is the person in charge of the facility where the child abuse was identified.

9. **Employees and collaborators of the organisation/institution** who have acquired knowledge of child abuse are obliged not to disclose it to outsiders, with the exception of authorised services.

10. **Intervention** is understood as taking action to ensure the child's safety (depending on the situation, this may involve talking to the parents/guardians or reporting to the institution indicated below).

§ 2.

Abuse by third parties

1. If abuse is suspected by a third party (volunteer/staff member), that person should be immediately removed from working with children until the matter is clarified.

2. If the life or health of a child is endangered, the employee/volunteer who becomes aware of this should immediately inform the person in charge of conducting interventions. This person notifies the police by calling the emergency number 112 or 997 and giving his/her own data, the child's data, the child's whereabouts and a description of the circumstances of the case. If the responsible person cannot be contacted, the employee/volunteer makes the report himself/herself and sends written information to the person responsible for conducting interventions.

3. If an employee suspects that a child is the victim of a trafficking offence, they should follow the procedure in paragraph 2 or call + 48 664 974 934 or send an email to: handelludzmibsk@policja.gov.pl. It is possible to report the case anonymously to the number and email address provided. In cases requiring immediate attention (e.g. when a child is travelling with the offender) call the emergency numbers 112 or 997(!). More information can be found on the website:

<https://www.gov.pl/web/handel-ludzmi>

4. If another offence has been committed against a child, the employee/volunteer shall report the suspicion to the person responsible for conducting interventions, who shall draw up a notification on suspicion of committing a criminal offence and forward it to the locally

appropriate police or prosecutor's office. A template of the notification is included in **Appendix no. 3**.

5. In cases where a member of staff has abused a child other than by committing a criminal offence to the child's detriment, then the person responsible for interventions should investigate all the circumstances of the case, in particular by listening to the person suspected of abusing the child, the child in question and other witnesses to the incident. Where the violation of the child's welfare is significant, in particular where there has been discrimination or a violation of the child's dignity, then the professional who conducts the intervention should consider terminating the legal relationship with the person who has committed the abuse or recommend such termination to that person's superiors. If the employee who has committed the abuse is not directly employed by the centre but by a cooperating institution, then a recommendation should be made to prohibit his/her access to the premises and, if necessary, to terminate the contract with the cooperating institution.

§ 3.

Abuse caused by a minor

1. In the case of suspected child abuse by another child living in a temporary residence, an interview should be held with the parents/guardians of the child suspected of abuse and with that child if his/her psychological and physical development permits. A recovery plan should be developed with the child's parents/guardians. A child safety plan should be developed with the parents/guardians of the child being abused, including ways to isolate the child from sources of danger.

2. Every reasonable effort should be made to ensure that a child who is suspected of abusing another child is not himself/herself abused by his/her parents/guardians, other adults or other children. If this is confirmed, go to section 4.

3. If the person suspected of abuse is a child between the ages of 13 and 17 and their behaviour constitutes a criminal offence then the parents of the child who is being abused and those of the abusing child should be interviewed and the locally appropriate family court or police should be informed by means of a written report.

4. If the person suspected of doing harm is a child over the age of 17 and the child's behaviour constitutes a criminal offence, then you should inform the appropriate local police unit or public prosecutor's office by written notification.

§ 4.

Abuse by a parent or legal or de facto guardian

1. If you suspect that a parent or legal/de facto guardian has committed a criminal offence against a child, you must make a written report and submit it to the appropriate local police department.

2. If there is a suspicion that a parent or guardian is neglecting a child's physical or mental health needs, or that a family is incapable of raising a child (e.g. the child is wearing clothing that is inappropriate for the weather, leaves home without adult supervision, the parent shouts at the child, the parent uses physical punishments that are not criminal), then the parent should be spoken to and made aware of the inappropriate behaviour and if possible given access to a psychologist. In situations of financial neglect, make sure that you have adequate social support or refer for such support.

3. If the parent does not cooperate, the relevant Social Welfare Centre should be informed about the situation in writing or by e-mail, providing your own data, the child's data, and as many details of the case as possible (including the data of the caregivers committing the abuse). The Social Welfare Centre should initiate the Blue Card procedure and - if necessary - start social work with the family.

§ 5.

Unaccompanied child on the territory of the Republic of Poland (RP)

1. In the case of suspicion that a child is unaccompanied by an adult on the territory of the Republic of Poland, it is necessary to ensure the child's safety and care for their basic needs (food, clothing), prevent the child from straying and then inform the locally competent guardianship court and an appropriate social assistance centre about the fact of unaccompanied child's presence. The notification should be in writing if possible.

2. If an unaccompanied child is reported by an employee of a qualified support institution where the child is residing, the employee of such institution may provide his/her details within the Social Assistance Centre as a candidate for a temporary guardian of the child.

3. The guardianship court will decide on the appropriate way to safeguard the child's safety. Until the decision is made, the child should be allowed to stay at the centre.

4. If you become aware that a child is in the care of an unrelated adult in the Republic of Poland whose custody is not sanctioned by law, explain to that adult what a temporary guardianship is and inform the relevant Social Assistance Centre of this fact so that the Social Assistance Centre can apply to a guardianship court to appoint that adult as a temporary guardian.

5. If you are worried about a child and do not know how to proceed, call the number 800100100 run by the foundation *Dajemy Dzieciom Siłę*. The service is available in Polish and Russian: 800100100.pl

Annex 1

Clean criminal record statement and commitment to respect the fundamental principles of child protection (template)

.....

place and date

I,, holding identity card no., declare that I have not been convicted of a crime against sexual freedom and decency or a violent crime to the detriment of a minor and that no criminal or disciplinary proceedings in this regard are pending against me.

I declare that I am aware of the consequences of submitting a false statement.

Furthermore, I declare that I have acquainted myself with the principles of child protection in force at and I undertake to comply with them.

signature

Annex 2

Data of the employee/volunteer to be checked in the Register of Sexual Offenders

Name and surname:

Date of birth:

Pesel [Polish identity number]:

Surname at birth:

Father's name:

Mother's name:

The register is available at: <https://rps.ms.gov.pl/>

In order to obtain information from the register with restricted access, it is necessary to set up an organisation profile.

Annex 3

Notification on suspicion of committing a criminal offence (template)

Warsaw, date

District Attorney's Office

in [1]

Ref. No.

Notifier:

with registered office at

represented by:

address for correspondence:

Notification on suspicion of committing a criminal offence

I hereby submit a notification on suspicion of committing a criminal offence
to the detriment of a minor(name, date of birth) by (name of
alleged perpetrator).

Justification

During the performance of official activities by (name of the employee/volunteer) - towards the minor.....(name, surname), the child revealed disturbing content concerning the relationship with[2].

Further description of the suspected offence.....

Bearing in mind the above information, as well as the welfare and safety of the minor, I request that proceedings be initiated in this case.

The person who can provide more information is.....(name, surname, telephone, mailing address).

Please send all correspondence in this case to my correspondence address, referring to the number and log number of the letter.

.....

signature of the authorised person

[1] The notification shall be submitted to the District Public Prosecutor's Office with jurisdiction over the place where the offence was committed.

[2] Description of the situation that occurred. This should be completed according to what happened (it is important to indicate e.g.: when and where the event took place, who might have seen/know about it, who might have committed the offence).

Annex 4

Template of an application to court to appoint a temporary guardian for an unaccompanied Ukrainian child:

Zaktualizowana wersja formularza wniosku o ustanowienie opiekuna tymczasowego dla małoletniego obywatela Ukrainy - Stowarzyszenie Sędziów Polskich Iustitia

Annex 5

Template for request for review of child/family situation

place, date

Social Assistance Centre in

address of the Social Assistance Centre competent in respect of the child's place of residence/stay

Applicant: Name of notifying person/institution

address of notifying person/institution

Concerns the child/family residing at:

data enabling the child to be identified (name, address of residence/stay, parents'/guardians' data)

Request for enquiry into the child's situation

I hereby request an enquiry into the situation of a minor (data enabling identification of the child, e.g. (name and surname of the child, names and surnames of the parents/guardians, address of residence/stay) by conducting a community interview and providing assistance to the child in the event of a threat to his/her welfare.

Justification

Here, the disturbing situations should be described, what made us decide to intervene, why we think the child's welfare is at risk. Remember that the more information you give, the greater the chance of an effective intervention.

You may include information about people who witnessed the disturbing events.

signature of the person making the request