

## **STANDARDS FOR THE PROTECTION OF MINORS AT MUSEUM OF THE SECOND WORLD WAR IN GDAŃSK**

### **Preamble**

Museum of the Second World War in Gdańsk carries out educational activities for diverse groups of the public, including children. Employees and associates are committed to safeguard children and serve their best interests. Every Museum employee treats children with respect and considers their needs. The Museum does not tolerate any form of violence against children. The Museum employees act according to the binding law, the internal regulations, and their own abilities to ensure children's safety.

### **Legal basis**

- Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 (Dz. U. z 1991 r. Nr 120, poz. 526 z późn. zm.) (Journal of Laws of the Republic of Poland of 1991, No. 120, item 526, as amended);
- Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. (Dz. U. Nr 78, poz. 483 z późn. zm.) (Constitution of the Republic of Poland of 2 April 1997 [Journal of Laws of the Republic of Poland, No. 78, item 483, as amended]);
- Ustawa z dnia 25 lutego 1964 r. Kodeks rodzinny i opiekuńczy (t.j. Dz. U. z 2020 r. poz. 1359) (Polish Act of 25 February 1964 – Family and Guardianship Code [i.e. Journal of Laws of the Republic of Poland of 2020, item 1359]);
- Ustawa z dnia 28 lipca 2023 r. o zmianie ustawy – Kodeks rodzinny i opiekuńczy oraz niektórych innych ustaw (Dz. U. poz. 1606) (Polish Act of 28 July 2023 amending the Act – Family and Guardianship Code and certain other acts [Journal of Laws of the Republic of Poland, item 1606]);
- Ustawa z dnia 13 maja 2016 r. o przeciwdziałaniu zagrożeniom przestępczości na tle seksualnym (t.j. Dz. U. z 2023 r. poz. 31 z późn. zm.) (Polish Act of 13 May 2016 on the prevention of the threat of sexual offences [i.e. Journal of Laws of the Republic of Poland 2023, item 31, as amended]);
- Ustawa z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy domowej (t.j. Dz. U. z 2021 r. poz. 1249) (Polish Act of 29 July 2005 on the prevention of domestic violence [i.e. Journal of Laws of the Republic of Poland of 2021, item 1249]);
- Ustawa z dnia 6 czerwca 1997 r. Kodeks karny (t.j. Dz. U. z 2022 r. poz. 1138 z późn. zm.) (Polish Act of 6 June 1997 – Criminal Code [i.e. Journal of Laws of the Republic of Poland of 2022, item 1138, as amended]);
- Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego (t.j. Dz. U. z 2022 r. poz. 1375 z późn. zm.) (Polish Act of 6 June 1997 – Code of Criminal Procedure [i.e. Journal of Laws of the Republic of Poland of 2022, item 1375, as amended]);
- Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny (t.j. Dz. U. z 2022 r. poz. 1360 z późn. zm.) – art. 23 i 24 (Polish Act of 23 April 1964 – Civil Code [i.e. Journal of Laws of the Republic of Poland of 2022, item 1360, as amended] – Article 23 and 24);
- Ustawa z dnia 17 listopada 1964 r. Kodeks postępowania cywilnego (t.j. Dz. U. z 2023 r. poz. 1550 z późn. zm.) (Polish Act of 17 November 1964 – Code of Civil Procedure [i.e. Journal of Laws of the Republic of Poland 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 and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1 as amended);
- Art. 221 oraz art. 221a Ustawy z dnia 26 czerwca 1974 r. Kodeks pracy (t.j. Dz. U. z 2022 r. poz. 1510) (Article 221 and Article 221a of the Polish Act of 26 June 1974 – Labour Code [i.e. Journal of Laws of 2022, item 1510]);
- Ustawa z dnia 13 maja 2016 r. o przeciwdziałaniu zagrożeniom przestępczości na tle seksualnym (t.j. Dz. U. z 2020 r. poz. 152) (Polish Act of 13 May 2016 on the prevention of the threat of sexual offences [i.e. Journal of Laws of 2020, item 152]).

## § 1

### Definitions

In these Standards for the Protection of Minors at Museum of the Second World War in Gdańsk (the Standards), the following terms are to be understood as follows:

- 1) **Personal data of a minor** – any information that allows the identification of a minor;
- 2) **Coordinator** – the person responsible for the correct implementation of the Standards for the Protection of Minors from abuse, who is appointed by a separate regulation;
- 3) **Abuse of a minor** – both attempting and committing an offence or a punishable act to the detriment of a minor by any person, including an employee of the Museum, or threatening the welfare of a minor, including neglect and failure to provide proper care for a minor;
- 4) **Minors** – persons under the age of 18 who are present at the Museum;
- 5) **The Museum** – the Museum of the Second World War in Gdańsk and its branches;
- 6) **Guardian** – an adult authorised to represent a minor, in particular a parent or legal guardian, as well as an educator and a school teacher;
- 7) **Legal guardian** – a person authorised to represent a minor by a court ruling, who may, in accordance with the Polish Act of 25 February 1964 – Family and Guardianship Code, act on behalf of a minor and protects a minor’s legal, personal and financial interests;
- 8) **Employee** – all persons employed under an employment agreement or a civil law agreement, as well as a volunteer or an intern at the Museum;
- 9) **Standards** – the Standards for the Protection of Minors at the Museum of the Second World War in Gdańsk;
- 10) **Associate** – all persons who perform activities for the Museum under a contract between the Museum and another business or institutional entity;
- 11) **Consent of a minor’s guardian** – consent of at least one of a minor’s parents or legal guardians.

## § 2

### Safer Recruitment Policy

Recruitment of employees, associates, volunteers and interns is carried out in accordance with the Safer Recruitment Policy, which is attached at Annex 1 to the Standards.

### § 3

#### **Principles of safe relationships between employees, associates, and minors**

1. When interacting with minors, employees and associates:
  - 1) maintain patience and respect;
  - 2) listen carefully to a minor and give him or her answers appropriate for a minor's age and current situation;
  - 3) keep a minor informed of decisions concerning him or her, taking into account his or her expectations;
  - 4) respect a minor's right to privacy; if it is necessary to deviate from the principle of confidentiality in order to protect a minor, explanation shall be given to him or her as soon as possible; if it is necessary to talk to a minor in private, the door to a room shall be left ajar within sight of other employees, or another employee may be present during such a conversation;
  - 5) reassure a minor that if he or she feels uncomfortable because of a situation, particular behaviour or words used, he or she may talk to a Museum employee or a designated person and may expect an appropriate response and/or assistance.
2. It is forbidden to:
  - 1) shame, humiliate, disrespect and insult a minor or raise a voice at a minor other than for the safety of the minor or other minors;
  - 2) disclose sensitive information concerning a minor to unauthorised persons, including other minors; this includes a minor's image, information about his or her family, and economic, medical, guardianship and legal situation;
  - 3) behave inappropriately in the presence of a minor; this includes using profane words, gestures and jokes, making offensive remarks, referencing sexual activities or attraction, and using a position of power or physical superiority towards a minor (intimidation, coercion, threats).
3. In a relationship with a minor, employees and associates:
  - 1) value and respect a minor's contribution to activities, actively involve a minor and treat him or her equally regardless of gender, sexual orientation, ability/disability, social, ethnic, cultural and religious status and world view;
  - 2) avoid favouritism towards a minor;
  - 3) are forbidden to enter into any romantic or sexual relationship with a minor or make any inappropriate proposals, including sexual comments, jokes, gestures, providing erotic or pornographic content to a minor in any form;
  - 4) are forbidden to record an image of a minor (film, photography, sound recordings) for private purposes, or to allow third parties to record such images if the Museum has not been informed of this, has not given consent and has not obtained consent of the parents or legal guardians and the minor;
  - 5) are forbidden to offer alcohol, tobacco products, intoxicating substances to a minor or to use them in the presence of a minor;
  - 6) report to the employer all risky situations which involve infatuation with a minor by an employee or an employee by a minor.

## **§ 4**

### **Physical contact**

1. Any violent action against a minor is unacceptable.
2. Physical contact with a minor may be appropriate, and it meets the principles of safe contact if it responds to a minor's needs at the time, takes into account a minor's age, developmental stage, gender and cultural and situational context. Professional judgement shall be used in these contacts, listening, observing and noting a minor's reaction, being aware that even with good intentions, such contact may be misinterpreted by a minor or third parties.
3. Hitting, poking, pushing and violating the physical integrity of a minor in any way is prohibited.
4. It is forbidden to engage in activities such as tickling, pretend fighting with a minor or a violent physical play.
5. Physical contact with a minor shall never be secret or concealed, involve any gratification or result from a power relationship. If any of the above-mentioned behaviours and/or situations occur with other adults or minors, the person in charge shall be informed and/or the intervention procedure in place shall be followed.
6. If childcare and hygiene activities are required, physical contact with a minor other than necessary shall be avoided. This applies to assisting a minor with dressing, undressing, eating, washing and using the toilet. It is required that another person from the Museum assists in every childcare and hygiene activities.

## **§ 5**

### **Protection of a minor's image**

1. Recording a minor's image (film, photography, sound recordings) is allowed solely to the persons authorised by the Museum (employee/associate) during events organised by the Museum, on the basis of written consent of a legal guardian, which is submitted on an application form.
2. In order to obtain the consent referred to in clause 1, and in the event that it is not possible to obtain written consent for the image recording, a Museum employee/associate may contact a guardian in order to establish the procedure for obtaining consent and the form.
3. The consent is valid only for the indicated event.
4. It is not permitted to record a minor's image in any way:
  - 1) for private use;
  - 2) by third parties;
  - 3) without the Museum's knowledge and consent;
  - 4) under duress without a minor's consent;
  - 5) in a degrading, insulting, discriminatory and ridiculing context.
5. If a minor's image is a detail during a public event, mass event, gathering or in a landscape, a guardian's consent to capture the image shall not be required.
6. A minor's image should be publicized in line with the Standards solely to present the Museum's activities.
7. If an inappropriate distribution of a minor's image is suspected, the situation shall be reported to the Coordinator.

## **§ 6**

### **Employee's contact with a minor outside working hours**

1. Contact with minors at the Museum shall only take place during employees' working hours and relate to educational purposes, teaching, volunteer activities and tourist services.
2. Employees and persons working on a basis other than an employment relationship are prohibited from inviting a minor to a place of residence and from meeting him or her outside working hours; this includes contact with a minor through personal communication channels (private telephone, e-mail, instant messengers, social media profiles).
3. If necessary, the appropriate form of communication with a minor and his or her parents or guardians outside working hours is through business channels (e-mail, business telephone, the Museum's social media).
4. Maintaining a social or family relationship (if a minor and the minor's parents/guardians are relatives of the employee) requires confidentiality of all information relating to other children, parents and guardians.

## **§ 7**

### **Online security**

1. The Internet provided by the Museum is available within the Museum grounds by two means:
  - 1) unsupervised with limited access under the guidelines of the Standards (Guest) – on private devices;
  - 2) supervised by a Museum employee/associate – on the Museum's devices (library).
2. The IT Systems Administrator is responsible for the Internet security at the Museum and takes steps to ensure that the Internet network is protected from unsafe content by installing up-to-date software and detection and blocking filters.
3. The Museum suggests using special parental control applications.

## **§ 8**

### **Intervention procedure for a suspected abuse of a minor**

1. If an employee or associate suspects that a minor is being abused, receives such information from either a minor or a guardian, the employee shall write a memo and give this information to the Coordinator. The memo may be in writing or by e-mail. In the event of an emergency, the employee or associate shall additionally provide a minor with appropriate assistance and protection.
2. Coordinator:
  - 1) takes steps to verify and clarify the circumstances given in the memo;
  - 2) contacts the guardian to clarify the situation, in particular to establish the course of an incident;
  - 3) notifies the Museum director and makes a recommendation on how to proceed with the case;

- 4) if there is a likelihood that a crime has been committed to the detriment of a minor, the Museum director or the director's designee shall immediately notify a guardian and law enforcement authorities.
3. An Incident Report Form shall be drawn up for each intervention, the template of which is attached at Annex 2 to the Standards. The form shall be attached to the intervention register.

## **§ 9**

### **Principles of reporting cases of suspected abuse of a minor by persons from outside the Museum**

1. Any person suspecting that a minor is being abused by persons from outside the Museum shall report such a suspicion to the Coordinator.
2. In the event of the report as referred to in clause 1, the Coordinator:
  - 1) takes steps to verify and clarify the circumstances given in the report;
  - 2) contacts a guardian to clarify the situation, in particular to establish the course of an incident;
  - 3) notifies the Museum director of the report and makes a recommendation on how to proceed with the case;
  - 4) if there is a likelihood that a crime has been committed to the detriment of the minor, the Museum director or the director's designee shall notify the guardian and law enforcement authorities.
3. An Incident Report Form shall be drawn up for each intervention, the template of which is attached at Annex 2. The form shall be attached to the intervention register.

## **§ 10**

### **Principles of reporting cases of suspected abuse of a minor by another minor**

1. Any person suspecting that a minor is being abused by another minor at the Museum is required to report such a suspicion to the Coordinator.
2. In the event of the report as referred to in clause 1, the Coordinator:
  - 1) takes steps to verify and clarify the circumstances given in the report;
  - 2) contacts a guardian to clarify the situation, in particular to establish the course of the incident;
  - 3) notifies the Museum director of the report and makes a recommendation on how to proceed with the case;
  - 4) if there is a likelihood that a crime has been committed to the detriment of the minor, the Museum director or the director's designee shall notify a guardian and law enforcement authorities.
3. An Incident Report Form shall be drawn up for each intervention, the template of which is attached at Annex 2. The form shall be attached to the intervention register.

## **§ 11**

### **Monitoring the application of the Standards**

1. The Coordinator is responsible for implementing and promoting the Standards.

2. The Coordinator is responsible for monitoring the implementation of the Standards, responding to signals of violation of the Standards, maintaining the notifications register and proposing changes to the Standards.
3. Once a year, the Coordinator conducts a survey among employees to monitor the level of implementation of the Standards, in which employees can suggest changes and indicate violations of the Standards.
4. On the basis of the survey, the Coordinator prepares a monitoring report, which is then submitted to the Museum director.
5. On the basis of the received report, the Museum director makes necessary changes to the Standards and announces them to employees, minors and guardians.

## **§ 12**

### **Final provisions**

1. The Standards come into force at the date of publication.
2. The Standards shall be made available to employees, minors and guardians whenever requested.
3. The Standards are posted on the Museum's website at <https://muzeum1939.pl/en>.
4. It is the responsibility of an employee to become familiar with the Standards after entering into an employment contract.
5. Employees confirm in writing that they acknowledge the Standards.

#### **Annex:**

1. Safer recruitment policy
2. Incident Report Form