EMPOWERING CHILDREN FOUNDATION

Criminal background checks in the recruitment process under Polish law

Mandatory law report of child sexual abuse

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THERE ARE 2 TYPES OF CRIMES REGISTRIES IN POLAND

SEX OFFENDERS REGISTRY

NATIONAL CRIME REGISTRY

The registry contains 3 parts:

- Part of the registry which is open to the public (serious felonies like rape of a person under the age of 15, rape with aggravating circumstances (special cruelty), or in case of recidivism if one of the crimes committed has been against the sexual freedom of a minor under the age of 15) – access to such part is possible without creating an account of any kind

- Registry of people against whom the "Antipedofilic Commission" has launched the decision of registration in the registry. Open to public

- The rest of the registry is accessible after registration (creation of an account)

Available only online, free of charge

Consist of records only on sexual crimes against minors

Entities eligible to obtain information:

- Any person interested in his/her own criminal records
- Mandatory - any entity which employs or uses services of people (regardless of the form of the contract, including volunteering) in connection with the entity's activities that involve minors - in the field of education, leisure, medical care, caregiving

- If the entity is obliged to check a person in the sex offenders registry it means the data of the person has to be examined against the records of the limited access registry and against the registry of the Anitipedophilic Commission's decisions

- The sex offenders registry is to be found here: https://rps.ms.gov.pl/en-US/Public#/

- The account needed for exploration of records of the limited access registry may be registered in the name of the organization as an employer or a contracting party (in the case of volunteering or civil law contracts, like a contract of mandate or a contract of services)

Create an account

Rejestr Sprawców Przestępstw na

rps.ms.gov.pl/en-US/Public#/

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Sex Offenders Register

The Restricted Access Register

- Sign In
- Create an account
- Check the authenticity of a printout

What is The Restricted Access Register?
It is a database that contains information on the perpetrators of sexual crimes. The legal basis for data collecting is the Act of 13th May 2016 on Counteracting Threats of Sexual Offenses (Dziennik Ustaw [Journal of Laws] from 2018, item 405).

Who has the right to obtain information from The Restricted Access Register?

The Public Register

- Enter

What is The Public Register?
It is a public database containing information about the most dangerous perpetrators of sexual crimes. Above all it contains data of people who have committed rapes on children and rapes with extraordinary cruelty.
Courts and provisions of aforementioned Act are the sole factors deciding on who is in the Public Register.

Who has the right to obtain information from The Public

Register of the State Commission

- Enter

What is the Register of the State Commission?
Register of the State Commission is a part of Sex Offenders Register. It contains information on persons against whom the State Commission issued a decision concerning entry into the Register. The legal basis for data collecting is the Act of 30th August 2019 on the State Commission for the clarification of cases of activities taken against sexual freedom and propriety towards minors under 15 years of age (Dziennik Ustaw [Journal of Laws] from 2019, item 1820)

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Data of a person needed for a search

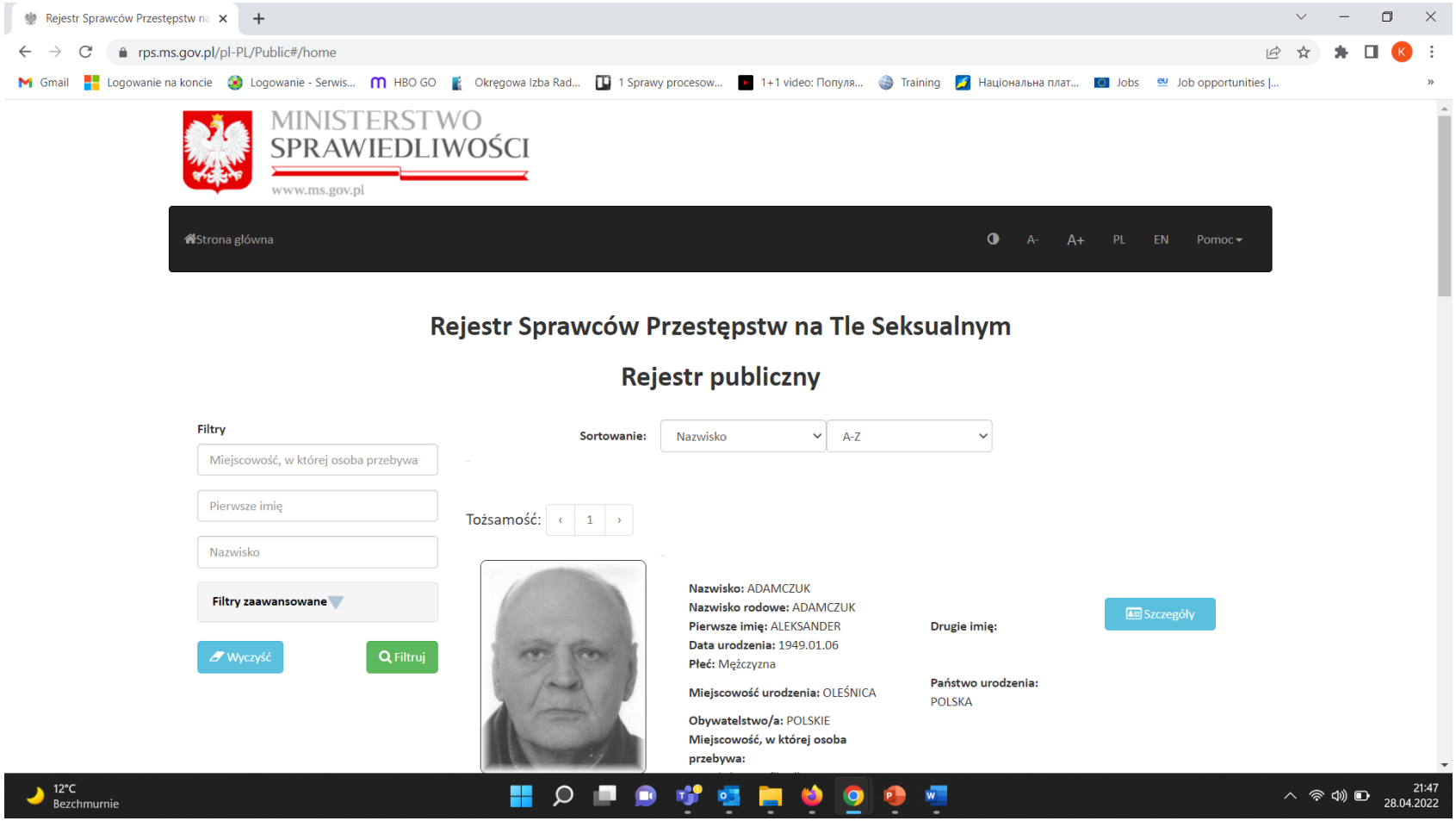
Name and surname: .....
Date of birth: .....
Personal ID number (Pesel), if applicable.....
Family name: .....
Father's name: .....
Mother's name: .....

- Acquiring records from the sex offenders registry has to happen before the person even starts fulfilling his/her obligations. If an entity obliged fails to do so may face a penalty of arrest, a fine up to 1000 PLN, or restriction of liberty.

- Proof the records from the registry have been acquired is a print of the results of the search of the person in the registry. The print should be stored in the personal files.

- Obtaining without the legitimate cause information from the limited access registry is against the law. This kind of behavior may be subject to a fine, restriction of liberty, or a prison sentence of up to 2 years.

the part called „Public registry”



Entities eligible to obtain information:

- Any person interested in his/her own criminal records
- Employers only if the law allows them to require such information from a candidate/new employee
- Courts, state institutions, and similar

- Restricted registry, records of the registry possible to acquire only by specific entities, in selected courts or online, after submitting court fee

- Consist records of all types of convictions relevant to the person unless the statute of limitation has passed

Professions which, according to the law are required to present a certificate from the National crime registry before being employed:

- Police officers
- Judges
- Teachers
- Private detectives
- Insurance agents
- Prosecutors
- Court Enforcement Officers
- Border control officers
- Tax inspectors
- Security officers

Empowering Children Foundation promotes the good practice of at least taking from the future employee/another contractor the statement of not being convicted of any crimes against minors, including domestic violence.

It may go as follows:

I hereby testify I have not been convicted of any crime against minors, including domestic violence.

REPORTING

According to the Criminal Code, anyone who possesses believable knowledge of the preparation or commitment of the following crimes (selected) has a legal obligation to report such case to the authorities (police, prosecutor's office)

- murder
- grievous bodily harm
- unlawful deprivation of liberty
- **rape of the person under the age of 15**
- **rape with aggravating circumstances (special cruelty)**
- **causing sexual activity by using a person's inability to consent due to the person's helplessness or mental illness**
- **causing sexual activity with a person under the age of 15**

Failing to do so may face a prison sentence of up to 3 years.

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THANK YOU!

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