



Poland as the Initiating Country of the Convention on the Rights of the Child

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Abstract. This study explores the role of Poland as the initiating country of the Convention on the Rights of the Child. It introduces prominent Polish legal scholars and emphasises the significance of children's rights as a human rights protection system. Subsequently, the most important milestones leading to the adoption of the Convention on the Rights of the Child are analysed, including key declarations, legal acts, guidelines, and findings. The thoughts of Janusz Korczak, a Polish educator and philosopher, which form the foundation of contemporary thinking on the welfare of children and children's rights, as well as the Convention on the Rights of the Child, are presented. Furthermore, the work on the Convention, such as the submission of the Polish draft, circumstances of adoption, and doubts about its functioning are examined. Importantly, this study discusses the major changes, introducing alterations in the children's rights protection system and presenting Polish legislative examples. The study concludes by summarising Poland's confirmed role in the context of the Convention's adoption and the demand for further observation of children's situations and responses to threats.

Keywords: children's rights, human rights, child, Convention on the Rights of the Child, Janusz Korczak

1. Introduction

Poland undoubtedly boasts numerous prominent legal scholars who have made significant contributions to the development of international law, which subsequently becomes part of the binding legal order in states that are parties to

international agreements or conventions. For instance, Paweł Włodkowic¹ and Stanisław from Skarbimierz² were immensely instrumental in the development of the laws of nations, while Juliusz Makarewicz³ is noted as the creator of the Polish Penal Code of 1932.⁴ Notably, a Pole, Rafał Lemkin,⁵ coined the term ‘genocide’ and drafted the Convention on the Prevention and Punishment of the Crime of Genocide, signed on 9 December 1948, known as the ‘Lemkin Convention’.⁶

In addition, the world owes Poland another incredibly significant legal act: the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989.⁷ This convention holds profound importance in the development of children’s rights and the legal status of children. Evidently, it is a source of pride for generations of Polish legal scholars and evidence that, as a country found at the ‘Heart of Europe’,⁸ Poland can be at the forefront of envisioning the legal system of Europe and the world.

The aforementioned arguments reinforce that this convention relates to a delicate matter: children’s rights – which must be emphasised as primary human rights, and their source lies in the inherent dignity of the individual and the uniqueness of the child as a human being. Consequently, every child is entitled to them, including the unborn, and their deprivation or renunciation is not possible.⁹

In this context, the words of the former Commissioner for Children’s Rights, Marek Michalak, are noteworthy:¹⁰

- 1 Paweł Włodkowic was a Polish Catholic priest, scholar, lawyer, religious and legal-political writer, Rector of the Jagiellonian University, defender of Poland’s interests in disputes with the Teutonic Order, precursor of religious tolerance and member of the Polish delegation at the Council of Constance in 1214–1218.
- 2 Stanisław from Skarbimierz was a Polish jurist and politician, the first rector of the reestablished Jagiellonian University in 1400, lawyer, and canon of the cathedral chapter at Wawel in Cracow.
- 3 Juliusz Makarewicz was a Polish jurist, long-time professor of criminal law at the University of Lviv, and a Senator of the Republic of Poland from 1925 to 1935, as well as the main author of the codification of Polish criminal law, the Penal Code of 1932, referred to in the literature as the ‘Makarewicz Code’.
- 4 Presidential Decree of 11 July 1932 – Penal Code, *Journal of Laws* 1932, No. 60, item 571.
- 5 Rafał Lemkin was a Polish and American criminal lawyer of Jewish descent and the creator of the concept of ‘genocide’ and the draft convention on the prevention and punishment of genocide crimes, signed on 9 December 1948, known as the ‘Lemkin Convention’.
- 6 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948 (ratified in accordance with the Act of 18 July 1950). *Journal of Laws* 1952, No. 2, item 9.
- 7 Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989. *Journal of Laws* 1991, No. 120, item 526.
- 8 The term ‘Heart of Europe’, which is to be identified as Poland, was first used by Norman Davies in his book *Heart of Europe*.
- 9 Krawczak-Chmielecka, 2017, pp. 11–12.
- 10 Marek Michalak was a Polish special education teacher, social activist, and publicist, Doctor of Social Sciences, Chancellor of the International Chapter of the Order of the Smile, Chairman of

The Convention on the Rights of the Child is a universal instrument, not only protecting these rights but also raising awareness of the value of childhood and thus humanity. The more effectively the provisions of the Convention on the Rights of the Child are observed, the fewer harms will be inflicted on people.¹¹

The authors of the convention succeeded in developing a universal and consistent legal definition of the child. According to Article 1 of the Convention, a child is any human being under the age of 18, unless, under the law applicable to the child majority, is attained earlier. This forms the basis of the definition at the national level. For instance, according to Act of 6 January 2000 of Poland on the Commissioner for Children's Rights,¹² a child is any human being from conception until the age of majority. The national definition is based on international standards, although states have an autonomy that allows them to ensure broader protection of children's rights than the minimum convention standards.

Although this research focuses on the Polish legal thought in the field of children's rights and Poland's contribution to the adoption of the Convention on the Rights of the Child, this subject matter deserves broader discussion given the various achievements.

2. Milestones of the Children's Rights System – Progression towards the Convention on the Rights of the Child

Before analysing Poland's contribution as the initiator of the Convention, it is necessary to provide a retrospective of the international children's rights system. This involves presenting selected milestones that led to the adoption of the Convention on the Rights of the Child and made a significant contribution to the development of children's rights.

The initial steps towards children's rights were taken in the 19th century. In 1874, prompted by the events surrounding eight-year-old Mary Ellen Wilson, who was abused by her foster parents, the New York Society for the Prevention of Cruelty to Children was established in New York. The entire case shocked the local community, leading to legal proceedings and the foster mother being

the International Janusz Korczak Association, and the Commissioner for Children's Rights from 2008 to 2018.

11 Stadniczeńko, 2015, p. 9. Translation by the author. Unless otherwise specified in the footnotes, all translations quoted from non-English sources are by the author.

12 The Act of 6 January 2000 on the Commissioner for Children's Rights, *Journal of Laws* of 2023, item 292.

sentenced to one year of imprisonment. This was regarded as a cornerstone in the development of the global children's rights movement.¹³

Simultaneously, in Europe, international associations were formed, including criminologists and juvenile judges, whose focus revolved around caring for abandoned children. The aim of these entities was to influence state authorities to introduce penalties for crimes committed by minors and to establish centres for these children.¹⁴

I must highlight the year 1878, the birth year of Henryk Goldszmit, better known as Janusz Korczak, who, alongside his ideas, deserves a separate discussion. His scholarly work and actions would be recognised as foundational to children's rights, and he went on to become a pioneer in child protection efforts in Poland.

In 1892, the International Association for Child Welfare was established. Poland joined the organisation in 1928 owing to the efforts of President Ignacy Mościcki. However, the Polish government determined not to open a Polish branch of the Association.¹⁵

In 1908, the First International Congress on Moral Education took place in London. Here, the participation of a Polish representative from private educational associations, Stefania Sempłowska,¹⁶ was significant. Over time, more organisations emerged to address the situation of children, particularly those who were homeless and abandoned. In 1913, the First International Congress on Child Welfare was organised. In 1919, Save the Children was founded in the United Kingdom. In the same year, the Swedish organisation Radda Barnen began its operations, followed by the International Union for Child Welfare in 1920.¹⁷

In 1924, significant events occurred from an institutional and legal perspective. The League of Nations General Assembly adopted the Declaration of the Rights of the Child, known as the Geneva Declaration, drafted by the founder of Save the Children. This short document contained five fundamental principles constituting the basis for the protection of children's rights.

In the light of the experiences of World War II, during which immense suffering, including that of children, occurred, efforts to develop a system for protecting children's rights began to accelerate. In 1946, the United Nations established two agencies focused on the broad protection of children's rights: the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and

13 Krawczak-Chmielecka, 2017, pp. 11–12.

14 Czyż, 2002, p. 9.

15 Agreement on the Establishment of the International Association for Child Care, *Journal of Laws* of 1929, No. 49, item 403.

16 Stefania Sempłowska was a Polish teacher and educational activist, advocate for children's rights, journalist, and writer.

17 Krawczak-Chmielecka, 2017, p. 14.

Cultural Organisation (UNESCO). Noteworthy is that the idea of creating UNICEF originated from the Polish doctor Ludwik Rajchman.¹⁸

Subsequently, in 1948, the Universal Declaration of Human Rights was adopted, articulating the rights of mothers and children to 'special care and assistance' and 'social protection'. The United Nations General Assembly took another step in 1959 by adopting the Declaration of the Rights of the Child, an extension of the 1924 Declaration.

Going forward, the year 1966 marked the adoption of the International Covenants on Civil, Political, Economic, Social, and Cultural Rights.¹⁹ Consequently, the United Nations and associated states committed to providing education and protection to all children. Two years later, the International Conference on Human Rights was organised. An assessment of the 20 years since the introduction of the Universal Declaration of Human Rights was conducted during this event, and plans for future work were formulated. Moreover, national commitments to uphold human rights were strengthened.

In 1973, the International Labour Organisation adopted the Convention concerning the Minimum Age for Admission to Employment.²⁰ It set the age of 18 as the minimum for hazardous or morally detrimental work for minors. The following year, the United Nations General Assembly appealed to member states to adhere to the Declaration on the Protection of Women and Children in Emergency and Armed Conflict Situations. The Declaration prohibits attacks on or imprisonment of civilians – women and children – and protects the rights of women and children during armed conflicts.

In 1978, Poland submitted a draft Convention on the Rights of the Child to the United Nations Human Rights Commission. The project, authored by Polish lawyers, was submitted for consideration by a working group comprising representatives of member states, United Nations agencies (UNICEF, UNESCO), as well as intergovernmental and non-governmental organisations.

In 1979, the 20th anniversary of the adoption of the Declaration of the Rights of the Child was commemorated. In response, the United Nations General Assembly declared 1979 the International Year of the Child. Later in 1985, the United Nations General Assembly adopted the so-called Beijing Rules, which are the United Nations' model minimum rules for the administration of juvenile justice.

18 Ludwik Rajchman was a Polish bacteriologist and social activist of Jewish descent and one of the founders of UNICEF.

19 International Covenant on Civil and Political Rights opened for signature in New York on 19 December 1966, *Journal of Laws* of 1977, No. 38, item 167; International Covenant on Economic, Social, and Cultural Rights opened for signature in New York on 19 December 1966, *Journal of Laws* of 1977, No. 38, item 169.

20 Convention No. 138 of the International Labour Organisation concerning the minimum age for admission to employment, adopted in Geneva on 26 June 1973, *Journal of Laws* of 1978, No. 12, item 53.

Four years later, eleven years after the submission of the draft, the United Nations General Assembly adopted the Convention on the Rights of the Child. It is widely regarded as a groundbreaking achievement in the field of human rights and children's rights. The Convention guarantees and establishes minimum standards for the protection of children's rights in all areas.

However, the adoption of the Convention does not mark the end of efforts to protect children's rights. It is a step in the right direction, but new threats emerge on the horizon with technological, civilizational, and globalisation developments.

3. Janusz Korczak's Ideas as the Moral Foundation of the Convention on the Rights of the Child

The figure and legacy of Janusz Korczak hold great significance in the context of Poland's role in the drafting of the Convention on the Rights of the Child, Polish legal thought, and its contribution to the development of a children's rights protection system.²¹ Janusz Korczak was a Polish-Jewish physician, educator, writer, journalist, and social activist. He created a unique system of working with children based on partnership, autonomous procedures, institutions, and fostering self-governance.²² He was a pioneer in educational diagnostics and advocated for children's rights. From 1912 to 1942, he ran an orphanage, and in 1942, along with the staff and about 2,000 children, he was transported to the German concentration camp in Treblinka during the so-called 'great action to liquidate the Warsaw Ghetto'. The exact date of his death is unknown, but he may have been killed on 7 January 1942.

With the passage of time, Janusz Korczak's ideas have been increasingly appreciated. He is recognised as a precursor to the children's rights movement in both Poland and worldwide. Therefore, presenting the principles of his thought as the philosophical, ethical, and pedagogical basis of the Convention on the Rights of the Child is worthwhile. As early as 1917, he called for the establishment of a *Magna Charta Libertatis* for children.²³

Areas of his vast legacy, which require further discussion, include: 1) the right to the social participation of children; 2) children's citizenship; 3) sources of children's rights – natural law, the law of nature, and rules of life.²⁴

Considerations regarding the child's right to social participation should begin with the thesis put forward by Korczak, namely that the child is a fully-fledged

21 Korczak, 1978.

22 Frydman, 1962, p. 109.

23 Korczak, 2012a, p. 55.

24 Michalak, 2015, pp. 15–18.

human being in the full sense of the word.²⁵ Today, we have no problem with this statement, although only a few years ago, it might have been considered an overinterpretation. The humanity of the child can be defined on various levels, including axiological, social, religious, pedagogical, and philosophical. Moreover, Korczak points out that it is up to us adults to raise awareness about the child's subjectivity, their self-determination, and participation in social life.²⁶

Furthermore, Korczak indicates that the child is a creative subject who perceives the world in their own way. The child should be listened to, have a right to their own opinion, and, moreover, they should be provided with the means to realise their rights because they are a constant part of life. As Korczak stated, 'Children constitute a large proportion of humanity, the population, nation, inhabitants, fellow citizens – permanent companions. They were, are, and will be.'²⁷ This phrase represents what is known as Korczak's right to respect.

Notably, the issue of children's citizenship was not Korczak's original concept, as it had been discussed earlier by, among others, Helena Radlińska.²⁸ It comprises a bundle of social, economic, political, cultural, socialising-caring, and educational entitlements granted to children. However, it evolves with changing civilizational conditions. It expresses equality and community, as well as the diversity of children.²⁹

An analysis of Korczak's sources of children's rights shows that his thought is strongly grounded in philosophical and social interpretations of human rights. This is the case with the concept of natural law, which assumes the existence and functioning of universal legal norms and indicates that 'individuals and human communities are capable—guided by the light of reason—of recognising the basic directions of moral action in accordance with the nature of the subject itself and expressing them normatively in the form of rules or commandments.'³⁰

Based on this tenet, Korczak appeals to the world to recognise the child as a subject who has rights and value. He provides a broad definition of the child in terms of philosophical and biological perspectives. Korczak concludes his reflections by stating, 'There are no children—there are people.'³¹

25 Laska, 2013, pp. 27–34.

26 Michalak, 2015, pp. 15–18; Smolińska-Theiss 2015, pp. 15–18.

27 Michalak, no date.

28 Helena Radlińska was a Polish educator and the creator of social pedagogy in Poland.

29 Straczewska, 2012, pp. 146–160.

30 W poszukiwaniu etyki uniwersalnej. Nowe spojrzenie na prawo naturalne, Międzynarodowa Komisja Teologiczna, Rzym 2008, tłumaczenie – Kancelaria radców prawnych, Nowotnik, Lipski, Szafranski sp.p. [In Search of Universal Ethics: A New Perspective on Natural Law by the International Theological Commission, Rome 2008, translated by the Law Office of Nowotnik, Lipski, Szafranski and partners]. <https://plockierodziny.pl/wp-content/uploads/2016/10/W-poszukiwaniu-etyki-uniwersalnej.pdf>, accessed: 12.03.2024.

31 Smolińska-Theiss, 2015, pp. 15–18.

Korczak's contributions also include research on the natural rights of the child, in anthropological-biological terms. For Korczak, the child is primarily a huge developmental potential. However, their growth is a difficult and lengthy process. Children must explore and learn about the world. From the nature of children's rights, Korczak derives the rights to self-determination and respect. They have axiological, medical, and pedagogical foundations.³²

Based on his experience, Korczak formulated pedagogical rules called 'rules of life': '1. Do not envy; 2. Do not sulk; 3. Do not get discouraged and persistently strive; 4. Be disciplined in relation to your duties.' Although a cursory analysis suggests they are not unique, analysing the context and logic of the argument reveals a certain pedagogical message directed at both children and adults, supported by experience, which should be implemented in the shared lives of children and adults.³³

Janusz Korczak was not a lawyer and did not participate in the preparation of legal instruments concerning the protection of children's rights. However, he is now considered a pioneer in this area. His ideas are gaining importance and serve as a guiding theme in scholarly literature. It should be emphasised that he, a Pole, was the one who fully articulated the idea of children's rights. This is a kind of pedagogical legacy and a social command directed at adults and children. This legacy formed the basis of the Polish draft of the Convention on the Rights of the Child.

4. Work on the Convention on the Rights of the Child

As mentioned in Section 2, the human rights protection system underwent a long journey before being codified in the Convention. It was based on declarations between 1924 and 1959, prior to the Convention. This indicates that certain standards had already been established, albeit without binding force or international recognition, as indicated by legal scholars.³⁴

Within the United Nations, not all member states held uniform positions on this matter. While the majority advocated for the adoption of a convention on children's rights, some argued that existing human rights instruments adequately addressed children's rights, thus obviating the need for a separate legal instrument.

Furthermore, concerns were raised about compliance with the Convention. While its adoption would be deemed a success, it would be incomplete without ratification, as this would not guarantee its enforcement by state parties. The ratification process by individual states was lengthy, with some Third World

32 Korczak, 2012b, p. 133.

33 Korczak, 2012c, pp. 9–10

34 Balcerak, 1986, pp. 142–143.

countries expressing doubts about their ability to ratify it. Disparities in cultural development and legal awareness worldwide were significant, as highlighted by Elżbieta Czyż: 'Differences in civilizational development, as well as the level and standard of children in various countries, are significant, and the convention would be an equally binding act to determine and implement children's rights in all countries.'³⁵

Despite the differing opinions, work on the Convention proceeded, and its adoption was realised. This was a groundbreaking step in the development of the human rights protection system, transitioning from loose declarations to the realisation of Korczak's paradigm of the child as a unique rights-bearing subject equal to adults.³⁶

Poland presented a draft convention on 7 February 1978. Furthermore, Polish delegation representatives proposed declaring 1979 the International Year of the Child to commemorate the 20th anniversary of the adoption of the Declaration of the Rights of the Child in 1959.

Poland's proposal met all the standards of an international agreement requiring ratification by state parties. Poland's main objective was to introduce a legally binding international instrument regulating children's rights, ensuring their enforcement both internationally and domestically. Polish representatives approached the drafting of the convention with fervour, as noted by academic circles. As J. Bińczycka recalls, 'The Convention is Poland's greatest, indeed its only contribution of this magnitude to the creation of universal standards in the field of human rights.'³⁷

However, some voices in legal scholarship suggest that Poland's motivations for adopting this act were not unequivocal and were not solely based on concern for the welfare of children. It was also a political manoeuvre, as the Polish draft of the convention was presented a year after the People's Republic of Poland (the name of Poland during the period between 1945–1989) ratified the International Covenants on Human Rights under pressure from opposition movements such as Solidarity.³⁸ Additionally, Poland was grappling with an economic crisis. Therefore, it was perceived as an attempt to improve Poland's international image, as confirmed by Marek Andrzejewski, who indicates that

Regardless of the intentions and merits of specific individuals involved in both the preparation of relevant documents and diplomatic efforts, this initiative aimed to give Poland—then ruled by a communist party

35 Balcerek, 1986, pp. 142–143.

36 Czyż, 1998, p. 137.

37 Bińczycka, 1999, p. 22.

38 Independent Self-Governing Trade Union 'Solidarity' was a nationwide trade union established in 1980 to defend workers' rights and, until 1989, also one of the main centres of opposition against the government of the Polish People's Republic and communism.

propagating totalitarian ideas—the aura of a state respecting individual rights.³⁹

The authors of the Convention decided to utilise the ten principles of the Declaration of the Rights of the Child from 1959 and enforce them. The following two provisions related to the reporting obligations of signatory states: Article XIII emphasised the universal and pervasive nature of the convention; and the final provisions defined issues regarding ratification and enforcing the document.⁴⁰

Poland's draft was submitted to UN member states, who responded with their comments at the 35th session of the Human Rights Commission in 1979 and decided to work on the draft convention within the Human Rights Commission. Poland's draft was criticised for being overly propagandistic and for not addressing certain substantive issues.⁴¹

In 1981, with accelerated efforts, a working group was established, led by Professor Adam Lopatka. The original Convention draft was modified twice during the process. The work was concluded in 1989, having lasted for 11 years.

The Convention adopted on 20 November 1989 was based on Poland's 1978 draft. Some provisions remained unchanged. Following this, Jolanta Szymańczak directly confirms that 'The ideological basis of the project consisted of achievements of Polish pedagogical thought and, above all, the philosophical and educational concept of Janusz Korczak, who before World War II, embodied its principles in daily educational work.'⁴² In summary, Poland's contribution to the work on the convention was indispensable. From beginning to end, the work on the convention was overseen by the Polish delegate. All decisions requiring agreement among states were made through consensus and lengthy discussions. This also constitutes a significant contribution to the development not only of the children's rights protection system but also of human rights in general. The final draft of the convention was not perfect. The clash of interests of individual countries and the weighing of values during the adoption of binding norms prevented the creation of a document that precisely regulated all aspects of children's rights protection.⁴³ However, the Convention prompted the world to perceive the child as a subject, not an object of rights. Children's rights were equated with human rights based on Janusz Korczak's ideas.

Ultimately, the Convention consists of a solemn preamble stating that every child in the world is protected, from as early as conception. The normative part is divided into 54 articles. The foundation of the convention's provisions was

39 Andrzejewski, 2000, p. 4.

40 Hanyś, 2015, p. 187.

41 Smyczyński, 2012, p. 11.

42 Szymańczak, 1999.

43 Wielec, 2017, pp. 147–217.

based on the following values: the welfare of the child, equality of children, respect for the rights and responsibilities of both parents, and state assistance in achieving the convention's goals. Simultaneously, the Convention defined a child in imprecise terms, stating that a child is an autonomous subject but requires special care due to their level of mental and physical maturity, as well as respect for their identity, dignity, and privacy. The primary environment for a child's upbringing is the family, and the state should support families and children in accordance with the principle of subsidiarity.⁴⁴

Furthermore, the Convention explicitly expresses a bundle of rights belonging to children. Civil rights include: the right to life and development; right to identity, freedom, dignity, respect, personal integrity, freedom of thought, conscience, and religion; right to express their views and be heard in matters concerning them, in administrative and judicial proceedings; right to be raised in a family and maintain contact with parents in case of separation; and right to freedom from physical or mental violence. In the spectrum of social rights, there are rights to an adequate standard of living, health protection, social security, rest, and leisure. Cultural rights include the right to education, access to cultural goods, access to information, and knowledge of their rights. Additionally, the Convention established the rights to associate and assemble for peaceful purposes as political rights.⁴⁵

After the adoption of the Convention on the Rights of the Child, ratification by individual states followed. This process varied depending on their approach to children's rights issues. In any case, the procedure was preceded by an analysis of the national system, identifying its shortcomings and the need to introduce selected norms.

Poland had to adjust its national regulations, particularly regarding children's participation in civil proceedings, adoption law, and the placement of children in care and educational institutions. The discussions on ratification determined the establishment of the Office of the Commissioner for Children's Rights, which became a constitutional body in 1997.⁴⁶

Poland did not ratify the Convention in its entirety. Reservations were made regarding Article 7 (limitation of the right of an adopted child to know their biological parents) and Article 38 (age of recruitment into military service – this decision was to be reserved for Polish law). Additionally, Poland proposed two declarations aimed to have a significant impact on the interpretation of the convention's provisions. The first concerned respect for parental authority in accordance with tradition and customs when implementing the provisions of the

44 Jaros, 2015, pp. 63–84.

45 Stadniczeńko, 2015.

46 Blicharz and Zacharko, 2021.

Convention, and the second related to family planning education, which was to be in accordance with moral principles.⁴⁷

During the 11 years of work on the convention, many innumerable prominent legal experts participated. Noteworthy are three individuals who contributed to the preparation of this document and influenced the development of the national and international child rights protection system and family law in general: professors Tadeusz Smoczyński,⁴⁸ Marek Andrzejewski,⁴⁹ and Adam Łopatka.⁵⁰

5. Children's Rights Protection System Amidst Contemporary Challenges

Adoption of the Convention did not conclude the work on the children's rights protection system, but was a significant step that initiated an evolution in perceiving the role and subjectivity of children. This had an impact on further initiatives regarding children's rights protection. Here, the most important legal and extra-legal aspects influencing the situation of children are highlighted.

A year after the adoption of the Convention, the World Summit for Children took place in New York. The United Nations announced 'the Riyadh Guidelines', focusing on preventing juvenile delinquency. In 1991, a meeting of UNICEF experts took place to discuss reports on the implementation of the Convention's provisions. This contributed to the establishment of the Child Rights International Network (CRIN), tasked with monitoring children's rights compliance worldwide.

In 1999, the International Labour Organisation adopted a significant Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour.⁵¹ Poland agreed to ratify the Convention in

47 Hanyś, 2015, p. 191.

48 Tadeusz Smoczyński was professor at the Institute of Legal Sciences of the Polish Academy of Sciences and at the Faculty of Law and Administration of the University of Szczecin, author of numerous publications in the field of civil law, especially family law, was the head of the Centre for Family Law and Child Law, an expert of the Sejm and the Senate, and member of the Problematic Team of the Codification Commission for Civil Law. The life and actions of Professor Smoczyński, and specifically his contribution to the drafting of the Convention on the Rights of the Child, are also presented in this issue of *Acta Universitatis Sapientiae – Legal Studies*, in a separate study by Marek Andrzejewski.

49 Marek Andrzejewski was Head of the Poznań Center for Family Law and Child Law at the Institute of Legal Studies of the Polish Academy of Sciences and a participant in the work of the Problematic Team of the Codification Commission for Civil Law.

50 Adam Łopatko was a Polish lawyer, professor of legal sciences, theorist of state and law. He was the first President of the Supreme Court from 1987 to 1990, *ex officio* chairman of the State Tribunal, Minister-Head of the Office for Religious Affairs, member of the Sejm of the People's Republic of Poland in the seventh and eighth terms.

51 Convention No. 182 of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted in Geneva on 17 June 1999, published in the *Journal of Laws* of 2004, No. 139, item 1474.

2001, an important document regarding the control of child labour, somewhat complementary to the Convention's provisions.

The year 2000 saw the adoption of two optional protocols to the Convention on the Rights of the Child: the first concerned the involvement of children in armed conflicts,⁵² while the second addressed child trafficking, child prostitution, and child pornography.⁵³ Signatory states determined whether to implement the protocols' provisions, and Poland opted to ratify both protocols in 2007.

In 2002, for the first time at the United Nations forum, children were given a voice. The 'Child-Friendly World' programme was announced, outlining the goals the UN for achieving children's rights protection in the next decade. Four years later, UNICEF, in collaboration with the United Nations Office on Drugs and Crime, prepared a special handbook on assessing juvenile justice dimensions. Its goal was to introduce child-friendly justice institutions.

In 2010, the UN Secretary-General presented the Convention on the Rights of the Child Status to the General Assembly, and a year later another optional protocol was established concerning the procedure for recognising complaints. Under the protocol's provisions, the Committee on the Rights of the Child can accept and consider complaints about individual violations of children's rights by state parties to the Convention. Poland did not ratify this protocol – having formally signed it in 2013 – but this may change soon.⁵⁴

In 2015, Somalia and South Sudan decided to ratify the Convention. This is of significance in the context of the fight for children's rights in African countries, given the exploitation of children as soldiers in armed conflicts. Consequently, the Convention is the most widely ratified international document, with only the United States absent among the ratifying states.⁵⁵

However, the fight for children's rights does not end here, as new threats emerge due to globalisation, technological, and social changes. Therefore, despite compliance with the Convention, states must respond to threats to which children are exposed at the national level.

For instance, in Poland, changes to national legislation have been guided by Janusz Korczak's idea to treat children as autonomous subjects fully entitled to

52 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, adopted in New York on 25 May 2000, published in the *Journal of Laws* of 2007, No. 91, item 608.

53 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in New York on 25 May 2000, published in the *Journal of Laws* of 2007, No. 76, item 494.

54 The Convention on the Rights of the Child. Poland has not ratified an important document for nine years. <https://serwis.gazetaprawna.pl/orzeczenia/artykuly/8498724,konwencja-o-prawach-dziecka-polska-od-dziewieciu-lat-nie-ratyfikowala-waznego-dokumentu.html> (Accessed: 12.03.2024).

55 United Nations Treaty Collection. Chapter IV Human Rights. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en (Accessed: 12.03.2024).

exercise their rights and having broad powers to influence their situation. In particular, the evolution of criminal procedure provisions concerning the hearing of minor witnesses or victims should be highlighted.⁵⁶

Initially, the Polish Code of Criminal Procedure⁵⁷ did not provide for a special procedure for hearing children. However, over time, four special procedures were introduced: 1) for minor victims; 2) for minor witnesses; 3) for minor victims who have reached the age of 15 in cases of rape, sexual abuse of incapacity or helplessness, or sexual abuse of a relationship of dependency or critical position; and 4) for the hearing of individuals with mental disorders, developmental disorders, impairments of perception, or reproduction of perceptions. The latter of the discussed changes came into force in 2024.⁵⁸

Moreover, in Poland, recent reforms with an anti-violence character have been introduced, creating institutions aimed at preventing violence at a very early stage. The reforms were implemented gradually and in stages.

Furthermore, in connection with the case of eight-year-old Kamil from Czeszochowa, who was abused by his stepfather and later died from his injuries, and his father was accused of attempted murder, the so-called ‘Kamil Act’⁵⁹ was passed in 2023. Among its provisions is the implementation of the ‘Serious Case Review’ procedure, obliging authorities to analyse the most serious cases of violence against minors. It is now the responsibility of the authorities to examine why appropriate actions were not taken before harm was done to the child and what measures can be taken to prevent such incidents.⁶⁰

There are many challenges and threats to children and the child protection system.⁶¹ However, since 1989, we have had an international legal instrument that is universally binding and widely recognised. This is the basis for further actions aimed at protecting children and ensuring their well-being. In crisis situations, we can always refer to the Convention and Korczak’s thoughts, which will help us find legal solutions to contemporary problems.

56 Michalak, 2015, pp. 15–18.

57 Act of 6 June 1997: Code of Criminal Procedure, consolidated text *Journal of Laws* of 2024, item 37.

58 Wielec and Bojanowski, 2024.

59 Act of 9 March 2023 amending the Act on Counteracting Domestic Violence and Certain Other Acts, *Journal of Laws* of 2023, item 535.

60 The ‘Kamil Act: Standards of Protection for Minors’. <https://www.gov.pl/web/sprawiedliwosc/ustawa-kamilka-standardy-ochrony-maloletnich2> (Accessed: 08.03.2024).

61 Some of them result from the noticeable progress of new technologies; in this respect, see scientific works in terms of the impact of new technologies on many levels of practical application: Oręziak, 2019c, pp. 61–63; Oręziak, 2019d, pp. 102–109; Oręziak, 2018a, pp. 199–219; Oręziak, 2020, pp. 187–196; Oręziak, 2019a, pp. 181–192; Oręziak, 2018b, pp. 117–141; Oręziak and Wielec, 2018, pp. 50–65; Karski and Oręziak, 2021, pp. 242–261; Oręziak, 2021, pp. 47–78; Oręziak, 2019b, pp. 432–448; Oręziak, 2022, pp. 125–140; Oręziak and Łuniewska, 2021, pp. 223–232; Oręziak and Świerczyński, 2019, pp. 257–275.

6. Conclusions

The aforementioned considerations confirm that Poland was not only the initiator of the Convention on the Rights of the Child but also made a significant contribution to the idea of treating children's rights as an integral part of the human rights protection system.

It is not coincidental that the idea of children's rights is deeply rooted in Polish culture, heritage, and worldview. Children have always been present in our history. Notably, Saint Jadwiga,⁶² Queen of Poland, dedicated her childhood to God and the Fatherland. We cannot forget about the youth who fought and died for Poland's independence in the November Uprising of 1831 and the January Uprising of 1863. Following World War I, the unwavering patriotic stance was demonstrated by the 'Eaglets of Lviv' and the 'Eaglets of Płock', the youngest defenders of Polish cities during the period of national liberation struggles and the Polish-Bolshevik war. Subsequently, the 'Warsaw children' actively participated in the Warsaw Uprising of 1944.

Throughout ancient times, Poland has been endowed with outstanding experts, including lawyers, educators, philosophers, and psychologists. This is evidenced by the contributions of individuals to Polish thought on children's rights protection, culminating in two elements: the ideas expressed by Janusz Korczak and the adoption of the Convention on the Rights of the Child. Nevertheless, considering the significant and indisputable role of children in Polish history, acknowledging the hardships and suffering endured by Polish children in defence of the nation and the Polish state, these elements can be regarded as a tribute to them. However, this tribute is paid not only to Polish children but to all children worldwide, ensuring that the dignity and rights of all children are respected and upheld.

Besides, it should be emphasised that the work on the children's rights protection system is not over. The situation of children worldwide and the observance of their rights require continuous monitoring. Considering the various threats inherent in today's world – emanating from both the West and the East, of a civilizational, military, and technological nature –, we must remain vigilant, sensitive, and attuned to the well-being of children. Moreover, we must remember the role they play in relation to adults, echoing the words of Janusz Korczak: 'Children are born with wings. Teachers help them spread their wings.'

62 Jadwiga of Anjou was Queen of Poland from the House of Anjou, daughter of Louis the Great of Hungary and Elizabeth of Bosnia. In 1384, she was crowned Queen of Poland, the first wife of King Władysław II Jagiełło, Apostle of Lithuania, and a saint of the Catholic Church. She is the only Polish monarch to be canonised. Although she did not officially receive this title, she is venerated by some Catholics as the patroness of Poland.

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