2012 Janusz Korczak Year
An International Perspective on Children’s Rights and Pedagogy

A SELECTION OF LECTURES
PRESENTED DURING THE KORCZAK SEMINARS
ORGANIZED BY POLISH DIPLOMATIC MISSIONS ABROAD
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of the Rights of Children
“THE WORLD CANNOT BE LEFT AS IT IS”

JANUSZ KORCZAK
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Conclusion
This publication presents the outcome of seminars, workshops and scientific conferences organized by the Ministry of Foreign Affairs and Polish diplomatic missions in 2012 in connection with the Janusz Korczak Year. The official programme included seminars, workshops and conferences that took place in: New York, Geneva, Tirana, Brussels, Paris, Beijing and Strasbourg. It needs to be noted that apart from the official programme, in many European cities, numerous other scientific meetings took place, dedicated to the accomplishments of Janusz Korczak and Polish standards of the children’s rights protection. For example, the sessions that took place in Budapest and Kharkiv that effectively promoted the Polish philosophy of children’s right protection are worth mentioning.

This book discusses the output of the scientific meetings organized within the official programme of the Ministry of Foreign Affairs, and presents them in chronological order. It is composed of the materials sent to us by the co-organizers; however, it neither represents the entire material presented during those sessions, nor does it reflect the atmosphere and enthusiasm that accompanied each and every one of those meetings. It does not include the kind comments and gratitude expressed behind the scenes, both concerning the active role Poland played in the process of establishing and expanding the high standards of children’s rights protection as well as concerning the conference organizers. However, apart from few exceptions, this book contains the presentations given at the conferences based on texts provided by the speakers. Although some speeches did not make it to the publication, the ones that are highlighted here show scientific objectivity and professionalism and the feeling of great importance of the raised problems for the future of the human society – which accompanied all participants of the seminars – both the speakers and the audience. In this respect, they are representative of the entirety of the discussed events. In order to outline the discussed scientific meetings, their agendas are presented. They contain the lists of speakers that gave the speeches.

It needs to be underlined that the text of the Warsaw Declaration was prepared by the Ministry of Foreign Affairs, in cooperation with the Ombudsman for the Rights of Children. The document, which proclaims putting Korczak’s ideals into practice, was signed during the International Congress on the Children’s Rights in Warsaw on 6 December 2012. The said Congress concluded the celebration of the Janusz Korczak Year. Consequently, both the thematic programme of the Congress and the text of the Warsaw Declaration are included in the publication.
On 16 September 2011, the Sejm of the Republic of Poland (The Polish Parliament), acting upon the initiative of the Ombudsman for the Rights of Children, passed a resolution announcing the year 2012 the Year of Janusz Korczak.

In response to this resolution there were hundreds of commemorative events, conferences, scientific sessions and meetings organized in Poland and abroad, series of publications, radio and television broadcasts - all intended to emphasize the prominence of Janusz Korczak’s work and how meaningful his legacy is today in Poland and around the world.

In Poland, Janusz Korczak’s concepts are very well known, especially within the communities of NGO activists, teachers, pedagogues, lawyers specializing in particular in family law and international law, specialists in human rights protection, diplomats, historians and politicians. His concepts permeate into the world of culture: film, literature and art. In particular, the spirit of those concepts is not lost on the professionals who see their significance for the future of society living in peace and friendship.

The core of these ideas is based on showing the truth about the child as an autonomous person with its own interests, needs and rights, and that it is not only an object of care, but also a person, whose rights and interests should be respected.

These notions grew and fell onto favourable cultural soil during the interwar period in Poland and had been quickly translated into practice. The period of the Second World War tested the strength of Korczak’s ideals. In this context, apart from Janusz Korczak’s testimony, one needs to mention the accomplishments of the following people: Stefania Wilczyńska, Irena Sendler, Maria Anna Tyszkiewicz (most commonly known as Hanka Ordonówna) and Stanisława Leszczyńska.

Janusz Korczak’s legacy has been consequently developed over the next years mostly through Poland’s activity on the international arena. It is worth mentioning at least some of Poland’s initiatives in this field. In 1946 – the initiative to establish UNICEF, in the 1960s – establishment of the International Medal of the Smile, 1978 – the initiative to pass the Convention on the Rights of the Child, 2009 – the initiative to provide the Committee on the Rights of the Child with the option to consider individual complaints (III Optional Protocol to the Convention on the Rights of the Child).

Particular attention should be paid to the Convention on the Rights of the Child, ratified by Poland in 1991. The work on the Convention, based on two Polish projects, was driven by Janusz Korczak’s ideals to such an extent that they became the Convention’s intellectual backbone and interpretational benchmark.

I am convinced that Poland has a special mandate to promote the ideas of Janusz Korczak. I believe so not only due to the aforementioned historic experiences. Poland is also the world leader in the construction and protection of children’s rights, as well as the strengthening of its standards. It was Poland that established in 1997 the constitutional institution of the Ombudsman for the Rights of Children, which enjoyed unique powers and responsibilities. Thanks to the Ombudsman, who was first appointed in 2000, the Government can better fulfill its responsibilities towards children, ensuring safety and fair treatment, respect for their identity and the rights they are entitled to. The society, including children themselves, can thus react quickly to all sorts of infringements on these responsibilities, even including those arising from the legislation and application of the rule of law. I am convinced that this model should be promoted and diffused as it supports the values which constitute the foundations of a modern democratic state. These values include: upbringing to live in friendship, respecting diversity and the law, cooperating in a friendly manner and helping people across generations, societies and nations.

To conclude, I would like to express my gratitude to all the personnel of the Ministry of Foreign Affairs: to Minister Radosław Sikorski, to diplomats and other officials and their co-workers for taking up such an active role in promoting the legacy of Janusz Korczak and the Polish model of protection of children’s rights. I would like to express my deepest gratitude for the close cooperation in the field of developing and strengthening the protection standards. I believe this is why Poland is more and more often called the Homeland of Children’s Rights in the world.
The thinking of Janusz Korczak influenced the drafting of the UN Convention on the Rights of the Child. Some of us who took part in the long process to formulate this treaty had read his texts and learned from them.

Still, I feel that his teaching deserves more attention – not least in order for us to understand the very idea of the rights of the child. That is why I deeply welcomed the decision by the Polish Parliament to make year 2012 a year for special commemoration of the example and ideas of this extraordinary man.

Korczak was one of those thinkers who were ahead of his time. Some of his ideas are still not fully understood but they are absolutely relevant in the work for children’s rights today.

Janusz Korczak, whose original name was Henryk Goldszmit, was a born writer. In spite of poverty he managed to write novels already in his early twenties and get them published. It was at that time that he started using his pen name, Janusz Korczak. However, after concluding that “writing is only words, medicine is deeds”, he focused on his medical studies. Already at this stage he became more and more committed to the fate of destitute children.

Soon after he qualified as a doctor he was enlisted in the Russian army during the Russo-Japanese war. As always, he was writing: “War is an abomination. Especially because no one reports how many children are hungry, illtreated, and left without protection. Before a nation goes to war it should stop to think of the innocent children who will be injured, killed, or orphaned. No cause, no war is worth depriving children of their natural right to happiness. One must think first of the child before making revolutions”.

From 1904, he worked regularly as supervisor at summer camps for poor children. He focused increasingly on child psychology and pedagogy. While spending more time on teaching and giving lectures, he continued his medical practice. He was known for taking higher fees from wealthy patients and treating the poor free of charge.

At the age of 34 he was asked to become director of a Jewish orphanage – a position he would keep until his last day. As a doctor he cared for their physical well-being, weighed and measured them and gave them medicine. He noticed that the deeper wounds related to broken families, poverty and other social ills – he redefined the very concept of health care. There, he would develop his talents as medical doctor, teacher but also as author and therapist to support children and promote their rights.

He saw the importance of child-friendly learning methods, arguing that ethics was more important than pure facts. He introduced a democratic spirit in the orphanage in which the children themselves had a say in the decisions – but also had to take responsibility to ensure that decisions were enforced. This “children’s republic” had a parliament and a newspaper.

The best-known of his experiments is his experiment with a system of justice. A constitution was written in the orphanage and a court was established among the children to deal with alleged injustices. Also Korczak himself was charged a couple of times for mistakes. The punishments after these trials consisted in regularly to ask for forgiveness and be excused.

With an extraordinary capacity to listen and relate, Korczak had entered into a life-long study of children’s reactions, emotions and behaviour. He filled his notebooks with observations, reflected upon them and formulated aphorisms addressed to parents and other adults, many of them in poetic form. He became an interpreter between the world of children and the world of grown-ups.
Amid a wave of anti-Semitism sweeping through Poland he was dismissed from the radio after several years of a radio program in which he was answering questions from listeners as the popular “Old Doctor”. His colleagues at the broadcast station wrote a letter of protest in which they described how he was able to “talk with children as if they were adults and with adults as if they were children”. His books for children, and not least King Matt the First, are indeed demanding and do not hide conflicts and sorrow – thus being similar to the later writings of Astrid Lindgren. Korczak’s messages to adults are written with a great portion of child-like clarity.
He became the first and most radical campaigner for children’s rights. When reading the Declaration of the Rights of the Child adopted by the League of Nations 1924 he was disappointed. It was not clear enough, it was begging rather than insisting. He wanted rights - not charity – and wanted them now, not in the far future:

“We do not like it when children criticize us. They are not permitted to notice our mistakes, our absurdities. We appear before them in the garb of perfection. We play with children using marked cards. We win against the low cards of childhood with the aces of adulthood. Cheaters that we are, we shuffle the cards in such a way that we deal ourselves everything.”

Korczak worked in the worst of circumstances and experienced how immensely important it was that at least some adults treated the child with respect and love. Abuse caused deep scars:

“There are many terrible things in this world, but the worst is when a child is afraid of his father, mother or teacher.”

For Korczak two rights were particularly important: the right to receive love and the right to respect. He developed these in two longer texts for parents and teachers. How to Love a Child was prepared on the battlefields of World War I and The Child’s Right to Respect written in the nineteen-twenties.

Korczak pleaded for equality between children and adults:

“We do not like it when children criticize us. They are not permitted to notice our mistakes, our absurdities. We appear before them in the garb of perfection. We play with children using marked cards. We win against the low cards of childhood with the aces of adulthood. Cheaters that we are, we shuffle the cards in such a way that we deal ourselves everything.”

Korczak dared to use the word “love” and did so repeatedly. But he was not sentimental – not even towards children. His education was not a laissez-faire approach, he pleaded for rights with responsibilities. In the orphanage each child had a task. He argued against too much protection, children should also have the right to learn from experience, they must be able to test and even to take the risk of harming themselves.

Many of the points Korczak made are about respecting the integrity of the child. He argued that the child must have the right to have secrets – reading a diary without permission is wrong. Another right he proposed – probably surprising to some - was the child’s right to respect for own possessions and budget. Even if he or she owns almost nothing, it is important that the ownership of these few belongings is respected.

One hundred years have passed since Korczak started his lifelong work for disadvantaged children in one of the institutions which he, his colleagues and the children therein transformed into a home of love and mutual respect.

That he managed to continue to write almost to last day in spite of all the horrific difficulties gave the coming generations the most valuable gift – and an enormous responsibility. ■
RESOLUTION
of the Sejm of the Republic of Poland
of 16 September 2011
on establishing the year 2012
as the Year of Janusz Korczak

Janusz Korczak was an outstanding Polish pedagogue, publicist, writer, doctor and social activist of Jewish origin. He was an officer of the Polish Army, he founded and took care of the Orphanage in Warsaw. Henryk Goldszmit – that was his true name – was born on 22 July 1878 in Warsaw, he probably died on 6 August 1942 in Treblinka. Janusz Korczak was a world-famous pioneer in children’s rights. He treated children not only as an object of care of adults. He promoted and put in practice the idea of respecting the rights and interests of children, their self-determination and emancipation. He stood by these virtues throughout his life. He died in a gas chamber of a German Nazi death camp in Treblinka, together with his 192 foster children.

The seventieth anniversary of his death falls on the year 2012. The Sejm of the Republic of Poland announces the year 2012 as the Year of Janusz Korczak in homage to this great man.

The Speaker of the Sejm
Grzegorz Schetyna
Janusz Korczak and Children’s Rights in Contemporary Perspective

JANUSZ KORCZAK SEMINAR / 6TH MAY 2012 / NEW YORK
PROGRAMME OF THE SEMINAR

Welcoming remarks by Ms Ewa Junczyk-Ziomecka, Consul General of the Republic of Poland in New York
Opening remarks by Mr Witold Sobkowski, Ambassador, Head of the Permanent Mission of the Republic of Poland to the United Nations

Panel Discussion – Part I

Moderator: Ms. Natalia Aleksiun, Ph.D., Institute of History of the Polish Academy of Sciences Postdoctoral Fellowship, The International Institute for Holocaust Research Yad Vashem
Panelists: Mr Thomas Hammarberg, Honorary Patron of the Janusz Korczak Year, former Council of Europe Commissioner for Human Rights
Mr Witold Sobkowski, Ambassador, Permanent Mission of the Republic of Poland to the UN Contribution of Poland to the Convention on the Rights of the Child
Ms Susan Bisell, Ph.D., Chief of Child Protection, Program Division, UNICEF
Ms Mariola Strahlberg, founder of the Shining Mountain Center for Peaceful Childhood, Inc. and the Chair of the Janusz Korczak Association of the USA
Theory and Methods of J. Korczak in the Pedagogical Practices Today. Specifically in Reference to Article 29 of the UN Convention on the Rights of the Child with a Potential for Development of Quiet Spaces to Promote Children’s Well-being
Ms Olga Medvedeva-Nathoo, Ph.D., The Janusz Korczak Association of Canada The Home for Orphans as the Children’s Republic
Ms Natalia Aleksiun, Ph.D., Institute of History of the Polish Academy of Sciences Janusz Korczak’s Work in the Jewish and Polish Contexts

Panel Discussion – Part II
Basic Education and Gender Equality

Panelists: Ms Changu Mannathoko, Ph.D., Senior Education Advisor UNICEF There is no Tool for Development More Effective than the Education of Girls, Former UN Secretary-General Kofi Annan, 2003
Mr Frederick Rendina and Mr Oren Rudavsky, film makers, authors of the document What Does it Take to Educate a Girl? Right to Education and Gender Equality for all Children

Panel Discussion – Part III
Child protection from violence, exploitation and abuse

Panelists: Mr Pawel Jaros, former Ombusman for Children Rights, Poland From Children’s Rights by Korczak to the Prohibition of the Use of Corporal Punishment towards Children
Ms Jo Becker, Children’s Rights Advocacy Director, Human Rights Watch Recent Progress and New Challenges in Protecting Children from Violence and Exploitation
Ms Yvonne Rafferty, Ph.D., Professor of Psychology, NY/NGO Representative to the UN Child Trafficking and Commercial Sexual Exploitation: A Review of Promising Prevention Policies and Programs
Ms Raquel Evita Saraswati, Muslim American activist and writer Women and Children in Arab Spring

Closing remarks by the Consul General, Ms. Ewa Junczyk-Ziomecka
Henryk Goldszmit grew into the famous Janusz Korczak on the rich soils of Polish culture and, at the same time, he made the Polish culture grow richer himself. He was an inherent part of the assimilated Jewish Warsaw – a city that filled his heart and that was filled up with his presence.

As far as his understanding of a child goes, he - unlike many other authors and pedagogues - did not just describe children's life. Instead he lived, if I may say, his and their life as if he were simply one of them.

In Canada, where I moved from Russia bringing my Korczak with me, he was hardly known, maybe just to a couple of people. But it happened in Canada that I met not a bookish or legendary Old Doctor but Korczak alive.

That is how it happened.

One day a sad duty brought me to a Jewish graveyard. There was an obelisk there and symbolic tombstones with the names of the people who perished in the Holocaust and whose families resided in Vancouver. Among them I suddenly noticed the name of Henryk Goldszmit. Korczak did not have any descendants - who then inscribed his name in that sorrowful list?

A little investigation led me to the house of the granddaughter of doctor Isaac Eliasberg who had been a long-standing chairman of the Warsaw “Help the Orphans” Association and, together with Korczak, a founder of the “Home for Orphans”.

Soon after that I met several Korczak’s pupils. They had brought Korczak to Canada much earlier than I did.

The interviews with them prompted me to focus not only on what Korczak had written about his Home, but what children had said about their Home.

Trying to piece together their life and working on my book May their lot be lighter... Of Janusz Korczak and his pupil, I made use of materials from various sources: Korczak's writings, articles written by his colleagues, reports of the “Help the Orphans” Association, other archival records and – above all – recollections of his pupils.
Still it was not enough. Filling in the gaps, I – in my imagination of course – made the Orphanage my home and spent several months under the warm wings of Doctor Goldszmit and his assistant Stefania Wilczyńska. As a canvas for this reconstruction I chose a collection of commemorative postcards hand-written by Korczak, which children would receive at the Home as a sign of their achievements.

These artefacts are iconic in Koczak’s pedagogy since they reveal its specific character: the techniques appeared simple but results were extremely effective.
The postcards were made available to me by Mr. Leon Gluzman, a gentleman, 95 years of age, a pupil of the Home from 1923 to 1930, and later a successful Canadian businessman and generous philanthropist.

There were hundreds if not thousands of the postcards that were given out at the Home. How many of them managed to survive the Holocaust?

Just a few. They were preserved or rather saved thank to the fact that Mr. Leon, while emigrating from Poland to Canada on his own as a 14 year old boy, took them with him as a dearest treasure of his childhood.

The postcards were awarded in recognition of a work in the Home’s Council, to record that a child got up without wasting time, for rotas, etc.

Life at the Home was organized in a democratic fashion. The Parliament was in progress, and the children sat there together with the adults.

An important part of self-government was the Court of Peers. Citizens of equal rights, pupils as well as educators, were brought before the Court. The clauses of the Court Codex were only a warning; the principle was not to punish but o forgive.

Plebiscites also took place. Children presented their opinion on a particular pupil, then the Parliament counted the number of voices. That allowed a child to see themselves reflected in the eyes of the others. On the last farewell card the plebiscite result was added.

It is worth noting that although Korczak’s role at the Home was extremely significant, the daily system of life at Home was perfectly working even in his absence - for example when during WW1 he served in the army. Isn’t that the best proof of democracy when the law and not the person prevails?
The Home lived on donations. But without ‘self-help’ it would not have survived. Everyone contributed to the running of the Home without exception. However, – apart from those rotas that were a responsibility for everyone - the children would choose their field of work.

After the first year of the Home, in 1913, Korczak described the challenge undertaken as follows: ‘The transformation of a hundred children into a hundred workers, is a task that is unbelievably difficult.’

By 1920 Korczak summed up: “This year has finished as a triumph for us. Four members of staff – for a hundred children. The master, worker and director of the Home has become – the child”.

For the most responsible rota children received a small remuneration because money management was a part of education. ‘It is known from the Home’s history that Korczak would collect milk teeth from the children. In reality, he would buy them from the children. He wished the children had some money. He didn’t wish to give it ‘for free’ – so he would buy their property – a milk tooth.’

To have a private property at the Home was a right.

One more democratic principle reigned there – that was the voluntariness.

Here is an example. Every three months, children would announce their readiness to participate in the ‘early rising programme’. Those that got up early without a reminder, would receive a postcard, as Korczak put it, “as a sign of their small victories over themselves”.

Engagement in sports was also voluntary. However, the effort of children in the ‘hard work of growing’ - as Korczak called it - was appreciated and awarded with the Postcard of Health.

The same was with the Mentoring programme when older children looked after the juniors.

The Home was a secular institution but religious practice was allowed. Children would come forward for common prayers of their own accord.

In this light, Korczak’s essay Why do they pray is worth mentioning. It presents not only the methods but also the effects of Korczak’s work with children. It shows how spirituality brightened everyday life of the little residents of the Home.
Here are some fragments from this essay:

‘When all the boys gathered for daily prayers, I asked why they come to prayers.
The first said: ‘Why wouldn’t I pray? I am Jewish after all.’
The other said: ‘Poles pray and go to their church, so a Jew should be no worse’.
And another said: ‘If a Jew doesn’t pray, his sin brings punishment onto all Jews. And I do not wish that they suffer because of me.’
The last one said ‘When you don’t have a father, it is good to know that God is everyone’s father, mine as well.’

Korczak planned to ask the others why they did not pray, but suddenly everything changed – he wrote. It sounds like he was stopped by somebody in the middle of the sentence. No wonder – the essay was written in the Warsaw Ghetto!

At the Home the Jewish holidays were observed. That tied the children to the Jewish tradition.

But let’s take a look at another kind of the postcards – those of Distinction, with a view of Warsaw “because the Home is a part of Warsaw and a card provides a memento for those who in the future might leave their family town”.

Jewish faith and tradition combined with love to the Mother-land and its capital – wasn’t it the base of formation of the double Jewish-Polish identity even if it was not being expressed that way? But note: ...for those who might leave their town? To leave - why?

Even children would experience anti-Semitism. There is a telling testimony to that: an open letter written by the pupils of the Home addressed to the children of Polish workers. The children asked not to be teased, pushed, knocked over and beaten. “Leave us alone – for it means tears for us, and for you shame.”

No doubt, the child’s right to be him or herself, as explicated by Korczak, included his or her ethnic identity and dignity.

However, in order to have the right to be who you are, first one has to be him or herself.
Korczak’s primary goal was to help children to become someone, to be aware why they think the way they do and why they do what they do.

In fact, Korczak’s two fundamental children’s rights: the right to be him or herself and the right to respect, were their duties: to choose his or her own way in life and to respect the others.
The biographies of Korczak’s children are quite impressive.

What was the reason behind such a great life success of most of them?

Most likely, it was Korczak’s focus on developing by children the principles of life rather than acquiring by them the practical skills. Korczak’s pedagogy is rather about principles than methods. Provocatively, I would say that Korczak’s unique pedagogy is, in fact, less pedagogical and more metaphysical.

Coming back to the postcards.
Former pupils would keep in touch with the Orphanage.
One of the postcards, the last one in the Leon Gluzman’s collection, has an absolute historical value. It was sent to Leon Gluzman from the Warsaw ghetto. Not at all like those Korczak had once given him...

Dearest Leon!
We ask, as far as it’s possible for you, to send some food parcels to the Home of Orphans, Warsaw, 33 Chlodna, for those children ailing (weaker, recovering after illness). Please inform the others, who still remember their childhood years.

Sincere regards,
Goldszmit (Korczak) and Stefa.

The postcard written on September 10, 1941 was addressed: to Ottawa On. via U.S.A./America über Lissabon. Understandable - Canada was at war with Germany. The card reached Ottawa in late November. Those in the Ghetto could receive the parcels only until December. The postcard came to Canada too late.
In August 1942 Korczak and his children were exterminated – the only reason for that was Jewish blood in their veins.

I am often being asked: was Korczak’s pedagogy Jewish?
I usually answer: it is possible - as tradition is a part of our unconscious-self. But on the other hand, a part of our unconscious-self is also our language. In Korczak’s case it was the Polish language, in which he spoke to his children and wrote his works. ■
Good afternoon. I would like to thank the organizers for the opportunity to speak at the Polish Consulate for this special seminar on Janusz Korczak and Children’s Rights.

I have spent nearly 15 years working for Human Rights Watch, which monitors human rights in nearly 90 countries worldwide. As part of our work, we focus specifically on human rights abuse against children, and over the past 20 years, have conducted over 140 investigations in countries around the world, documenting the ways in which children are exploited and abused because of their vulnerability as children. We publish reports based on our investigations, and conduct both national and international advocacy to try to end violations against children. During this time, we have seen persistent abuse, progress, as well as new emerging challenges. I want to focus on 3 particular areas - child labor, children in armed conflict, and violence in the context of the Arab Spring.

I. CHILD LABOR

On Saturday, I returned from conducting a 2-week research mission in Morocco. Worldwide, the most common form of child labor for girls is employment as housemaids, or domestic workers. In Morocco, as in many other countries, many young girls from poor rural villages are lured into the cities with promises that they will be able to live in a nice house with a caring family, and have better opportunities, the chance to go to school, and have a better life. The reality is often unrelenting work, 7 days a week, no education, physical and verbal abuse, and virtual isolation.

For example, last week I interviewed a girl named Habiba in a small village outside of Marrakech. She’s only 12 and worked as a housemaid in Casablanca for a family with 4 children. She began work at 6 in the morning and worked all day cooking, doing laundry, cleaning floors, washing dishes, watching the children. Her employer often beat her if she wasn’t happy with her work and would often insult her. Habiba said she was often hungry, since she got breakfast at 7 and was only allowed to eat again at midnight after all of her work was done. She never got a day off or any opportunity to go to school. Habiba didn’t even know her wages, because her father got the money, but the average for such girls is about US$35/month. Many of these girls are completely isolated - hidden at home, cut off from their families, not allowed to leave the house. I asked many of them if they ever thought about running away. Most said “no” because they were in a strange city and literally did not know where to go.

The International Labor Organization (ILO) estimates that there are as many as 15 million child domestic workers worldwide. But thankfully, the practice is on the decrease in Morocco as more children have access to education and as awareness raising makes the practice increasingly unacceptable. With the support of a local NGO, Habiba is now back home with her family.

In terms of child labor more broadly, we can also see progress. From 2000 to 2008, the ILO reports that the number of children under 15 involved in child labor fell by 30 million and the number engaged in hazardous work fell by half, from 111 million to 53 million. Innovative programs are being used to reduce child labor, for example, by providing poor families with stipends if they keep their children in school. This both provides an incentive for families to ensure their children receive an education, and helps replace lost income if a child is not working. Since its adoption in 1999, the ILO Worst Forms of Child Labor convention has been ratified by more than 170 states. A new convention was adopted in 2011 just on domestic workers. Uruguay has just become the first country to ratify it.

II. CHILDREN AND ARMED CONFLICT

Over the past 18 years, Human Rights Watch has documented violations against children in armed conflict in about 20 countries worldwide, including the recruitment and use of child soldiers, attacks on schools, killing and maiming of children, and the use of girls as sex slaves by armed groups. While over the past decade, the number of armed conflicts has decreased, we have...
seen some worrying trends, for example, an alarming increase last year in suicide bombings by children in Afghanistan, or an increase in forced recruitment by the Islamist group Al-Shabaab in Somalia.

Last year a team of our researchers was in Somalia to document the impact of armed conflict on children. They found that Al-Shabaab recruited children as young as 10 to fight against the Transitional Federal Government (TFG) using a variety of strategies - offering cash incentives or cell phones to poor children, using religious propaganda promising that if they became martyrs they would go to paradise. When children or their families refused, they paid a terrible price - having their hands cut off, being shot, or even being beheaded. Many of the people we interviewed had fled Somalia primarily to protect their children from recruitment. They said “Somalia is no longer safe for children.”

There are still at least 14 countries worldwide where children are involved in armed conflicts as soldiers. They include Colombia where children are part of the FARC guerrilla and Myanmar where the boys are recruited off the streets into the government army. Lately, the abduction of children by the LRA has gotten worldwide attention through the Kony 2012 video.

But here too, we have seen some real progress. In early 2000, it was still legal under international law to recruit and deploy 15-year-olds into armed conflict. Today, approximately 150 countries have ratified the optional protocol to the Convention on the Rights of the Child, setting 18 as the minimum age for compulsory or forced recruitment and participation in armed conflict. The number of countries where children are fighting has dropped by half over the last 15 years.

A few years ago, it was almost unheard of for an individual commander to face penalties for using child soldiers. Today, through the Rome Statute for the International Criminal Court, recruiting or using children under 15 is considered a war crime, and individual commanders are being convicted and sent to prison. The Special Court for Sierra Leone has convicted 9 people for brutal crimes during Sierra Leone’s war, including former Liberian president Charles Taylor. All were found guilty of using child soldiers. In March of 2012, the ICC convicted Thomas Lubanga of Congo in its first trial, also for recruiting and using child soldiers. The UN Security Council also has become very active in addressing violations against children in armed conflict, through an extensive monitoring and reporting mechanism and a special working group on children and armed conflict. Its country teams and the Special Representative to the Secretary General on children and armed conflict have negotiated 17 action plans with governments and armed groups that have agreed to stop recruiting children and to release children from their forces.

III. VIOLENCE IN THE CONTEXT OF THE ARAB SPRING

Since the Arab Spring began in 2010, Human Rights Watch has had teams of staff monitoring events and reporting almost daily on events, from Tunisia to Egypt, to Syria, to Yemen. While we have seen incredible uprisings against repressive regimes, we have also seen some terrible consequences for children. In January, we focused specifically on the way that children in Syria were being deliberately targeted by Syrian security forces. Children have been killed by sniper fire in residential areas, and some have been maimed while taking shelter in their own homes. Hundreds have been killed by indiscriminate shelling. Security officers have been ordered to take all necessary measures to stop protesters, irregardless of whether they are adults or children. Children have been arrested, detained, and tortured. We interviewed children who were beaten, electrocuted, burned with cigarettes, and left to dangle from metal handcuffs for hours at a time. The Syria Violations Documentations Center reports that between February 2011 and May 2012, 1123 children have been killed in Syria.

The violence against children is being widely condemned - by UNICEF, the special representative to the secretary-general on children and armed conflict, by members of the UN Security Council, and by NGOs like Human Rights Watch. But so far, we have little progress to report. Just last week, we issued a new report documenting war crimes by Syrian forces even while the Syrian government was negotiating a ceasefire with Kofi Annan. Security forces attacked village after village, and in cases that we documented, deliberately executed civilians, including children under 18. It’s not clear what the answer to this horrendous situation is, but we are calling for the Security Council to refer Syria to the International Criminal Court and for a UN Commission of Inquiry to ensure that those responsible are held accountable for these crimes.

As a global human rights organization, we have seen real progress since the Convention on the Rights of the Child was adopted in 1989. Children’s rights are solidly on the international agenda. Governments, civil society and UN actors have taken significant steps to protect and promote children’s rights. These are bearing fruit, as we have seen in reductions in child labor, decreases in the number of child soldiers, new international standards and new mechanisms to hold perpetrators accountable and address violations against children. But at the same time, abuse against children too often continues unchecked, mechanisms that exist are not sufficient to reach the most vulnerable children, and political will is often inadequate to put children’s rights high enough on the priority list. There’s no room to be complacent; no excuse not to push for the strongest possible efforts until all children enjoy all of their rights.
I would like to start with a short personal introduction. I am originally from Poland. I left Poland when I was 17. When I came to the US, my English was not good enough to do anything other than sciences and therefore, I decided to study electrical engineering and computer science. After finishing university, I worked as a computer researcher for 25 years. When I turned forty, I started to have a recurring dream about Janusz Korczak. I knew little about him. In Poland, I read Korczak’s book “King Matt the First”, since all kids in Poland read it at one time or another. Why Korczak, why this particular recurring dream? For some reason I started to think about changing profession. Six years later, I entered the school of oriental medicine. When I graduated, I began my acupuncture practice and, lo and behold, who started coming? Children with learning, behavioral and emotional challenges! I realized then that my new profession will need to include helping children reach their highest potential.

When I started my work with children in 2000, I dedicated the Children’s Center to Korczak. Today I will try to share with you why I feel that Korczak’s ideas are helpful for today’s children. Please forgive me if this talk will be a bit practical but that is what my work is all about.

Who heard about Korczak in the US? Who heard about the famous orphanage run as a democratic republic? Who heard of Stefania Wilczynska who stood by him every day for 30 years until the very end and without whose administrative and organizational skills the children’s home would not have been possible? I ask everybody I meet who is interested in my work and sometimes, if they are from Israel or Europe, especially Poland, Russia and Germany, they will know who Korczak was.

I find it interesting that the 100th anniversary of Korczak’s “Orphans Home” happens to be in 2012 – a year that some predict as the end of life on Earth as we know it. We all know that our world faces many serious issues, from wars, natural disasters, conflicts and crime. Here in the US we face a major crisis with children – they are not doing well physically, academically and emotionally. Health and welfare of children have not been a national priority and yet, without making it a priority – what kind of future will the world see?

I will pause for a few seconds here. I ask you to take a deep breath and answer these few simple questions (I bet if Korczak was here, he would ask these same question of you): are today’s children smiling, are they happy, are we - their parents, teachers and policy-makers happy?

In my opinion, children today are different from those of us who were children in the 1950s and the 1960s. Today, I will talk about two different kinds of children, although there are many other kinds. My daughter was born in 1978. Since she did not come with a manual and I was truly clueless what to do (remember my background was not child development but electrical engineering and computer science), I bought books about child development, one from birth till 6 months and another from 6 months to 18 months. Well, my child, as well as many of her little friends, did not fit the so-called norms in those books. She was a little sunshine, charismatic to the point that we were not able to walk too far without people peeking into the stroller or talking to her when she was hanging on my back. She was the people’s person, especially the ones that were not doing well: homeless, sick, and...
sad. Throughout the years, I met many children and young adults who do not fit the norm and yet, they are the ones that force us to look deeper at ourselves and my daughter certainly did that for me. They also force us to reevaluate the established norms in general. Late 1970’s, 1980’s and 1990’s brought many such children. Today, my daughter has a Master’s Degree in Social Work and is doing what she always loved to do, mother her two beautiful children and help those that need help.

And then came September 11th. Imagine a mother who is pregnant, or with an infant or toddler, or like my next-door neighbor giving birth that day. No matter where you were on the east coast of the US, everything around you was different. Is it possible that the children, those already on earth and those not yet born, picked out what was going on? In 2012, these children are in the 4th and 5th grades. Have you visited any of the 4th or 5th grade classes lately? What I find striking is the amount of teasing or bullying going on in those grades – ask the children about it, they will tell you. Ask them about their anxieties: performance, social, sleep. Ask them if they feel safe, peaceful, and happy? Many of them will tell you that they feel hurried, unsafe and unhappy. And what about the teachers? Many are at their wits ends trying to manage children in their classrooms – many children describe what teachers do when they misbehave: shout, send then out of the classroom, put their names on the board for everybody to see or deprive them of their precious recess time. Korczak wrote in 1924, that in 50 years, there would not be a single school without children’s court. Why? He felt that the court is needed in order to be the guardian of law and order, to help teachers teach behavior without shouting or hitting. Is it possible that he envisioned different children coming to us starting in 1970s?

One of the people in the US who is familiar with Korczak is Dr. Clifton Cleaveland, a medical doctor who wrote a book about people who influenced him most, who were his mentors. Korczak is the most important mentor in his life. In his book “Healers and Heroes”, Dr. Cleaveland writes: “Korczak conceptualized an alternative universe, an ideal world in which all the children would have respect, love and protection before the law. Children in turn would point adults to the same possibilities for their lives”. Later on in the book he writes: “His teachings are timeless. His courageous example of compassion for the poorest and weakest of society begs for emulation in our conflicted world”.

I love to read everything I can get my hands on about Korczak, his own books, his biographies, volumes of his notes. His struggles and his difficult life inspire me to go on when the going gets difficult. When I opened the Shining Mountain Children’s Center in 2000, I knew very little about Korczak. I knew what worked for my daughter and her friends and I used what I knew to develop a program for parents and children, where children are in the driving seat and parents observe.

What can we learn from Korczak today? Since he was a doctor by profession, he wanted to diagnose. The difference between him and today’s doctors or educators is the amount of time Korczak spent before he treated. Observe, listen, dialogue, treat, in my opinion are the steps he used in his practice. Mutual respect and understanding for each other were sacred for Korczak. He once said that “what the fever, cough, or vomit is for a doctor, flashed face, tears or smile is for an educator”. He also stressed that we need to hurry less and be more patient. Why should a teacher be upset with a student when she asks the same question again or doesn’t understand the same concept? Isn’t it the same if the doctor would get mad at a patient who is still coughing after a whole bottle of cough syrup!

I assume that the child who comes to the Shining Mountain Center knows what is wrong in his or her life and knows what to do about it. The child is bringing his parents for the education they need. Many parents today lost their inner knowing, they lack parenting skills that allow them to create peaceful, constructive home environment. And although Korczak’s work dealt with hundreds of children, I feel that today we need to consider using his ideas not only in schools, residential programs but also in individual homes with only one or two children. Today’s children need to start feeling that they are important members of the environment they find themselves in, need to feel responsible for that environment, need to contribute to daily chores, and their voices need to be heard. Children need to learn how to make their own decisions and through that have a sense that what they do matters.

During the sessions at the Shining Mountain, parents learn to listen, to be still, to breathe and to trust that their child is fine, is on the right path and is going to fulfill his own destiny if he is allowed to do so. Korczak was a mediator, always looking for ways to connect people and not to push them apart. At the Shining Mountain we bring members of the family together allowing them to appreciate one another now, the way they are today, not how they were yesterday or what they would like each other to be tomorrow.

For the children who are being teased or bullied, we work to find strengths that they can depend on within themselves, ways to “leave the scene” without being hurt physically or emotionally. We role-play different situations trying to find what the other
person (the bully) may be feeling or thinking. We look at the makeup of the group the child is in, to appreciate the differences and similarities, to learn how to be tolerant towards those who are different from us, and how to stay true to oneself.

Each session at the center consist of three parts. Dialogue, movement and therapies. All therapies are non-invasive and integrated. I enter the mystery of a human being through the senses, which, according to my experience, appeals to children. I use the sense of sight (application of color on acupuncture points, color glasses or color baths), sense of hearing (application of tuning forks on acupuncture points and rhythm), sense of smell (smelling essential oils or applying them on the skin), sense of touch (tapping acupuncture points with a wooden hammer, integrating primitive reflexes, and Raindrop Technique with essential oils), and sense of taste (healthy eating). Those are the five basic senses, and then I add others: movement and balance (Brain Gym®), words and thoughts (conscious language) and warmth. We look together at what works, and what doesn’t work, we look at strengths and weakness, dreams and disappointments. Parents get homework every week – they read Korczak’s “How to Love a Child – Wisdom for Parents” and do reflection exercises. As my knowledge of Korczak grows, I realize more and more that I am often emulating his ideas and follow his methodology very closely.

After a few years, I was asked by parents to open a non-profit center to offer scholarships to those who could not afford the services and to bring elements of our 18-weeks program to public and private schools. This is how Five Star Program© was born, opening a possibility for bringing Korczak’s ideas to more children.

We don’t have a lot of time to go into the details of the program but here is a brief summary. Five Star Program© takes 4-5 minutes to do. It is good for children as well as adults. It is best done before an activity such as listening to a lecture, taking a test, playing an instrument, doing sports, making an important phone call. You start with an intention – you find out from the children what is difficult for them and how they would like it to be, for example: math is boring or I am not good at math. They set an intention: I understand what Mrs. Smith is teaching today and I enjoy math today. An intention is positive, in the present tense: I. Then a child does four simple Brain Gym® movements for 4 minutes. It is remarkable that Korczak, working with a 9-year old boy Stephan for only a few days, observed that Stephan read much better after running outside for a few minutes. After 4 minutes of movements, a child gets to task at hand, pays attention for... are you ready... 20 minutes or less, depend-

ing on the age. Korczak once said: “to ask a child to sit for four hours in a chair is the same torture when we ask her to walk in uncomfortable, too small shoes”. All the current research points out that human attention span is getting shorter and shorter. I would like to give children the possibility to observe themselves: am I paying attention to my teacher or am I day dreaming, am I moving in the chair too much, am I falling asleep? It would be great for a teacher to get the whole class up after 20 minutes of work, allow them to drink some water (great for the brain) and do some simple movements to energize the body and to help the brain focus better. Since many teachers are not open to taking 1-2 minute breaks, I request that we create a Take a Break (TAB) area in the classroom. TAB area has sensory integration items, colors, things from nature, affirmations, etc. A child spends 1-2 minutes in the area, gets energized or calms down and returns to his desk ready to pay attention again.

For home, the TAB area is modified to create a Sacred Space – not to be touched by others, where precious items, items from nature, items only of value to a child are placed on a color felt and used when the child needs to retire, reflect, recharge and find peace.

After I created the concept of TAB and Sacred Space, I read 2009-2010 Project Proposal for the International Korczak Association by Kelvin Ravenscroft from England, in which he looks at Article 29th of the 1989 United Nations Convention on the Rights of the Child and proposes two projects, one entitled “Space for Reflection” which is based on Korczak’s intention to create oasis of calm, order and structure in the world of chaos and unpredictability. Another is the Sanctuary Project based on Article’s 29th “the development of respect for natural environment”. TAB and Sacred Space for home, from my point of view, covers both projects.

Where are we going from here? The mission of Shining Mountain is clear – or at least some major goals are clear for now:
1. to allow children to take more responsibility for their education and their lives
2. to create space for children to relax and reflect
3. to bring Korczak’s ideas to the US so that more people, both children and adults, can benefit from his ideas.

We plan to achieve these goals by finding places to conduct research on the Five Star Program© to prove the concept. Once the concept is accepted in a particular school, we would then start introducing other Korczak’s ideas into the classroom one by one, starting with the easiest to implement:
1. bulletin board where children and adults can pin requests, information and warnings
2. daily chores for children and adults, advertised for everybody to see with a “pay structure”
3. space for things for everyone to share
4. child mentors for new children and those who are having difficulties
5. weekly newspaper
6. court system
7. weekly wager system
8. trainings for educators
9. trainings for parents

We would also like to start a camp for children, a la Korczak camps in Poland and Russia where children from different backgrounds, abilities and ages can spend time together, learn from one another, appreciate one another and create a peaceful community together.

The model Korczak created can easily be duplicated in the residential settings or school, if, and here is the big IF, the school administrators will be open to giving children more say in the day to day activities. If you know of schools where these ideas can be implemented, please let us know. We are also looking for help in creating a learning center dedicated to Korczak’s ideas where parents, educators and children can learn new ways of being with each other.

I would like to end with a quote from Korczak’s Dziecko Salonow (The Drawing Room Child, 1904) – Korczak writes: I feel that within me I concentrate unknown forces which emanate light, and that light will shine for me until my last breath of life. I feel that I am close to extracting from the abyss of my spirit a purpose which will shine for me until my breath of my life. I feel that I am close to extracting from the abyss of my spirit a purpose which will become a source of happiness. For an hour, I was a “saint”. My wish is the Korczak’s light continues to shine for our children and for many decades to come.
Summer camp in Wilhelmówka, 1908
The Polish Jewish Pioneer on Children’s Human Rights, Janusz Korczak (1878 – 1942) and the Right of the Child to Ensure their Best Interest according to the Convention on the Rights of the Child
PROGRAMME OF THE SEMINAR

June 1, 2012
Day devoted to the young people dealing with the 3rd article of the Convention on the Rights of the Child

Opening
Ambassador Remigiusz Henczel, Permanent Representative of Poland to the Office of the United Nations and other internationals organisations
Batia Gilad, Chairperson of International Korczak

Panel I
Workshop: Introduction and Getting to Know Each Other. Understanding Children’s Rights
Prof. Lothar Krappman
Importance of the Convention on the Rights of the Child

Panel II
Workshop: Vision on Article 3 of the Convention on the Rights of the Child
• Kirstin Sandberg
  Introduction to the 3rd Article of the Convention on the Rights of Child
Working groups:
Home, school, health, leisure, street culture, community and beliefs, lead by Korczak Association members:

Panel III
Performance: To Perform with Children and not in front of Children
• Ten Matchboxes – Amichai Pardo, actor – Israel

June 2, 2012
Day devoted to the young people dealing with the 3rd article of the Convention on the Rights of the Child

Opening
Marek Michalak, Ombudsman for Children of the Republic of Poland, Chair of the European network of Ombudspersons for Children ENOC
The Child – Subject or Object. From Janusz Korczak to Ombudsman for Children’s Rights – Implementation of Korczak’s Ideas in Contemporary World
• Short film about Korczak

• Prof. Waltraut Kerber-Ganse
  The Interrelationship between the Rights of the Convention Regarding Article 3 and Article 12 and Korczak’s Being a Constitutional educator. Some Remarks to the Program
• Chairperson: Batia Gilad, International Korczak Association
  Korczak’s Convention on the Rights of the Child
• Keynote speaker: Thomas Hammarberg, Honorary Patron of the Janusz Korczak Year
  Council of Europe Commissioner for Human Rights
  The Relevance of Janusz Korczak Today

Panel I
General Comment on Article 3
Moderator: Joop Berding, Hatem Kotrane, former member of Convention on the Rights of the Child
• Lothar Krappmann, member of Convention on the Rights of the Child
• Sophie Graillat, General Secretary of DCI-France, on behalf of Association Francaise Janusz Korczak
  The Best Interests of the Child in Questions
  Production of the Children’s Vision on Article 3

Panel II
The Important Role of Participation: Best Interests and the Role of School in Children Life Today
Moderator: Avi Tsur
• Jonathan Levy, Association Francaise Janusz Korczak
• Maria Herczog, member of Convention on the Rights of the Child
• Joop Berding, Dutch Janusz Korczak Association
  A pedagogical reflection on the Annual Report and the first Children’s Rights
  Monitoring Report in the Netherlands

Panel III
Best Interests and the Role of Social Welfare Today
Moderator: Jonathan Levy
• Avi Tsur, Educational Korczak Institute of Israel
• Maria Herczog, member of Convention on the Rights of the Child
• Cornelia Muller, Deutsche Korczak Gesellschaft “Healthy school and qualification”
• Sanphasit Koompraphant, member of Convention on the Rights of the Child
1. MULTIDIMENSIONAL KORCZAK
We live today in difficult but good times, in times when many ideological problems have come to an end (though many others have arisen). Monopolies on knowledge, power and exclusiveness ceased to exist. Luckily, we live in an open and democratic world, which accepts diversity, pluralism of values, interests, estimations and interpretations.

From this perspective we perceive today Korczak and his heritage as the grand common wealth. Thanks to the efforts undertaken by the Korczakianum Centre for Documentation and Research and Polish-German Foundation, we managed to collect almost 16 volumes of Korczak’s Literary Pieces. We hope that this heritage can be accessible to everyone in different languages of the world.

We step beyond historical documents. We perceive Korczak in a multidimensional and pluralistic way. We see him as a doctor, writer, pedagogue, soldier, scout, publicist, Polish Jew and Jewish Pole. All those roles complement one another but, at the same time, they can be treated selectively and interpreted in different ways.

Let us concentrate on Korczak as an educator, pedagogue, teacher of children, parents and those adults who are interested in children’s matters. How is this picture created and interpreted by Polish pedagogues and opinion-forming circles? How is it perceived by Ombudsman for Children and what implications does it have for the functioning of the institution of the Ombudsman for Children in Poland?

I should add here, that I have been closely connected to Korczak for many years. I studied his thoughts under the supervision
of prof. Jadwiga Bińczycka, the creator and long term Chair of Polish Korczak Association. I have been returning to Korczak’s ideas during my pedagogical studies in Warsaw. I was referring to Korczak as a candidate for the position of Polish Ombudsman for Children during the hearing at the Polish Parliament. In Sejm as well as in other places during my speeches I emphasized many times that “Korczak was the first, non-constitutional Ombudsman for Children”.

I am constantly thinking about the genius of Korczak, why he is among the greatest pedagogues, what individual and social forces praised his ideas. What social, cultural and political forces maintained those ideas and finally, what social forces made Korczak remain until today so universal and readable.

When looking for an answer to those questions I inscribe Korczak to different times and social contexts of pre-war and contemporary Poland, to changing pedagogy and pedagogical practice in Poland.

I will refer to the following images:
- Korczak as an alternative pedagogue, representative of New Education wave
- Korczak as a reduced and simplified representative of Polish pedagogy in the communist times
- Korczak as the icon of contemporary pedagogy, the discoverer, researcher and ombudsman for children.

2. KORCZAK AS ALTERNATIVE PEDAGOGUE

Korczak is commonly presented as the representative of the New Education movement. Korczak knew and identified himself with the ideas of Ellen Key presented in *The Century of the Child*. He was reading pedagogy classics, he admired J.H. Pestolozzi and was interested in the ideas of W. Froebel and M. Montessori. Similarly to great researches from laboratories in Geneva and Brussels, he did his research and dreamt of writing a literary piece on child’s development.

Simultaneously, Korczak from the beginning was transgressing the tight framework of the scientism. Korczak believed in a child rather than in science. He was fascinated with the child and not with the tools of recognition, tests or observation techniques. He turned more into the practical sphere. He derived his knowledge from practice and directed it towards practice. He was against any simplifications or myths, he laughed at the pedagogues-scientists and their naïve rules on how to take care of a baby or how to bring up a child. He condemned upbringing through instructions and directives as for him it was more like a training rather than upbringing.

Korczak was transgressing beyond the framework of the New Education movement. Contrary to this movement, Korczak was not relying on development psychology; he was not searching for regularities of cognitive or moral development etc.

Korczak was creating a child’s philosophy. He created, discovered, revoked (it can be described in different ways) the axiom of childhood pedagogy. He was asking questions rather than formulating answers. He was asking who the child is, what his strengths to develop are, what is child-specific, how children build their children’s world. He was legitimizing those worlds by showing that they are valuable and meaningful. Similarly to J.J. Rousseau, he placed the child in the centre of interest. A specific child with his or her everyday life full of caps, lines and wounded knees. This wasn’t a big idea of childhood but real children inscribed in the reality of pre-war Jewish and Polish orphanages in Warsaw. Korczak was giving and showing them the dignity, freedom, subjectivity and respect.

3. KORCZAK IN TIMES OF THE PEOPLE’S REPUBLIC OF POLAND

There was no room for such pedagogy in the times of the People’s Republic of Poland (not only in the times of Stalinism, when Korczak’s books were destroyed). Korczak did not fit into the pedagogy of the 60s, 70s and then until the 1989. A group of students and among them students of Korczak together with professor Aleksander Lewin, tried to preserve the documentation and heritage of Korczak.

Korczak did not fit into the materialistic and ideological pedagogy, describing reality in tables and by means of graphs – a pedagogy that was reduced to methodology. This pedagogy – as repeated many times by the leading ideologist Heliodor Muszyński, was concerned with answering the question on how to realize the aims set well in advance. This was a sacred formula hammered into the heads of students and teachers of the times of the People’s Republic of Poland.

Korczak’s heritage was squeezed into this formula. However, there was no room for childhood philosophy. There was no such question as who is the child, what is the respect towards the child or the child’s rights. The pedagogy of those times emphasized strongly collective education. Korczak was placed next to Makarenko; many discussions were undertaken about the peers’ court, about self-government and all forms of collective education. Korczak was to be an example for the institutional pedagogy developed in orphanages. In numerous publications in this field, Korczak was also shown as a left-wing publicist.
The 100th anniversary of the birth of Janusz Korczak was celebrated in Poland in the years 1978/79 and the year was named as the Year of Janusz Korczak. On that occasion, an international session entitled: Janusz Korczak – life and writings took place in Warsaw. In addition, many conferences were organized, three books and over 100 articles were published. The celebrations of the Year of Janusz Korczak gathered mainly former students of Korczak and academic circles. Korczak’s editorial and journalistic activity was in the forefront at that time. It is difficult to talk about a clear, social resonance of those celebrations.

4. KORCZAK – AN ICON OF CONTEMPORARY PEDAGOGY

Already in new social and political conditions, a new space for Korczak’s heritage was created. The fall of communism, Poland’s social and cultural openness, revival of Polish democratic educational ideas, as well as transmission of western pedagogical theories such as emancipation pedagogy, postmodernism and constructivism allowed to discover once again the thoughts of Korczak. Additionally, the Polish Korczak Association – movement of teachers and academics contributed to that change.

It took a long time for proper conditions to be created to develop Korczak’s ideas. On the 16th of September 2011 Sejm of the Republic of Poland made the decision that 2012 would be the Year of Janusz Korczak. It is an inspiring challenge for all of us; for the Ombudsman for Children, it is also a great chance.

We show above all, the input of Korczak to the world’s piece of art of discovery of a child, subjectivity of the child, child’s rights and protection of children against different dangers. Three main ideas are in the centre of our activities connected with Korczak. These are child’s dignity, children’s rights and children’s citizenship. Different initiatives and actions linked to Korczak are created on the basis of those ideas. The Year of Janusz Korczak was thought to be a great Korczak’s pedagogy lesson directed both to children and adults. The mottos of Korczak are developed by governmental resorts and local self-governments. Vital, visible and active partners to our actions are NGOs, universities, media and different leader’s groups dealing with children’s affairs.

The Year of Janusz Korczak is meant to be a social lesson of Korczak’s pedagogy, a social movement, promoting mainly different niche actions. As an Ombudsman for Children, I became a national coordinator of the celebrations of the Year of Janusz Korczak and decided to launch a website: www.2012korczak.pl which became a platform for exchange of information. The site has several functions, it initiates, supports, promotes and registers different activities and provides different information, data and materials.

There are over 400 events, domestic and foreign, that have been registered on the website. I know about many initiatives connected with Korczak taking place in the Ukraine, in Azerbaijan, in Lithuania, in France and in Japan. The most rejoicing are events organized by schools, kindergartens, children’s clubs, senior clubs and different small organisations. I shall emphasize here, that Korczak and his ideas lie in the roots of almost everything connected with children and their rights. There wouldn’t be a UN Convention on the Rights of the Child without Korczak. Also, the Order of Smile – the only award granted to adults at the motion of children, wouldn’t exist without him, and definitely the Ombudsman for Children wouldn’t exist without Korczak and his ideas. I thank all of you gathered here today, for spreading around the world the words about Korczak, his life and literature. I hope that we will all meet here again in 2013 during the next International Korczak’s Seminar in Geneva.
"There was nothing distinctive about his appearance, but he was a pleasant man with elongated, small and ordinary features; a high brow, kind eyes with a focused gaze, a thin faded beard, and a pinkish bald spot (...) His hands were muscular, dry and warm; the children used to say he had kind hands. (...) He was of medium stature, thin, with a delicate frame; and even at his old age he maintained his vitality, his gestures were lively, and his step was light, seeing as he was always around children..." 1

Who was this man and why the connection between him and the Convention on the Rights of the Child?

Janusz Korczak, the Jewish-Polish author, doctor and educator, was born and raised as Henryk Goldszmit. Janusz Korczak was the pen name he chose in 1898 at the beginning of his literary career. He worked in Poland during the 1920’s and 30’s. Between 1912 and 1942 he ran a Jewish orphanage in Warsaw named “Dom Sierot” (from Polish: literally meaning “Home of Orphans”), and between 1919 and 1939 participated in the pedagogic management of the Polish orphanage named “Nasz Dom” (from Polish: “Our Home”).

In his pedagogic career he implemented many values of respectful treatment of children and of people in general, of choosing between good and evil, of caring for the weak, and of showing responsibility towards others.

In the reading of his writings, his educational expression can be described as a mosaic of events, deeds and accomplishments that established the course of life that followed. In the reading of his Ghetto Diary, which was written in the final three months of his life, we find the thoughts on what he could have had and what the difficulties were that he faced day by day in order to preserve the image of mankind, and not to lose faith in mankind, leading us in search of those values that guided him in his educational practice.

The characteristics of Korczak’s humanistic education are based on several elements:
• The child is to be fully recognized – one must understand their soul and their special world, and fully accept their right to love. “Or the life of adults is at the margin of that of the children or the life of the children is at the margin of the adults. When will the moment of truth arrive, when the lives of the adults and the children will merge into a text with equal value.” 2
• There must be respect for the very being of the child – a respect for the time that has passed. Korczak emphasized that the child’s assessment tools and the way of observing the world are different from those of the adult, therefore we need to respect the child’s lack of knowledge and his laboring to gain understanding, respect for his failures and tears, respect for his modest property that he has collected – toys, work tools and all the other objects that fill his world. “Hereby lies the fall of the educator: Disrespectful, not trusting, suspicious, spying, catching in the act, scolding, blaming and punishing, looking for convenient ways to prevent; banning more and more and forcing without consideration, not seeing the child’s efforts to fill a page of paper or time of life carefully; ... the roof collapses due to neglect to the building’s foundations.” 3
• You must give the child confidence and joy in their childhood – this is the period in which a person’s life is formed. How will they be able to live when they grows up if they are not left to live a life in the short period of their childhood. “I have read interesting books, now I am reading interesting children. Perhaps you will say: ‘I already know,’ I read each child once, twice, a third time, tenth time, and even so do not know much. As the child is a big, wide world, that exists from long past and will exist forever. I know little about what was, what exists today and what will happen next?” 4

These elements were expressed in the acts of daily life in the orphanage as is learnt from Korczak’s texts and from the memories of the graduates and counselors. What distinguishes these elements is the organized foundation of communal life of the

orphanage. Among these are: the court and its rulings, the voting poll and the courtesy rating, journal writing, the newspaper, the recreation group and the returning of lost property. These institutions stimulated and led the children in conjunction with many more activities that were shared by the entire household in the educational practice.

It is important to note that the guiding foundation of Korczak’s educational mode, was the social element, truth, honesty, love of humanity and peace, work, and mutual responsibility of all the individuals of the society that was undergoing education. Korczak demanded the following Rights for the children:

The child has the right to love.
(Love the child, not just your own.)
The child has the right to respect.
(Let us demand respect for shining eyes, smooth foreheads, youthful effort and confidence. Why should dulled eyes, a wrinkled brow, untidy gray hair, or tired resignation command greater respect?)
The child has the right to optimal conditions to grow and develop.
(We demand: get rid of hunger, cold, dampness, stench, overcrowding, overpopulation.)
The child has the right to live in the present.
(Children are not people of tomorrow; they are people of today.)
The child has the right to be himself or herself.
(A child is not a lottery ticket, marked to win the main prize.)
The child has the right to make mistakes.
(There are no more fools among children than among adults.)
The child has the right to fail.
(We renounce the deceptive longing for perfect children.)
The child has the right to be taken seriously.
(Who asks the child for their opinion and their consent?)
The child has the right to be appreciated for what he or she is.
(The child, being small, has little market value.)
The child has the right to desire, to claim, to ask.
(As the years pass, the gap between adult’s demands and children’s desires becomes progressively wider.)
The child has the right to have secrets.
(Respect their secrets.)
The child has the right to “a lie, a deception, a theft.”
(He does not have the right to lie, deceive, steal.)
The child has the right to respect for their possessions and budget.
(Everyone has the right to their property, no matter how insignificant or valueless.)
The child has the right to education.

The child has the right to resist educational influence that conflicts with his or her own beliefs.
(It is fortunate for mankind that we are unable to force children to yield to assaults upon their common sense and humanity.)
The child has the right to protest an injustice.
(We must end despotism.)
The child has the right to a Children’s Court where he can judge and be judged by his peers.
(We are the sole judges of the child’s actions, movements, thoughts and plans... I know that a Children’s Court is essential, that in fifty years there will not be a single school, not a single institution without one.)

Needless to say, Korczak demanded the fulfillment of obligations from the children.

In his opinion there are no Rights without Obligations and the most central obligation of all was: to be a useful citizen in the society that you live in, active, caring, involved and concerned. Korczak’s demands of Rights for the child was not limited to the orphanages of which he was the director or to the city of Warsaw or Poland, already in the year 1928, contrary to the Geneva declaration of 1923 which convinces but does not demand, declares its willingness, requesting justice. Korczak does not ask but makes a claim for the one third of mankind – “the children’s nation, young state, the status of slaves” a just allocation for childhood, as is befitting, “not as a favor, not as charity” but “from the general account”.

When calling to the general public, Korczak writes:

“We are not magicians – we do not want to be charlatans. We disclaim hypocritical nostalgia for wonderful children. Our demands: Remove the hunger, the cold, the dampness, the narrow mindedness, the congestion, the over-population … Respect, if not humility, toward the white, bright, and unquenchable holy childhood.”


Fifty years later and the passing of a terrible war till the United Nations began talks on the subject and another eleven years till the decision on The Rights of the Child was passed which has fifty-four articles, one of which we are bringing up today.

Wishing us all productive discussions, an active involvement to secure better conditions for the children of the world.
1. INTRODUCTION
In this talk I will look at two very important reports that were presented and published in May 2012 by the newly appointed Children’s Ombudsman (hereafter: CO) in the Netherlands: the First Annual Report (de Kinderombudsman 2012) and the First Children’s Rights Monitor (de Kinderombudsman 2012a). After almost 15 years of political debate the national children’s ombudsman, Mr Marc Dullaert was appointed in April 2011 by the Dutch Parliament. In his first year in office, the CO has already published a number of reports, among others about young asylum seekers (de Kinderombudsman 2012b), and has taken part in a number of televised debates. Also, he has created a website www.dekinderombudsman.nl and he is active on Twitter and other social media. The CO has been able in a very short period of time to make up for the lack that has existed for many years when one compares the Netherlands with other countries. In his first annual report the CO writes about the 700 individual contacts he and his five co-workers had with children, youngsters and parents [around 50% of the 700], as well as about a range of subjects: violations of the right to be heard, lack of a foster-family, children who are bullied at school, children who are refused access to schools, and so on. The CO acknowledges that he is not always in the (formal) position to act directly, but he has in fact in many cases functioned as an intermediary between the many institutions around the child and / or the families involved. So as one who cherishes the protection and defence of children’s rights, one can only applaud the way in which the CO has established his position in the ongoing debate on children’s rights.

What I propose to do is the following. First of all, I will have a look at both reports and present a number of findings. Among them are worrying and even stunning figures about the violation of some of the most fundamental rights, i.e. to be free from and protected against violence and poverty. Violence and poverty are, this needs no clarification, against any ‘best interest’ of the child. Secondly, I will make some comments on these data and I will use Korczak’s concepts of respect, justice and participation, and lastly, I will give an example of how children’s rights researchers, educators and artists might work together.

2. FINDINGS FROM THE REPORTS
The monitor was produced by two renowned research organizations in the Netherlands, i.e. the Chair for juvenile justice at the University of Leiden and the National Social and Cultural Planning Bureau. When two weeks ago this monitor was presented, one figure kept coming back in all news clips, i.e. the in the Dutch context stunning figure of around 500,000 children who are victim of maltreatment and poverty. Why stunning? There are about 3.5 m children in the Netherlands, so this means that around 15% of these children suffer from either one of the forms of maltreatment – the CO was clear that so called psychological mistreatment counted for him as a substantive form – and / or from one or the other form of poverty, or combinations of both. The CO calls this problem “worrying, persistent, and extensive” (2012, p. 40). The CO also points at other categories of children whose rights are jeopardized, i.e. asylum seeking children, handicapped children with regard to their rights to adaptive education, and children who come into contact with the police and the juvenile justice system.
Out of home care
I will now discuss a number of data from the reports. The monitor makes it clear that there are four articles in the Convention on children’s rights that are regarded as its nucleus (also termed ‘umbrella-articles’). In this seminar I need hardly point out that Article 3 is one of these: the best interest of the child must be the first to be considered when measures are taken. When one connects this article with others it gets its substance: for instance it gives the child the right to be heard in case of his parents’ divorce, or protects the asylum seeking child against eviction from a country when the country of his origin is not safe. The monitor states that a growing number of children who are in need of out-of-home care are put on a waiting-list, which jeopardizes their well-being and development. The CO urges the state for instance to guarantee a sufficient number of places in foster-care. This subject has much to do with the number and quality of institutions such as intramural and foster-care, and in this respect it is very much dependent on the willingness of the state to supply sufficient funds and monitor the quality of the services.

Exploitation and violence
The second topic, protection against exploitation and violence, is of a somewhat different nature. On the one hand it has to do with the safety of the child that must be guaranteed in these same institutions, but on the other hand it has to do with semi-institutions such as the family, and also with relatively new phenomena such as human traffic, child-pornography and Internet safety. (By ‘relatively new’ I do not of course suggest that these phenomena are by themselves ‘new’ but that to study and discuss them from the point of view of the rights of the child is.) The maltreatment of children is a widely spread phenomenon which has the tendency to transplant itself across generations. The monitor states that in 2010 118,836 children (zero to 17) were mistreated; of this number only 22,600 cases were directly reported to the Local centers against child maltreatment (AMK’s). After a report has been made, the time between report and an actual treatment is way too long, says the monitor, the average being 77 days. In the conclusions the CO states that the national government should have the director’s role to enhance both quality and tempo of preventive measures. Local governments should deploy more policies, and youth care must work more holistically and interdisciplinarily. There is furthermore a sharp contrast with the number of cases of child-molesting reported to the police, only about 800, and the cases specified as such that are under prosecution. The monitor says that more data is needed here. Within the exploitation of children and youngsters the phenomenon of so-called ‘lover boys’ is (unfortunately) well known in Holland. (I use ‘so called’ because (a) what they do has nothing to do with love, and (b) mostly they are over 18, so not boys but men.) The figure of minors who are victim of (sexual) exploitation and human traffic are relatively high, between 150 and 230. The CO says it is remarkable that the combat of exploitation is not one of the priorities of the Taskforce Human Traffic. (‘Lover-boys’ are.). Another phenomenon that is a risk factor in the well-being of the child and that the monitor pays special attention to is the Internet, ‘a relatively new and highly topical’ (p. 46) field. Around 15% of the 11- to 16-year-olds receive sexually coloured messages. The percentages of those having a ‘public profile’ on one of the social media run in the 70s and 80s. Privacy and well-being are at risk, the CO states: what children are likely to see – pornographic material, targeted advertising, etc. – is not always in their best interest. A very recent phenomenon the monitor did not (yet) investigate is the ‘listing’ on social media of (allegedly) sexually active peers in the age around 13 to 15.

Juvenile offence, delinquency, and criminality
The third subject that the monitor discusses is perhaps best introduced by a quote from a 17-year old boy who says: ‘I was in a prison-cell for three days. My parents were allowed to visit me but I could not touch them: there was a glass wall between us’ (p. 54). The issue of juvenile offence, delinquency, and criminality is a difficult one: it is ridden with notions of an alleged increase, and of ethnic preference. In fact the number of youth offenders is stable, and the monitor says that a more repressive policy is unnecessary. In fact, in the past 1,5 year the minister responsible for Safety and Law (note the order!) has presented a great number of repressive measures to the Parliament. There are, however, youth that cause problems, especially when they are together in groups in public areas such as parks, playgrounds and shopping-malls. The Council for Societal Development (RMO) suggested in a report in 2008 (Raad voor Maatschappelijke Ontwikkeling 2008) that our way of treating these youngsters may lie somewhere between letting them ‘hang out’ and addressing them regards their behaviour. Many (first) offenders whose offence is not too severe are relegated to a special service called ‘Halt’ (or ‘Stop’) where they are obliged to do useful work for some weeks/months. In 2010 around 18,000 youngsters did this. But also in 2010 10,000 youngsters had to appear in court, and they were given a special task, again for some weeks. One of the new policies that shows that punishment has become more important is the law on young offenders. The monitor states that this is not in accord with the Convention. Another problematic issue is the fact that a little of 9,000 youngsters spend one or more nights in a police-cell, in the company of adults, which is explicitly against the Convention. Furthermore, technological
developments have made new research instruments available, such as DNA-sampling. It appears that there are almost 5,000 of these (individual) samples in police-databases, and that these are kept for over 20 to 30 years. The monitor pleads for a reduction of sampling and a much shorter period of retaining. Lastly, the monitor is very critical about the treatment of young people with multiple (psychological or psychiatric) problems who are held in custody in closed centres for youth care. Only four out of these twelve institutions were rated as ‘good’, five were in fact judged to be insufficient. Among the population of the institutions girls are especially vulnerable.

Poverty
I now come to the part that has attracted much attention in the media, i.e. about what is called a ‘sufficient standard of living’. A number of situations are included here: (economic) well-being and its counterpart poverty, access to sport and leisure, health, obesity etc.: one can see the comprehensiveness of the monitor. A general feature is the policy for inclusion and participation, one of the cornerstones of the Convention. But not all children are included in the welfare that is so generally associated with my country: 327,000, 1 out of every 10 children (!), live in poverty (poverty defined as ‘not-much-but-sufficient’). For them this means no new shoes, no sporting-club, no outing to the zoo, or worse: no breakfast, only occasionally a good evening-meal. The monitor expects this figure even to rise with 40,000 in this year, and calls this ‘alarming’.

Education
The next domain, that of education, is one which many of us here are familiar with. In the past three seminars here in Geneva, education has always been a topic for presentation and discussion. No wonder, because education is a vital element in our democracies and we all know what is at stake here. A question that comes to my mind here is whether the monitor thinks that school and education are not in the best interest of the child. In their references to relevant articles of the Convention Article 3 is strangely missing. The monitor discusses two aspects: the access to and the quality of education. About access, there is an intriguing quote by a boy of 10 who says: ‘They say I am autistic and therefore no school wants me. I have been home for a year now. No one knows a solution. I want to go to school just like other kids. What are my rights?’ (p. 84). For the researchers of this monitor it is evident that this boy’s rights are violated: every child has a right to education, to go to school. There are about 1,000 of kids like this boy, some of them are on a waiting-list for special education, others are, indeed wanted by no one. A special category are the so-called early school leavers or drop-outs, around 40,000 in lower and secondary vocational education. In fact, the number is much higher, if you include drop-outs from professional and academic universities. About the quality of schools, as measured by the Inspectorates for Education, it can be said that the percentages of schools that are monitored at a low inspection level runs in the 80s and 90s, the important exception being primary and secondary special schools. These are considered ‘weaker’ than the other schools, and that is a serious problem: these schools are populated by the most ‘difficult’ categories of pupils. What happens in these schools is evidently not always in their best interest. An interesting subject is education on children’s and human rights, which is underdeveloped in my country. To my mind (the monitor doesn’t say this), it is in the best interest of the child to have information about his rights. So here is work to be done.

Young asylum seekers
The last domain – in fact not a entirely separate domain, but it is nevertheless specific enough to treat it separately – has to do with a subject that has become a sort of gadfly, buzzing around our government’s skin: the treatment of young (minor) asylum seekers. When the OC presented a separate report two weeks ago on that matter, in which he stated that there were signs that Holland violates the international right of the reunion of families, the (demissionary) minister for Asylum and Immigration reacted like he was actually stung by the gadfly. In fact, between 80 and 97 percent (!) of all the applications for children to be reunited in the new country with their parents were put down. With regard to asylum seeking children the monitor says it is worried about the policies deployed. In 2009 11,000 children came to Holland with their parents. 7,000 of them live in centres, 500 of these even longer than five years. The life and well-being of these children meet lots of serious problems: health-care, education, insurance etc. The monitor states that living in such a centre can hardly be a fertile ground for child’s development. The monitor says that these children may suffer from traumas to which uncertainty is added, leading to depression, PTSS, and serious behaviour problems. There are young asylum seekers who ‘disappear’ into human traffic, prostitution, and the like. Around 200 young asylum seekers were held in judicial custody, which to the mind of the monitor, should only function as a last resort. It seems that new policies are deployed to lower the number of youngsters in this setting.

Conclusion
The monitor concludes by saying that while a number of worrying figures and tendencies are presented, the situation of most children in Holland is good – in a general sense. The researchers
3. A REFLECTION

In his report on the position of asylum seeking children (de Kinderombudsman, 2012b) the CO quotes a boy saying: "I don’t mind waiting for my future, but not my entire life" (p. 2). I think that the feeling of estrangement of ‘just waiting’ has never been put better into words than this boy does. It reminds me of a quote by Janusz Korczak from his story “Grey days” (in: When I Am Little Again & The Right to Respect; Korczak 1992) where the boy says:

“Children – these are future people – they say. And so it’s a matter of their becoming, it’s as if they don’t exist yet, for the time being they don’t take part. What is the meaning of this? We children – aren’t we alive, don’t we feel, and suffer – just like adults? Our childhood years – aren’t they a part of real life – just like everybody else’s? For what reason do they tell us to wait – and for what?” (p. 155; reworked translation by me, and emph. added, JWAB).

It seems that the findings of the CO today establish the same pattern as Janusz Korczak made clear long ago: in a world dominated by adults children and their best interest do not really count. At best they are the promise of tomorrow – today they should be as invisible as possible and not bother us with their problems and sufferings. Indeed, as Korczak says in his Child’s Right to Respect, “How can one live under the same roof with the likes of him?” (1992, p. 167).

Korczak gives us within his practice – so not as a separately designed theory of education - a number of principles about how to live together with children. Earlier, (Berding, 2010; Berding, Smit & Van Rijn, 2010) I reconstructed these as the principles of respect, justice, and participation. I’d like to discuss these briefly now, and use them as a comment on the reports just discussed.

Respect

Korczak goes back to the origin of the concept of respect ‘re-spiceré’ to look after each other, to care for each other, so that everyone may enjoy the good life. Seen in this way the concept of respect is closely related to the central idea in Article 3 about the best interest of the child. To be able to guarantee this, it is obvious that one should have a close look at the child and his interest. To respect the child and his interest is depended upon careful observation of what is at stake.

Justice

The concept of justice – both from a micro as well as from a macro point of view - is fundamental to Korczak’s view of education and upbringing. Let us not forget that Korczak was very much a ‘political’ pedagogue, if by ‘politics’ we mean the state of affairs in the ‘res publica’: the common and public world that we all share. Korczak was very much aware that this share is not equally divided, and that there are groups that are excluded from a justified part of the cake. Among these he counts children. Especially his Child’s Right to Respect is aimed at clarifying the backward position of children in society (Korczak, in: Kulawiecz, ed., 1992). The compendium of this incisive critique is of course How to Love a Child where he develops a full positive educational program in the parts about the summer camps and the orphanage (Korczak, in: Wolins, ed., 1967). This program is in the first place an attempt to live together, and to deal with the plurality of society, also in the small society that was the summer camp or the orphanage. In Korczak’s view, democracy is meant to be more than only a politically organized way of living together deliberatively. Democracy for him was also a way of life, of socially sharing and acting, a democracy of communication, interaction and participation. And lastly, Korczak’s ideal of democracy was based upon a firm view of justice as laid down in law, for which his famous Constitution provide the basis. These three elements - rational deliberation - caring - justice - are combined by Korczak in a unique form of res publica and its defence.

Participation

The above considerations bring me to Korczak’s third principle, participation, one which we discussed much in our previous meetings here in Geneva. To my mind, a discussion of participation that disregards the material conditions under which it may take place runs into dead ends. What’s the use of urging citizens to ‘actively take part’ if the access to society’s institutions is blocked. Or when the tools that one needs to actively take part are lacking. There are two mechanisms at work here: one that will effectively block participation in institutions i.e. by raising access fees, and the second that blocks effective participation once you’re inside. One needs for instance the tool of rational language in order to participate in political deliberation, because there are unwritten rules about how political deliberation should proceed. As the educational philosopher Gert Biesta (2010) has shown, theories of participation and inclusion always wrestle with the question of marginalization and exclusion. When there
is an ‘us’ who decide whether or not ‘they’ are allowed to enter ‘our’ community, ‘they’ run the risk of being turned away at the door. This is in fact what is happening now, with the families and their children described in the CO’s reports.

Korczak’s practice of participation on the other hand displays an almost infinite and perhaps desperate effort to keep as many people as possible within the community. If you look at the articles in Korczak’s Constitution – his ‘law of respect’ – there is an almost endless diversity in the way the behaviour of the defendant may be interpreted. It is almost as if Korczak is saying: ‘No wait, I can think of yet another argument to keep this boy or girl in our community; please don’t make me send him or her away’, whatever his or his offence. It is very meaningful that in the 30 years of existence of the “Home of Orphans” there were only a few cases of children who were expelled. Our way of looking at children today is almost the opposite: the demand on children to accommodate to supervision, to rules, to procedures has laid an enormous stress on them and their families. It is no wonder that many people shrug in front of society and politics, thereby organizing and internalizing their own marginalization. Korczak combines in a very interesting way what the American philosopher and pedagogue John Dewey – who shares with Korczak the honorary title of ‘founder of children’s participation’ - called ‘construction and criticism’ (Dewey, 1988/1930; cf. Berding, 2011, 184-192). Korczak was indeed a very constructive, and creative doer and thinker, and this part of his work has as yet not ceased to inspire so many people around the globe. The critical part of his work is also all but obsolete, as the CO’s reports show. In our times a growing number of children have no equal share in the welfare. In these times when the level and the quality of welfare and well-being is threatened by a number of crises – the banking crisis, the euro crisis, the political crisis and let’s not forget the ecological crisis – poor families and their children are the first that run risk of an even more detrimental situation. From the point of view of children’s rights this is obviously unacceptable, since it is not in the best interest of the child to be cut off from leisure and sports, from new clothes, from a place in an adaptive school or, on an even more basic level, healthy and nutritious food. To my mind, the CO’s reports are not fully aware or aware enough of the detrimental circumstances in which children in poor families, in the poorer districts of the cities in my country grow up. They do not analyse this situation thoroughly from the standpoint of material conditions for participation. When the monitor states it expects the figure of poor children to rise by 40,000 in this year only, and calls this fact ‘alarming’, then this to my mind is an understatement: it is an assault on civilization. The recommendation that ‘the category of children who live in poverty or near-poverty should be monitored carefully’ (p. 81; emph. added, JWAB) comes as a cold shower, and is politically too correct. One of the consequences of the increase of poverty is that for more and more children and their families participation in society will be cut off before it has even begun.

4. CONCLUSIONS
For the Netherlands – with its ‘Triple A status’ still one of the most prosperous, not to say rich countries in the world – where research shows time and again that Dutch children belong to the luckiest in the world – it’s hard to understand the facts presented in the CO’s reports. There is much hidden poverty, and the socioeconomic gap between haves and have-less is growing rapidly as can also be seen in the growing number of the so-called food-banks where poor people can get food for free. To my mind it is no exaggeration to state that an underclass of poor children is growing up who benefit less and less of all the social and civic institutions – if they succeed to get access at all.

Although the recent reports by the children’s ombudsman combine in an authoritative way empirical data and normative advocacy for the rights of children, it lacks an educational-political point of view that might have propelled it to a deeper level of understanding of what is going on. I have tried to provide this point of view by introducing Korczak’s concepts of respect, justice, and participation. What is needed is cooperative action by lawyers and other judicially skilled professionals who work with the Convention and especially Article 3 in hand to defend children’s rights – like present here today – and pedagogues, teachers and other educators – also present here today - who are inspired by ideas like Korczak’s about respect, justice, and participation.

In our own work in the Netherlands the Korczak Association has done, and still does much to bring people who work with children into contact with each other to exchange and share views and practices. Last year our bi-annual Korczak Prize was award to the Vrolijkheid (‘Cheer Up!’) Association (The National Foundation for the Advancement of Jollity) that works with asylum seeking children who live in very detrimental situations in their temporary quarters in the asylum centres. Many of these children have, as we know, gone through intense negative experiences – war – armed conflicts – torture – maltreatment – exploitation. The Vrolijkheid tries to make children cope with these by working with them in a creative, and artistic way. Workers of the Vrolijkheid are musicians, theatre-makers, and visual artists. They offer the so-called five V’s (in Dutch): Jollity, safety, confidence, a way to tell your story, and strengthening the resilience of children.
The idea to start with the future today, in a very hands-on way, releases the tension of alienation that these children experience. It demands of society at large and the people who live and work with these children a trust in their abilities to come to grips with themselves and their situation. Is it not fair to say that to put trust and confidence in a child is perhaps what is best, in his best interest?

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• www.vrolijkheid.nl (with an English page)
"A new generation is emerging,
A new wave is rising.
They come with their faults and virtues.
Give them conditions for a better growing up."

Janusz Korczak, Collected Writings

Janusz Korczak, an astute observer of everyday life, wrote these words over 88 years ago. Since then there have been a number of changes in care and educational attitude to children. Also, the conditions and possibilities of work with children in a school environment have changed dramatically. However, their timelessness and universalism are undisputed: “...to grow better, they have to talk, to us and adults, discuss, look for an agreement and solutions of difficult situations... to grow up better, they should feel as equal participants of the dialogue and be ready to have a conversation at home, in class, school and diversified society”. In his pedagogical legacy, on the pages of his books and articles: How to Love a Child, Playful Pedagogy, Selected Works, Teaching Moments, Rules of Life, Children of the Streets, Child of the Drawing Room, in Little Review, in texts published on the pages of the Voice and the Polish Courier, lecturing at the State Institute of Special Pedagogy and in radio speeches, Janusz Korczak directed his words at adults, drawing their attention to children. At the same time he broke the spell of an infantile attitude of adults towards children’s world. He wrote: “...children’s world is not the world of clean, emotional and honest little souls. Among children there are as many bad people as among adults but they do not have the need nor the possibility to show that. In children’s world everything happens in the same way as in the world of adults.” 1

Korczak advocated children’s rights and protection of these rights also where they might seem to be present and unviolated, as they are woven in care and educational practices of adults responsible for children at schools and orphanages. At the same time, in his educational practice he presented paths of an open dialogue, conducted in partnership atmosphere, shaping the conditions of understanding and the new image of “a school life” adjusted to the realities of our times and to changes brought by the future.

Staying with and speaking with children Korczak drew on their knowledge. As Jadwiga Bińczycka indicates, he remained in constant dialogue with them: “he used children’s opinions while writing his books. He read what he was writing at that time to children before their bedtime, so that he could prepare the corrected text for print after their remarks and suggestions.” 2

His partner, subject relations and the willingness to listen testify to the respect and striving to get to know a child, as fully as possible, in its multidimensional space of everyday life, also through dialogue. As a guardian and educator, Korczak, not always obsequious, “fulfills the role of a man of pedagogical action, an agent who not only preaches beautiful slogans of humanistic pedagogy, but consistently, with persistence, despite difficulties and breakdowns, puts them into practice.” 3 Korczak treated dialogue as the most effective and productive educational method.

This article aims at presenting the need of a dialogue in a school class according to Korczak. It refers to the current state of Polish school in the face of the present transformations, the idea of dialogue in Janusz Korczak’s pedagogical concept as well as the role of a dialogue in everyday functioning of students and teachers-educators in the contemporary school class.

AN ALIENATED AND DISPERSED SCHOOL
– A CONTEMPORARY IMAGE OF SCHOOL
Ensuring children and school youth with an all-round personality development in an atmosphere of joy, safety, and mutual respect is fundamental for pedagogic work.

1 J. Korczak, Thoughts, Warsaw 1987
2 J. Bińczycka, Spotkanie z Korczakiem (A meeting with Korczak), Olsztyńska Szkoła Wyższa im. J. Rusieckiego, Olsztyn 2009, p. 71
Stability and sustainability of this foundation is related to the creation and transformation of reality but also, as Jan Tarnowski states, to certain predispositions: the ability to connect 3 and the natural ability to keep engaged in a dialogue with a pupil. The dialectic concept of a pedagogue emerging here reveals a specific type of an attitude desirable in the contemporary world of multitude, diversity, “multiple membership” 4, false equality, deepening inequalities and (in)justice. An attitude of a pedagogue who is non-schematic, active, full of involvement, ready for a meeting with a pupil, during which mutual learning, as well as solving problems and conflict situations are possible.

Intensification of global transformations and interdependences, along with strong differentiation of multifactorial pluralistic social reality of multiple ranges (dispersed, devoid of a centre and axioms neatening it), are significant for contemporary school and relations which occur there (I believe it applies not only to the Polish one). 5 The school becomes a sort of a battlefield for different interests, expectations and experiments, loosing authenticity, cohesion and social trust, where the main actors – pupils and pedagogues – fight for surviving in a thicket of formal-legal and programme demands, tensions and mutual animosity. In this sense “teachers are officers attempting to adjust students to functioning in the current social situation as well as tools of mild persuasion (…)”. 6 Moreover, as Marek Konopczyński writes, “today school does not educate or teach, but stigmatizes worse students. And it rejects “the different one” (…) Today, the educational role of school has become a myth. Setting aside the fact that educational functions cannot be assigned to an institution, as it is people who educate and not formal structures, it seems necessary to accept that it is not the problem of teachers being badly prepared to such tasks, but of them not having a chance to realise these tasks properly. It results from their legal obligations and scope of functioning, as well as lack of consensus on the fundamental values of our social coexistence (…)”. 7 Joanna Rutkowiak makes an observation that the contemporary system of education remains outside a dialogue discourse both at management level (in which the decisions are made arbitrarily), and at the level of everyday functioning of the school environment. In a mass school and the school controlled by formal-bureaucratic rigour the dialogue of “all people of education” – teachers, students and parents – is unclear. Moreover, a dialogue between the teacher and the student, pushed between curriculum requirements and preparation to outside examinations, weakens as well. As she observes, the teacher “is heavy in an internally contradicting situation, employs a self-defence attitude, fights for private interest, does not pay attention to students’ views (if such are at all expressed), does not exchange thoughts with them, treats students as a mass which must be well prepared to do a standard task that would allow him/her come out victorious from the battle over the protection of school statistics and his/her own image of a professional” 8. Additionally, developed competition in achieving the best results and gaining place at schools of the highest level of teaching, as well as the demanding attitudes of parents full of fear for their children’s educational and vocational opportunities, favours “being outside dialogue”.

In the atmosphere of permanent race for acceptance and fulfillment of bureaucratic demands, the existence of a dialogue is extremely difficult – for there is no time nor space for dialogue. “Looking at the system of education from the perspective of critical pedagogy makes us aware of the fact that it is not only a system of organization, by various subjects, of learning processes, education and auto-education, but it is also a space for human interaction (…)”. 9 Thus, dialogue will be desirable as it constitutes pedagogical freedom.

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3 J. Tarnowski, Jak wychowywać? W ogniu pytań (How to educate? In the crossfire of questions), Wydawnictwo Apostolicum, Ząbki 2003, p. 186.
4 A term used by Z. Bauman to describe a condition of the contemporary man, forced to continual reflection upon himself, redefining one’s own identity. ‘You get an identity neither as a gift nor as an irrevocable verdict; it is something that you construct and what you can (at least as a rule) construct in many different ways and what will not come into being at all if it is not constructed in a way. The identity is then a task to do and a task you cannot escape from.” Z. Bauman, Dwa szkice o moralności ponowoczesnej (Two drafts on postmodern morality), Warszawa 1994
5 Example: a source of conflicts and misunderstandings, as well as disappointments, may be the attempts to include a pupil who does not speak Polish and does not know Polish culture, and comes from a different country and culture (in Poland it applies mainly to Chechen children) into the course during the school year.
6 H. Kostyło, Podwójny pozór w edukacji na przykładzie koncepcji Paula Freire’a (Double appearance in education based on Paul Freire’s concept), [in:] Dzidzikowa M., Knasiecka-Falbierska K., Sprawcy i/lub ofiary działań pozornych w edukacji szkolnej (Perpetrators and/or victims of apparent action at school), IMPULS, Kraków 2012, p. 95.
9 B. Sliwerski, Pozory sprawstwa reform oświatowych w III RP, [in:] M. Dzidzikowa, K. Knasiecka-Falbierska (ed.), Sprawcy i/lub ofiary działań pozornych w edukacji szkolnej (Perpetrators and/or victims of apparent actions in school education), Impuls, Kraków 2013, p. 105.
As results from the Report “School without violence” more than a half of students (54%) are bored during lessons. At the same time, nearly a half of students fear some lessons, and every fourth student is nervous before going to school. These problems are intensified on the next level of education and are the most intense for upper secondary school students. Schools are varied as far as their atmosphere is concerned. One fifth (19%) of schools is characterized by unfavourable atmosphere, in 40% of schools the atmosphere can be evaluated as average, in one third it is good, and every tenth school can boast an exceptionally good atmosphere. In the last group of schools students stay most willingly. There is also the lowest rate of violent behaviour there. A positive evaluation of atmosphere consist of such aspects as safety, willingness to stay at school during and after lessons, satisfaction with attending school. 10

A similar image of the Polish school has been presented in the diagnosis “Violence and other problems of Polish schools”. 11 As the study indicates, the main problem of the institution is lack of students’ motivation to learn, addictions (among others, widespread smoking), peer violence and lack of parents’ interests in children’s school life. Educational reality emerges as being at odds with it and devoid of understanding, excluded from real demands of the world, where every party of the educational process – teachers, students and parents – is interested in protecting their own rights and interests.

Students themselves relatively frequently express a negative attitude towards school. In the report on students’ rights in a school environment one can read, among others:

«“At school it is unfair that a teacher makes a student feel inferior, completely dependent on the teacher and should be grateful for it all” (state general secondary school) (...).
- “Some teachers introduce such a nervous atmosphere during the lesson, that it’s shocking, a complete psychosis, and what is more: • fear of expressing one’s own views;
• teachers’ children are treated with allowance (100% Maturity Exam results);
• teachers’ room is a place of gossiping;
• if someone falls under suspicion once, he/she will “be in the doghouse” until the end;
• a teacher is a master and ruler, obviously he/she is always right and is infallible;
• intrusion in private life;
• they (teachers) take it out on us when they have their problems;
• answering at the board on some teachers’ lessons means: being flushed, palm sweating, emptiness in the head, the nervous system is in state of shock. Weaker individuals have tears in their eyes;
• we don’t know our rights, but our duties and bans are emphasized on every step” (state general secondary school).»12

In this – not without a reason – catastrophically drawn vision of education13, building understanding, acceptance for different arguments and respect, group and individual searching for openness towards other human being and including ideas of diversity in pedagogical actions (not unnoticed in J. Korczak’s works) may prove to be crucial.

As J. Korczak emphasized ‘The school should be a smithy where the holiest banners are forged, everything that gives life should call through it – it should be the loudest in calling for human rights, it should brand most boldly and most ruthlessly what is mucky in it. And this can be done only by a school that is not repaired, patched and refreshed but a school that is basically different – not from the Moon…’14

THE IDEA OF DIALOGUE IN THE PEDAGOGICAL CONCEPTION OF JANUSZ KORCZAK

The category of dialogue (dialogos), although present in theoretical thought since Plato, has only recently gained a particular value, as it became a benchmark for describing social reality and a determinant of human actions. Regardless of how one defines it, the dialogue is a way of communicating and a reflective attitude of the fact, that fills a significant part of the human life or even, represents the philosophy.

11 Almost 22 thousand pupils and 4 thousand teachers took part in the research. It was conducted by SMG KRC - Polish Research Agency in the first quarter of 2008.
13 Another picture of the Polish school is depicted by the results of an opinion poll made for “Dziennik” (a newspaper) by TNS OBOP on 30.08-01.09 on a representative sample group of 1001 adult Poles. The results show that over 40 per cent of parents believe that Polish education system is better than in other EU countries and 77 per cent sees the possibility of having a professional career in Western countries after graduating in Poland.
14 J. Korczak, Pisma wybrane (Selected works), Nasza Księgarnia, Warsaw 1985, p. 28.
Understand. 

6. It constitutes the centre of human existence and should be recognised as undisputed. It provides a framework for self-determination, auto-creation and building of interpersonal relations. Hanna Fedorowicz notices that dialogue “changes not only the quality of social relationships (coming from conflicted ones to friendly ones) but also results in identity transformation.”

7. Its purpose is: listening to and being listened to, an experience of acceptance, cooperation in an atmosphere of respect, seeking understanding, taking into consideration different ways of perceiving reality, questioning one’s own beliefs and their revision, discovering the importance of the difference in building social life.

Due to its particularity (engagement of parties and reciprocity) it naturally enters the process of education – it defines the character of relations between the parties of educational process and is a tool of transferring knowledge and of communication between pupils, teachers and parents.

An authentic dialogue may facilitate solving at least some problems which were previously mentioned, but it can prepare young people for building a social and cultural agreement, which, undoubtedly, belongs to crucial human competencies in a pluralistic, variable and unpredictable world. Joanna Rutkowiak, recognizing three meanings of dialogue (informative, negotiation exchange, a condition for understanding) postulates the perception of dialogue exactly as the condition for the possibility to understand.

Maria Ledzińska emphasizes that dialogue can also be an exchange of views that leads to a conclusion which can be accepted by two parties differing in their views and/or a type of attitude ready for an extraordinary “creating” meeting with another human being that requires involvement, respect, mutual understanding, acknowledgment and responsibility, striving for truth, resignation from aspiration to prove one’s own arguments and reaching one’s goals, coming out from the frames of schematic thinking. Its presence in the school space, as Ledzińska emphasizes, is a fundamental determinant of development of both pupil and teacher: it ensures participation in the process of transferring and gaining knowledge and values, liberating creative potential, solving educational problems, true understanding.

Undoubtedly, responsibility for its presence belongs not only to the teachers, as it is repeatedly raised in theoretical studies, but to the pupils or, finally, the parents. This fact was noticed by Janusz Korczak.

He believes that education is a preparation for life through life. A condition sine qua non of this process is not as much getting to know the pupils, as it is teaching children empathy, understanding a world of experiences and sensations, co-experiencing and acknowledging autonomy and rights. In other words, there is no essential dimension between children and adults – since children are human beings – but emotional ones.

Children experience in a violent and true way both joys and sorrows.

Understanding of this fact is given only to those educators who kept in themselves a spark of what is childlike – one has to be able to “rejoice and to feel sad, to love and to be angry, to take offence and to be ashamed, to fear and to trust in a childlike way (...) briefly and with feeling choosing neither words nor expressions – sincerely.”

Educational actions, apart from ensuring appropriate conditions for physical development, are subordinated to satisfy psychological needs, including living stabilisation, safety, warmth, friendship, respect and intimacy. The key element is the stimulation for work on oneself and preparation for social life through participation in co-governance and co-deciding.

A child has a right to be respected and treated seriously. It should develop in an atmosphere of liberty, mutual respect and observance. In education, “an atmosphere of wide tolerance for a joke, a prank, spite, a trick, and deceit – a naïve sin has to prevail. There is no place for any iron obligation, stony solemnity, any

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10. “In a psychological perspective, dialogue seems to be one of determinants of development of a pupil and... a teacher, too. And because the ones who are taught and the ones who teach are an element of a bigger system their development is mutually connected.” M. Ledzińska, *Dialog w nauczaniu, a perspektywy rozwoju*, a speech during a scientific conference: *A person – Education – Dialogue: a Psychological Perspective, Commission of National Education Academy of Pedagogy, Kraków, 22-24.V. 2000.


sever necessity, any absolute conviction.” 20 Otherwise people, who are closed, fearful, reluctant to independent actions, lack liberty and courage will grow up.

In the talks of the “Genius Tutor”, a dialogue is a process in which and through which two individuals participating in a conversation, by using words, reach an understanding of what each of them thinks and lives. Thanks to the dialogue – on the level of a personal meeting – it comes to a mutual closing of subjective points of view and lifestyles.21 “A world based” – emphasises Jan Tarnowski “on dialogue relations, on rules of mutual respect, ability to forgive, ability to cooperate – this is a perspective of safety for all, for adults and for children. So thought Korczak and so do contemporary humanists.”22 Dialogue may occur in the school space in conditions of safety and acceptance created by teachers who not only bear the responsibility for the atmosphere but also for creating a communication milieu, transmission, shaping attitudes (of openness, respect towards the Other), transferring knowledge and competences of coexistence and cooperation with others regardless of philosophical difference or cultural roots. It seems useful and purposeful in current situation to use J. Korczak’s work as a matrix for subjective communication in a school class and in a school space.

Further considerations will concern the aspects related to the essentiality and value of the dialogue understood as:
1. a discussion
2. a talk
3. an exchange of information
4. a way to understanding.

A DISCUSSION, A TALK, AN EXCHANGE OF INFORMATION, A DIALOGUE – THE PATHS TO UNDERSTANDING

A discussion is a way of exchanging opinions between two and more people. The result is a conflict of different opinions and convictions, and sometimes development of compromises and definition of common standpoints. Discussion should be acknowledged as one of fundamental forms of preventing individual and social conflicts 23. In education, it constitutes a way of learning hard and demanding prior preparation. A pupil should master the art of formulating questions, and of the cohesive presentation of their own viewpoint. The exchange of thoughts, views, and opinions conditions the understanding of others and ensures the ability of a harmonious coexistence in a differentiated society. What is more, it repeatedly leads to supplementation of experiences and transformation of the ones gathered so far.

A prerequisite for a discussion to take place is the awareness of differences, sensitivity to a different perspective of perceiving and understanding, the search for justifications. Pupils’ opinions should be “listened to carefully and honestly – without falsehood or pressure” 24.

Acquisition of contents and real arguments exchange, to achieve better cohesion, demands relating to individual experiences and a reality at least partly known, close to the young person. Korczak was critical towards education devoid of discussions, disputes, verbal clashes. He accused the school of Herbertian formalism, ossification, indifference in the face of occurring changes. He claimed that instead of preparing to life, in which the pupils are to act as mature individuals, arising exasperation, a will to work on oneself and civilisation progress, are unnecessarily occupied with “cramming dead weight into heads”. 25

A talk – or a communication of people (verbal or non-verbal) – is usually devoid of any deeper goal or intention. In education, unfortunately incorrectly, it is identified with a chat or an information exchange, which limits it to issues settled during classes directly related to an adopted teaching programme. The talk serves then as a means: to prepare pupils to work, to introduce new material 26, to systematise and to memorise information, to control the level of mastering of the material. Yet, there are many subjects to talk about and similarly many situations to raise them. They can relate to problems one experienced or achievements and successes. A talk is particularly important in a hard situation: school or family problems. Then it becomes a key for finding support and help.

20 Ibidem, p. 257.
22 J. Brńczycka, with cooperation of Ciesielska, M., Bezpieczeństwo dzieci – inspiracje korczakowskie. A lecture given Turing the Korczak’s Conference under the auspices of the President of the City of Warsaw, Hanna Gronkiewicz-Waltz and the Council of Europe Commissioner for Human Rights Thomas Hammerberg under the title “Work of Janusz Korczak as a basis of the safety of children in Europe”, Warsaw, 13.08.2007.
23 In a situation where the result of talks is not developing a common standpoint, the discussion facilitates creating a so-called “discrepancies protocol”, which is a list of points differing the parties. A discrepancies protocol gives a basis for further work aiming at reconciliation of contradictory interests or agreement to a compromise.
A talk in a school class should – according to Korczak’s directions – not anymore ask for independence of a pupil by creating situations for child initiative to emerge. “A sincere talk founded on respect of dignity of both parties brings a teacher closer to a pupil, allows an understanding on equal terms.”

The dialogue as the way to understanding is the foundation of Janusz Korczak’s conception. An understanding, which is connected with an agreement for something – mutual understanding, a contract is the essence of the school work. Without it school will plunge into the whirlpool of chaos, quarrels, mutual animosity and pretences. Despite its essential obviousness it is not a permanent element of the educational world. Exemplary are numerous conflicts which explode between pupils and teachers or between teachers and parents, fuelled by distrust and suspiciousness. According to Janusz Korczak “one has to work for the possibility to communicate with children. It doesn’t come by itself! A child has to know that it is allowed and that it is encouraged to take the floor, that they will not induce anger or animosity, that they will be understood, more than that: they have to be sure that they will be not laughed at or suspected of efforts to ingratiate themselves by their peers.” This condition should undoubtedly be considered in relation to the school education. It has to be fulfilled in house conditions as well. For a good educator “doesn’t cram but liberates, doesn’t pull but elevates, doesn’t demand but asks.” Thanks to that he or she can experience many extraordinary moments with their pupils.

The diversity in the forms of dialogue develops a possibility to create a new quality of school relations as well as to revitalize teaching and educational processes. Its basic value lies in the creation of new plane for solving pupils’ conflicts and all the conflicts which fill school space. The existence of dialogue is inseparable with the acceptance of readiness to enter dialogue relations – and through this to abandon the desire to dominate, the offended ambitions and demands for the sake of mutual understanding and agreement on a common standpoint.

**A CONTEMPORARY SCHOOL OF DIALOGUE**

Does contemporary school, as a place and space of acquiring knowledge, on the one hand stripped of educational functions, and on the other predisposed to educate as a substitute for parents, fulfil the requirements of a school of dialogue? Can contemporary teachers and students, educators and pupils, lead a dialogue according to Korczak? The declarations and praxis whose effects can be seen in school cabinets and on Internet sites of educational institutions would confirm the presence of factors favourable for mutual dialogue. However, it is necessary to remember about both apparent and feigned actions in the sphere of education as well as the requirements of dialogue resulting from the assumptions of critical and emancipatory education.

Contemporary globalised world seems to reject Korczak’s ideas of dialogue and education. There are obstacles amounting in front of the student and the teacher, the educator and the pupil, obstacles which arise from endo- and exogenic factors influencing a school environment. Among them the following should be mentioned: inefficiency and oppressive character of the system, the change of values, the fall of educational authorities and the deepening “virtualization” of communication which weakens the contact between the teacher and the student. The school “should educate, yet it only pretends to do so. It suffers a deep discrepancy between the values it preaches and the praxis. Teachers do not think how to educate, but how to cram into students’ heads an enormous amount of information and how to control them. They fear responsibility, for they fear losing their jobs. They are ashamed to speak about educational problems, they hide them, also they use the acts of violence, to avoid losing reputation. (...) School does not educate also because teachers and students have an increasingly weakening contact.” The young employ a strategy of “withdrawal and escape” to their own world. They are more willing to reach for alternative forms of dialogue, sitting in front of computers, communicating on chats, using Skype or social network communicators. This seemingly makes communication easier, yet in reality leads to fake reactions and distortions in human relations. The virtual world, with its wide offer and anonymity, wins with the school microcosm of education, for it allows the creation of inauthentic images of itself, strengthening lack of responsibility and building the world of fiction which seemingly provides the possibility to hide from the problems of the real world.

**A FEW WORDS TO CONCLUDE**

Korczak – a teacher, a tutor and most of all a human, chose the way of dialogue in his work with children in multicultural Warsaw. In his pedagogy, exceeding far beyond the traditional sphere of education, he realised an idea of changing the world.

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27 J. Korczak condemned any practices of shaming a child even if it did or said anything improper.
28 J. Korczak, *Pisma…*, op.cit., v. I.
29 Ibidem, pp. 336-337.
30 More: M. Dudzikowa, K. Krasiecka-Falbierska (red.), *Sprawcy i lub ofiary działań pozornych w edukacji szkolnej*, Impuls, Kraków 2013.
and not changing children. He used to say: "I can create traditions of truth, order, diligence, sincerity, honesty but I will not change any of children into somebody other than they are". He was aware it cannot be that only and exclusively adults decide about the needs of children. Subjective sensations of small citizens of the world are important for its functioning because in a dozen years the children will shape the contemporary world. Taking the role of a dialogue-leader, undertaking the effort of education in the spirit of tolerance, kindness, mutual help, law and order, he introduced harmony in the world closest to him, starting with children’s issues. Through this medium he created the paths of a good educator who “not only can hear the sound of a child’s voice, but can talk to it, listen to it, and who has the ability of non-verbal recognition.”

The need to carry out a dialogue in a school class in the view of the “Old doctor” for improvement of situation of pupils coming from different milieus stays crucial in the contemporary world full of tensions, conflicts and dangers. Both then and now “it is necessary to think about how to organize the system of education. An individual approach is not enough, it is not enough to understand either that a child is also a human being, and entering into dialogue with him or her; one has to put these ideas into life in such difficult conditions as a house filled with a hundred children” and a contemporary, diversified and educationally stratified school. Korczak propagated multiethnic, and thus open education, which today should refer to the theory and praxis of education in the spirit of tolerance, acceptance of diversity and respect for oneself and others.

What should we do in order to transform the dialogue, initiated within a framework of a contemporary school and a school class, into an understanding which was realised by J.Korczak in his pedagogical work? How to work with children and youth at school to make them willing to enter the paths of understanding and respect for themselves and others?

Without a doubt, we should ensure children and youth an atmosphere of safety and liberty of speaking while simultaneously preserving the right to respect and dignity of every person. Allow them expression of thoughts and unhindered talking about themselves in different contexts, not only a given topic – for no book, no doctor will substitute one's own watchful thought, one's own careful discoveries.” Teach them the culture of word and the art of negotiation and using a word as an instrument, a tool of dialogue. Encourage them and make them accustomed to active participation in school classes, planning lessons and drawing conclusions. Motivate to active participation in playing roles and writing pieces on topics accenting richness and diversity of the issues of the contemporary world and the multiplicity of levels of human contacts and bonds. Dialogue, particularly favoured by self-education, self-governance, work for one’s self and for others, development and shaping public opinion, will decide on the quality of young people’s existence in the contemporary world, as well as on the quality of social life.

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33  J. Briczycza, Spotkanie z Korczakiem (A meeting with Korczak), op. cit., p. 90.
35  Korczak J., Pismo..., op.cit, v. I, p. 82.

Active participation in school classes, planning lessons and drawing conclusions. Motivate to active participation in playing roles and writing pieces on topics accenting richness and diversity of the issues of the contemporary world and the multiplicity of levels of human contacts and bonds. Dialogue, particularly favoured by self-education, self-governance, work for one’s self and for others, development and shaping public opinion, will decide on the quality of young people’s existence in the contemporary world, as well as on the quality of social life. ■
Regional Conference on the Rights of Children

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Welcome addresses

- Mrs Jozefina Topalli, President of Albanian Parliament
- Mr Spiro Ksera, Minister of Labor, Social Affairs and Equal Opportunities
- Mrs Irena Tatarzyńska, Ambassador of Poland
- Mrs Liri Berisha, President of the Albania Children Foundation
- Mr Marco Leidekker, Representative of Council of Europe, Albania
- Mr Kirs Madi, Unicef Deputy Regional Director for Central and Eastern Europe

Panel I
Institutional and legal framework: positive experience and lessons learned
- protection of children against violence
- juvenile justice

- Mr Marek Michalak, the Ombudsman for Children of Poland; Chair of the European Network of Ombudspersons for Children (ENOC), There are no Children, only People; Janusz Korczak the first Non-constitutional Ombudsman for Children
- Mrs Anila Nepravishta, Commissioner of Albanian Ombudsman
- Mrs Marta Santos Pais, Special Representative of the UN Secretary General on Violence against Children, statement on Violence against Children, read by Mr. Detlef Palm, the UNICEF representative
- Mrs Tamara Luksic, Orlandic Serbian Deputy Ombudsperson for Children’s Rights
- Mrs Maja Gabela Suljika, Deputy Ombudsman for Children of Croatia, Vulnerable Children – from Recognizing to Real Protection
- Mrs Agnes Lux, Hungarian parliamentarian, Office for civil rights
- Mrs Mag. Renate Winter, International Judge for the United Nations in Kosovo, Juvenile Justice
- Mrs Brikena Kasmi, Deputy Minister of Justice
- Mrs Miranda Pashaj, Head of State Agency on Protection of Children’s Rights in Albania

“The legal framework of children’s rights in Albania”

Panel II
Social Protection – Determinations & solutions of problems of:
- minority children
- child care
- disabled children

- Prof. Barbara Smolinska-Theiss, Poland, Versatility and Timeliness of Korczak’s Ideas in Contemporary World
- Mrs Denada Seferi, Director of Social Service Policies, Ministry of Labor, Social Affairs and Equal Opportunities, The Reform of Social Services in Albania
- Mrs Antoniya Tilkova Genova Stanimirova, State Agency for Child Protection, Bulgaria The Process of Reform in the System for Child Protection in Bulgaria – from Institutional Care to Care in Family and Community
- Mr Albert Gajo, Deputy Minister of Health
- Mrs Irma Baraku, Antidiscrimination Commissioner
- Mrs Eniana Qarri, Professor, Civil Department, Faculty of Law, University of Tirana, The Right of Children to Social Protection
- Mrs Banica Claudia Cerasela, Director of the Advocacy and Human Rights Center in Romania, CADO

Panel III
Education, respecting the views of child (including school democracy)

- Prof. Bronislaw Misztal, the Director of the Community of Democracies, Poland Children and Families as the Subjects of Modern Human Rights – the Legacy of Dr. Korczak (video)
- Mrs Nora Malaj, Deputy Minister of Science and Education
- Prof. Siyka Chavdarova - Kostova, Protection of Children’s Rights in the University Pedagogical Preparation in Bulgaria
- Dr Dolinsek, Slovenia
- Mrs Edyta Januszewska, Ph.D., The Maria Grzegorzewska Academy of Special Education, Department of Social Education, Warsaw, Poland Unaccompanied Minor Asylum-Seekers in Poland. Reflection of a Pedagogue
- Mrs Mila Omcikus, Project Coordinator of Media Education Centre Belgrade, Serbia Children’s Rights and Media Literacy, film Presentation

Closing of the Seminar
Final conclusion – Reinforcement of the institutional mechanisms to ensure Child Rights
Adoption of the Closing Communiqué of the Regional Seminar in Tirana on Child Rights Protection within the Context of the Year of Janusz Korczak, June 14, 2012
There are no Children – only People.
Janusz Korczak, the First Non-Constitutional Ombudsman for Children

Speech of Marek Michalak, Ombudsman for Children of the Republic of Poland and Chair of the European Network of Ombudspersons for Children ENOC

Many years ago, during my childhood years, I dreamt, as most of boys, of becoming a fireman, an astronaut, a rally driver or a footballer. But it was not my destiny to become a heavyweight boxer or a miner. I became a pedagogue.

I studied pedagogy and worked with children. A male pedagogue – it didn’t sound serious – not for my mother. She, however, changed her mind, when on the 23rd of July 2008 the Polish Parliament appointed me for the position of the Ombudsman for Children. I was trusted by the society. This post became for me a great chance but at the same time a big challenge.

In Poland the institution of the Ombudsman for Children has been established by the Law on the Ombudsman for Children in the year 2000. Later the law has been twice amended giving the Ombudsman greater competences.

I am honoured to be here today and speak to you as the Ombudsman for Children of the Republic of Poland. I exercise my duties with great sense of responsibility for young generation of Polish children. I perform my duties also thanks to and on behalf of those who did so much for children.

Janusz Korczak is undoubtedly among the people who are merited in the field of children’s rights. His proper name is Henryk Goldszmit. He was an amazing and an unusual person belonging to the group of moral authorities of the 20th century. He is always mentioned next to such personalities as Mahatma Gandhi or Mother Theresa of Calcutta. Korczak was fighting for human beings’ dignity in the most inhumane times of World War II; in times of humiliation and poverty that touched over 450 thousand Jews, including 100 thousand children crowded in Warsaw ghetto – among them 200 Jewish orphans. Together with Korczak, they were sent to the ghetto and together with the Old Doctor to the Nazi German death camp in Treblinka. They were all murdered there on the 6th of August 1942. This was a heroic and tragic biography.
This biography is also connected with the pedagogical thought developed in the 1920s and 1930s, which transgresses pedagogical standards and educational practice of that time. Korczak was a great pedagogue and educator, he created the foundations for the European child’s pedagogy and is today named next to Johan Heinrich and Pestalozzi in the pantheon of the greatest education reformers.

Janusz Korczak had always wanted to become a writer; he graduated from medical studies but became a children’s educator. He was writing for children: his books King Matt the First, King Matt on a Desert Island or Kaytek the Wizard are translated today into many languages of the world. Korczak was writing about children. He was writing for parents, teachers, doctors and for all adults who care about children. Among his most important pedagogical essays, there are pieces like: How to love a child, Child’s right to respect, Rules of life, Educational moments, Playful pedagogy.

Korczak had been learning a lot. He visited Pestalozzi centres in Switzerland, he knew the representatives of New Education wave, Ellen Key, Maria Montessori. He believed, similarly to them, that the world can be changed through education of children. Korczak researched children, he observed them and described their behavior as an educator and a reflective practitioner. He was with children. He organized in Warsaw hundred years ago an exemplary orphanage for Jewish children called “Dom Sierot” and later for Polish children “Nasz Dom” in Bielany district in Warsaw. Especially for those homes, he elaborated special rules, work regulations, innovative forms of living such as self-government, peer court, school newspaper or children’s special meetings, during which the participants undertook different obligations.

The functioning of “Dom Sierot” was mainly based on the child’s work undertook voluntarily, on self-development and own duties of each child. Korczak wanted children to take the trouble to build their own biography based on responsibility. He taught children how to live in a group, understand the rules of social life and build their own individual ‘life route’. Today, the practice of “Dom Sierot” is shown as Korczak’s school of democracy.

Korczak was repeating many times that democracy is a task for free people who don’t have to walk with their head down, who don’t have to conform to anybody, listen to anybody or do different tasks as a penalty. Democracy means freedom, courage and boldness. One has to learn democracy but the democracy also has to be created.

It has to be created with children and for children. We should provide children with dignity, law and citizenship. Those ideas formulated over 80 years ago today sound innovative.

To give dignity to a child means to acknowledge the child as a human being. A little, important human being with the same dignity as others’. This dignity cannot be taken away. It can be destroyed, infringed upon, but it can’t be taken away. Dignity is ascribed to every human being. That is why Korczak says: “There are no children, only people. A child is a human being here and now, he or she will not become a human being in the future, he or she is one already”.

Children’s life is perceived from the perspective of current children’s problems – such important ones like: hunger, death of their relatives, loneliness, disease. But for children similarly important and serious are: stones, caps, lines, toys. This is the children’s world. A child creates and marks this world adapted to his or her own needs and possibilities. This children’s world was discovered by Korczak. He discovered the child in their everyday life and rights. In 1918 Korczak wrote his famous essay How to love a child. Within this work, he formulates three rights: the right of the child to death, the right of the child to be who he or she wants to be, the right of the child to the contemporary day. In 1930 he spoke about the child’s right to respect. Those three Korczak’s rights later became the basis for the Declaration of the Rights of the Child adopted by the League of Nations and known as the Geneva Declaration. Poland signed this document on the 28th of March 1925. The Declaration says: “mankind owes to the Child the best that it has to give.”

Korczak knew the Declaration and supported it, but he went much further. Social rights belong to children like to all other citizens. Children constitute almost one third of the society and such part of the income should be devoted to them. He was asking for the right to decent living conditions, to protection of health, to education, to leisure. He took special care of the children living in poverty, children that were excluded from society, had different nationality or professed different religion. He combated discrimination, stigmatizing and violence. He experienced all those behaviours himself. When he was a child, his family was socially and economically degraded after his father’s death. That’s why he stigmatized anti-Semitism and nationalism.

Korczak was not a revolutionist, he wasn’t a tribune. He fought with the evil of this world but at the same time he believed in human beings. He didn’t reject anybody. In the most difficult time, in inhumane conditions of the Warsaw ghetto, he naively and heroically wrote about the attitude towards life and other humans, also towards the Nazi torturers. “I don’t really know but I am not able to hate others” he said. Today, when we talk so much about the forgiveness, about Nazi crimes, Stalinism, genocide and national wars – Korczak teaches us all forgiveness. Just like Mahatma Gandhi, he talks about the world free from violence towards adults or children.
He would be very happy that despite difficulties, we managed to escape in the contemporary Europe from the communism. Yugoslav Wars ended and we slowly enter the democratic path with the respect for the rights and the refusal of violence. Violence has different facets – from ethnic cleansing, through wars, slavery, rape, up to beating children by parents and teachers. Korczak was fighting against the use of violence towards children. He faced many times difficult situations. He treated them as defeats and was ashamed of them. Korczak underlined that an adult has no right to beat a child. In 2010, Poland joined the group of those countries that introduced a legal ban on the use of corporal punishment towards children, after courageous strivings of Polish government and Parliament with an active participation of the Ombudsman for Children of Poland. It doesn’t mean that we managed to eliminate the violence towards children; however, there’s a decrease noticed in the level of social acceptance for the use of corporal punishment. We more often, bring up children without the use of corporal punishment and also more frequently prohibit others to beat the children. We slowly build a network of social services and other institutions combating and counteracting beating the youngest ones and helping them go through the trauma of experiences. Personally, I attach great attention to the introduction of a legal ban on the use of corporal punishment. It indicates how valuable the child and children’s rights are in the society.

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In September 2011, the Sejm of the Republic of Poland, at the motion of the Ombudsman for Children, established unanimously the year 2012 as the Year of Janusz Korczak. This is a great distinction and also an enormous challenge. The Year of Korczak is treated as a social lesson, directed to parents, teachers, social employees, religion instructors, judges, journalists, politicians, self-governors and all persons of good will that care about children. Numerous Ministries and Embassies eagerly joined the initiative. Ministry of Foreign Affairs established a special team promoting ideas of Korczak and Polish activities in the field of children’s rights. Many foreign publishers are willing to translate Korczak’s literary pieces. So far, 70 international events connected with Korczak have been submitted to my office among others from Russia, Germany, France, Ukraine, Azerbaijan, Uruguay, Albania etc. In Poland, nearly 400 events connected with Korczak are already planned by different milieus, academics, senior clubs and playground groups that read Korczak. At the initiative of Ombudsman for Children of Poland, 14 Janusz Korczak conferences took place in different voivodships around the country. The conferences gathered numerous children, students, teachers, policemen and local governors as well as Members of Parliament representing given voivodship. The Year of Janusz Korczak is a great social movement concentrated around such ideas like child’s dignity, children’s rights and child’s citizenship. They constitute the main pillar of Korczak’s pedagogy and show the child as a human being with the same rights as the adults but with different capabilities. We have to learn those rights as parents and educators. We have to teach those rights to children and they themselves should be willing and capable of using them. These are civic rights of human beings. The rights connected with children’s participation in the social life, with their rights to have their say. Those civic rights are the priorities of the contemporary world. It is reflected in the research and in the discussions. It was confirmed by the children, who as young Members of Parliament, gathered in the Polish Sejm for one day on the 1st of June, during the International Children’s Day. It is not only about noticing children who live among us, it is about building them schools, ensuring protection of their health and providing opportunities to develop. Today, as the Ombudsman for Children of the Republic of Poland and the Chair of the European Network of Ombudspersons for Children ENOC, I ask for a dialogue with children and remind that children should be given the opportunity to have their say in matters that concern them and regarding issues that can be named and solved in a children’s way. This is the voice of children and the voice of Janusz Korczak.
Distinguished participants, dear friends,
To you all I am sending my warmest greetings.

I very much regret that I cannot be with you in person in your important meeting. I would like to congratulate the Governments of Albania and Poland, the Council of Europe and UNICEF, and, last but not least, the Albanian Children Foundation for organizing this meeting and for placing violence against children as a central concern on the regional agenda.

This meeting is held to celebrate the memory of Dr. Janusz Korczak, the Polish hero who made the ultimate sacrifice in order to provide protection to children in his care. A legendary pedagogue, a thinker ahead of time, Janusz Korczak is an inspiration for all those dedicated to children's rights.

He devoted his life to the promotion of the rights of the child to participation, to respect and to protection from violence. His vision was a reference for the drafting of the Convention of the Rights of the Child and remains a foundation for our work, today and in the future.

As Janusz Korczak has noted, and what remains a prevailing perception still today, the child is largely envisaged as “weak, little, poor, dependent – a citizen-to-be only; only a child, a future person, but not yet, not today.”

In your meeting, you will address many of the dimensions of Janusz Korczak thinking and action, dimensions which today are widely recognized as crucial for the realization of children's rights and to ensure that children develop into active participants in decision-making and democratic processes. These issues include the protection of children from violence and abuse; children in the juvenile justice; the rights of especially vulnerable children, as well as the role of independent national institutions for the protection of children's rights. All of these themes are close to my heart and priorities in my agenda as Special Representative of the Secretary-General on Violence against Children, and they are also crucial to ensure a meaningful follow up to the United Nations Study on Violence against Children.

Dear friends,
Freedom from violence is a fundamental human right which all countries have committed to safeguard for all children, everywhere and at all times.

Unfortunately, as we all know, violence remains widespread and pervasive. It takes place in all contexts, including where children are expected to enjoy a secure environment and special protection - in care institutions, in schools and within the home. Children suffer neglect and trauma when they witness violence, humiliation, physical aggression, abuse and exploitation. Younger children, children with disabilities and children from minorities are at special risk, having less ability to speak up and seek support, and greater chances of suffering irreversible emotional and health damage.

Despite the growing efforts by governments to address violence against children, we are facing enormous challenges. That is why leading examples, such as those we see in in this region of South East Europe are so important: they serve as indispensable examples that other countries can learn from.

This is the case in Albania, for example, with the creation of Child Protection Units in 49 municipalities, where families and children are supported with psychosocial, legal, health services, and educational activities. More than around 6,000 children and 2,000 families have been assisted by the CPUs. Another important measure is the development by the Ministry of Education of a national-wide, multi-year communication programme to combat violence in schools, providing tools and skills to teachers to use positive discipline. These are important steps for protecting children from violence anywhere.
In my work as Special Representative, I give special priority to the urgent need for countries to establish by law safe and accessible child friendly counseling, reporting, and complaint mechanisms to address incidents of violence. In many countries, such mechanisms are largely unavailable or ill-resourced to effectively address children’s concerns. In most cases, children do not know where to go and whom to call to seek advice and support when they encounter violence; they feel pressed to conceal their stories, fearing further stigmatization, harassment, abandonment and reprisals. And when they find the courage to share their stories, they often encounter suspicion and indifference.

The development of independent national institutions for the protection of children’s rights, such as children’s ombudsman offices, is an important step in raising awareness about children’s rights, mobilizing action for children’s protection from violence, and in providing safer mechanisms to support child victims and fight impunity. I look forward to hearing about progress promoted in the countries of this region in moving this process forward.

The National Helpline for Children in Albania is another important tool to fill this gap. But it is important to recognize that child helplines must form part of a broader comprehensive, robust and integrated national child protection system that can provide meaningful services to children who seek help or require support to complain about violence and benefit from assistance in their recovery and long term reintegration.

Dear friends,
As you know, it is my task as Special Representative to work with governments and other stakeholders to ensure meaningful follow up to the UN Study on Violence against Children.

To promote progress, I place special emphasis on the three key priorities of my mandate, which are:
• the development in each country of a national strategy to prevent and respond to all forms of violence
• the introduction of legislation to prohibit all violence against children, and
• the consolidation of data and research to inform progress in this field.

These are areas that are gaining growing relevance in Europe and across regions, and to which UNICEF and Council of Europe are providing a decisive support. They are critical to prevent and respond to violence; and they are also an essential and meaningful expression of States’ commitment and accountability for children’s rights.

Violence affects the life of millions of children around the world and is associated with profound social costs. But as more significant initiatives are promoted across regions, we realize that violence is not inevitable; it can be prevented and effectively addressed.

With a well-resourced and strategic national agenda, with strong and effective legislation and with sound data and evidence to understand risk factors and inform strategic planning, policy decisions and resource allocation, a world without violence can be built.

I look forward to strengthening our collaboration in translating these important commitments into tangible action so that all children can grow up in an environment where violence has truly no place.
Thank you.
In my presentation I will focus on some questions the Office of Ombudsman for Children is facing: Who are the vulnerable children? What does recognizing of their needs include? And what are the obstacles for reaching the final goal – protection of their rights?

Also, I will shortly talk about the children of imprisoned parents as particularly vulnerable children.

Many vulnerable groups of children are more likely to be exposed to violation of their human rights. These groups are: abused and neglected children, minority children, disabled children, children with health problems, children with behavioral problems, children who infringe the law, children in detention, children who live in poverty, children without adequate parental care, children in alternative care, children in one-parent families, children with imprisoned parents. Furthermore, this also includes children of homosexual preferences, transsexual children and migrant children.

The obligation of the state according to Convention on the Rights of the Child (CRC) is to protect children’s rights by protecting them from any discrimination and by meeting their needs and their best interests in every aspect of their life. However, we should be satisfied only with effective implementation of what we learn and reach through the recognizing process.

What does recognizing include?
We can say that recognizing includes: adoption and ratification of international documents (conventions, protocols...), creation of laws and bylaws, strategies, action plans, projects, programs, protocols, examples of good practice, implementation of higher standards of protection, public discussion as a sign of higher awareness, policy changes etc.

When we define the vulnerability or vulnerable groups we have to ask ourselves the question about the extent to which some influences can harm the child both physically and psychologically. Another question is about perception of vulnerability by various groups such as parents, teachers, politicians, governmental institutions, services. Their perception defines their response and reaction which can be: reactive or proactive, preventing, indifferent, real, declarative etc.

In order to provide the right protection to vulnerable groups it is necessary to recognize the factors which make a group vulnerable. There might be a lot of factors. The fewer factors are recognized, the more limited protection we provide.

Full protection and realization of children’s rights and meeting their needs are our final and ultimate goals. Recognition of children’s need is a tool and the first step.

Needs of the most vulnerable children are recognized to some extent. However, within vulnerable groups there are children groups which are even more affected by vulnerability. They are more vulnerable because they are not fully recognized as vulnerable children.

On the path from recognition to full protection there are lots of obstacles which make this path longer and heavier. Some of them are: lack of information and data and discrepancies between institutions which collect this data; lack of unified court practices, lack of a child friendly approach in services, harmful traditional approaches in family, school, alternative care, sport clubs; lack of professional network and coordination; lack of social responsibility and lack of reporting; lack of fund planning. Therefore, it is crucial to be aware of all the obstacles.

Let us now see how these obstacles influence a particularly vulnerable group: the children of imprisoned parents. They are still not widely recognized as a vulnerable group in connection to the fact that one or both of their parent(s) are in prison. We do not know exactly their number. They could be stigmatized and rejected. Their reputation could be diminished. They could suffer and could be exposed to violence in many different settings – family, school, neighborhood and in other situations (arresting, pretrial, trial, sentencing, and preparing for reintegration to family and society). The first factor of their vulnerability is that the parent commits the crime and is sent to prison. A number of ques-
tions arise. How do children whose parents are serving a prison sentence feel? How do they cope with being separated from a parent? Do they get to see their parent? Do they know where their parent is and do they visit him/her? What kind of help and support do they need? What are the actions that society and state are required to take in order to help the children? What is the legislative and legal framework for these actions and what can (or is being) done by professionals? How are the children whose parents have been imprisoned treated by the media? Which services, systems, institutions and professionals can provide help and support? In which part of their life do they have particular needs? What kind of personal strength helps children cope when a parent is in prison? How to make visits and body searches in prison more child-friendly?

The environment they are raised in is, in most cases, influenced by poverty; they are often brought up by single parents or by relatives. In many cases they have experienced violating behavior. The very last thing is the fact that their awareness about the real situation, especially if they are very young, is very low. Not recognizing their needs often leads to neglecting their needs. Consequently, we cannot protect them from suffering and we cannot stop or prevent, as many studies show, transmission of violence patterns between generations.

We can say that in the case of Croatia, more than 3,000 children of imprisoned parents are exposed to multiple and heavy violations of their needs. Furthermore, we do not have answers to the questions asked. It means that we haven’t been recognizing their needs, and all the factors that affect their lives.

We prefer to categorize children in different groups of vulnerability which make our work easier and more structured. Instead of a conclusion I want to remind us, of the Council of Europe Strategy for the Rights of the Child 2012-2015 and its third strategic objective. This objective guarantees the rights of children in vulnerable situations and warns that children generally, resent being labeled as members of a vulnerable group. They prefer to be treated with respect as individuals, despite any common experiences or situation.
We refer to Janusz Korczak all the time. We talk about his literary pieces and ideas. We try to learn what is general, versatile, common and readable for different cultures and countries. What lasted after Korczak is now read anew in the globalised world both in traditional and modern social structures.

On the other hand, in order to understand Korczak, to discover his message and his greatness one has to refer to time and place: biographical time, historical time and socio-cultural time. Warsaw before World War II was a Polish-Jewish Warsaw (25% of inhabitants were Jewish), an economically diversified Warsaw – on the one side rich houses of aristocracy, finance and intelligence, on the other, poor people, enormous unemployment and crisis. Korczak comes from this environment. He belongs to the generation of activists, he is a social worker – an idealist, but also a realist well acquainted with the social problems.1

Korczak believes that the world can be changed through education, that the child is a key to a better future. He builds his youth and adult life around children. He is a children’s educator, children’s researcher, children’s doctor, children’s writer, children’s tribune and advocate. He is children’s ombudsman. There is nothing unusual in it - every country has its teachers, educators but only few of them came to history. These are the people who surpass the reality, break the conventions, discover and proclaim new ideas.

A child is a human being with their own dignity, rights and the voice in the family, at school, in local community, in society and in the country. A child is a human, not a making of a human. Children’s everyday problems, such as torn trousers, hurt knees, lost stones and strings are very important to them.2 To perceive a child, to understand and learn them – this is a task that Korczak sets himself and us as well. Korczak demonstrates that a child is a human, a citizen, that a child should be loved, respected and have their rights. Korczak talks about three rights. A right of a child to death (this is a special problem), a right to be whom he is that is a right to have a childhood and finally, a right to respect.

These slogans seem obvious today; however, 70 years ago they were rebellious. They were breaking the common education practice, violating the authority of parents and educated pedagogues. These slogans also had their place in the communist Poland contrary to Korczak, who was too Jewish for a Pole and too Polish for a Jew, who wanted to give rights to children, teach them self-government, democracy and the courage to have their own opinions.

Such ideas were unacceptable for the communist pedagogy. In the 50’s Korczak’s books were censured and prohibited. Furthermore, in the 70’s and 80’s the communist pedagogy still did not perceive Korczak’s ideas. It educated a disciplined pupil, a member of the youth organizations. The communist pedagogy dealt with the methodology of education, not with ideas, philosophy or axiology. “Pedagogy was supposed to answer the questions on how to implement goals already established in advance.” For many years, thousands of teachers were forced to believe in this slogan.

In 1989 at Poland’s initiative, the Convention on the Rights of the Child was adopted. Polish participation in this initiative is a great honour and commitment. The creators of the CRC referred to Korczak’s ideas, however, Korczak himself was not present in the Polish realities. He was not known among teachers or parents, he was mostly mentioned as a children’s writer.

1 J. Olczak-Ronikier, Korczak. Próba biografii (A Biographical Sketch), Wydawnictwo WAB (WAB Publishing), Warszawa 2011
For over 30 years I worked in the Education Department at the Warsaw University. I knew Korczak from my early childhood because as a small child I received “King Matt the First” as a Christmas present from my parents. I read Koczak's books in my youth but these were not on an academic reading lists. Korczak was more popular in the west of Europe than in Poland. I sometimes visited German universities and looked at the portraits of famous European pedagogues. Most of the times there were: Johann Heinrich Pestalozzi, Anton Makarenko and Janusz Korczak.

Paradoxically – Korczak's pedagogical ideas came to Poland mostly thanks to German pedagogues. Youth revolt in the West, the so-called emancipation pedagogy discovered anew in the mid-70s the problems of a child, childhood, children's rights and children's citizenship. The revolt showed the breaking of these rights by domestic and school violence. Korczak became an icon of the new education of children with respect to a child's dignity, their rights and citizenship – first for the western and later also for the Polish pedagogy and practice.

Basic, universal and fundamental ideas of child's love and respect became more and more popular among different cultural circles. I saw it clearly at the end of 2009 during a series of lectures at various pedagogical universities in Japan. Korczak's ideas were seen as cure for a bankrupting system of a directive education based on enormous requirements towards children, Japanese discipline and competition. Through Korczak they were looking for new patterns of wise love to a child, closeness and dialogue with a child so difficult for the Japanese.

Today, when we discuss Korczak among friends in Albania, when Korczak is translated into many languages, a question arises about the Korczak's phenomenon. Why in contemporary times there is such a huge demand for Korczak's ideas. What Korczak brings into contemporary Europe and world? According to what codes and matrices is he read in different cultures? What is it about Korczak that makes Poles, Jews, Germans entangled in Holocaust and other Europeans translate anew Korczak into French, Italian, Portuguese? What is so fascinating about Korczak for Africans from Congo, Tanzania, Burundi or Ivory Coast? What are Japanese or Koreans expecting from Korczak? Those questions still remain unanswered.

It is important that Korczak brings us together more in questions and in search rather than in answers. His pedagogy is an open book in which we constantly discover new content. Reading Korczak brings people together. The community of parents, adults and citizens responsible for the fate of our children and their future, is built around Korczak. Korczak in this globalised but also divided world gives us a lesson on how to love and respect a child. He teaches adults how to discover, understand and get to know a child. It is a change of a perspective. Throughout centuries an adult taught a child, he or she was the unquestionable authority.

Korczak shows us that an adult can learn along with a child and from a child. We can see it very clearly today, when in the countries like Poland and Albania, where democracy is still being built, that the young generation make up for deficiencies in the fast developing world. These young people – teach their parents and grandparents how to use a computer. They know foreign languages much better. They more eagerly and enthusiastically learn the citizenship in contemporary Europe, looking into the future with optimism. For sure Korczak would be pleased if he could meet the contemporary child.

We are witnesses of a great change in the situation of children and in the attitude of parents. Korczak has greatly contributed to it. He built and strengthened this change.

In this year, established by the Polish Parliament at the initiative of the Polish Ombudsman for Children as the Year of Janusz Korczak, we all have to do our homework on Korczak's pedagogy. We read it anew, in new perspectives, according to the new challenges which the children and the contemporary world pose to us. We continuously wonder whether his ideas were so innovative, whether Korczak grew up to our century or if we grew up to Korczak.
It is not enough to describe and regulate children’s rights. It is necessary that they are respected, protected, well-known to all people working with children, namely social workers and teachers, other pedagogical staff in schools and other cultural and social institutions concerned with working with children.

No one was born with the knowledge on the human rights, nor with the knowledge on the children’s rights. This type of knowledge should be heard, learned, popularized – in educational environments, public space and by the mass-media. The effectiveness of the education on human and children’s rights depends on the preparation of the people who are involved in teaching these ideas.

Teachers could educate pupils about their rights and could care for the protection of children’s rights in the school environment. For that to become a fact, teachers should be specially prepared to the roles of educators about human rights and protectors of children’s rights.

In Bulgaria we have experience in including education on children’s rights in the university pedagogical preparation. There are some special subjects related to children’s and human rights education at the Faculty of Pedagogy, Sofia University “St. Kliment Ohridski” where we prepare future teachers, pedagogical advisers, social workers, managers in education, specialists in nonformal education. These include: “Human and children’s rights education” Major Pedagogy, Bachelor degree and master program educational management, “Children’s and human rights education”, Major Informal Education, Bachelor degree, “Children’s rights” Major Social work, Bachelor degree, “Legislation and social policy for work with children and families” Master program Social work with children and families.

The main objective of the university subject “Human and children’s right education” is “to provide knowledge to students on human and children’s rights on the base of the international documents and Bulgarian legislation and to form skills for realization of training on the human and children’s rights”. The more concrete aims are: “to familiarize students with the information in documentation on human and children’s rights; to identify the cases/forms of breach of human and children’s rights that are more frequent; to plan, organize and realize educational activity with children and adults on the problems of human and children’s rights”.  

The content of the university subject “Human and children’s right education” includes the following subjects:

Lectures /30 hours/:

I part. Historical and social dimensions of the human and children’s rights (16 hours)
- 21st century – century of the human rights.
- Interest of the international community to the human rights.
- International documents for protection of the human rights.
- The new philosophy for the child and its rights.
- The culture on the children’s rights.
- Normative protection of the children’s rights.

• UN Convention for the children’s rights (1989).
• Social protection and guarantees for the human and children’s rights. The ombudsmen of the human and children’s rights in the developed countries. The role of the non-governmental organizations and media.

II part. Human and children’s rights education (14 hours)
• The right for education as a basic human right.
• Human and children’s right education.
• Purposeful learning on the children’s rights in the school.
• The mission of the school and the teacher in the children’s rights perspective.
• Factors in competency on children rights.
• Teachers’ education on human and children’s rights.
• Conditions for effective educational activities on the human and children’s rights.

Seminars /30 hours/:  
• Introduction to the international documents on human/children’s rights.
• Legal and social protection of the citizens and children – normative documents.
• Possibilities for learning of human/children’s rights in the kindergarten, primary and secondary school.
• Specific characteristics of the work with children and parents on children’s rights.
• Organizations of the seminars, trainings, discussions on human/children’s rights.
• Ateliers on the children’s rights.” 2

The subject of the human rights education is included in other university subjects: Theory of education /specialization Pedagogy, Bachelor degree; Master degree/, Pedagogy /for students – future teachers from other faculties of the Sofia University, Bachelor degree/.  

Such theme and courses are included in the post-diploma qualification courses, seminars with teachers and social workers in our country. Our specialists in this field released “seminars and ateliers on children’s rights with students and teachers from other countries (Republic of Tatarstan, Republic of Marij El - Russian Federation, Belgium); ateliers on children’s rights with students and teachers from schools in Sofia and other towns in Bulgaria, ateliers on children’s rights with participants in conferences (Gent, Kiten, Gorna Oriahovitsa, etc.).” 3

Specific problems related to the rights of the children from minorities and the children with disabilities are presented in university courses preparing social workers, teachers and other pedagogical staff: Faculty of Pedagogy, Sofia University “St. Kliment Ohridski”: Intercultural education, Bachelor Degree; Culture and education – management aspects and equal access to education, Master program, Educational management; Social work with refugees, Master program, Social work with children and families; Faculty of Primary and Preschool Pedagogy, Sofia University “St. Kliment Ohridski”: Civic education. Some examples:
• Theme “Legal basis of the intercultural education”, subject “Intercultural education” presents international and national legislation in this field;
• theme “Main international and national state documents, normative and sub-normative acts that provide the realization of the idea for equal access to education” subject “Equal access to education – management aspects” presents international and national documents related to the equal access to education with two accents – normative documents for the right of the equal access to education of children from ethnic minorities and children with disabilities;
• theme “Human rights in the state of law and civic society”, subject “Civic education” presents interdisciplinary character of this problem; relation “Rights and freedoms – responsibilities and duties”; development of the idea of the human rights and children’s rights; international guarantees for the human rights protection (documents and institutions); constitutional protection of the human rights; legal protection of the human rights; national protection of the children (documents and institutions)”. 5

It is necessary to include a theme on the specific human and children’s rights for students to better understand legal basis of the realized practical activities with specific social groups who need special social help for their optimal development and to better understand methodological roots of these activities. Publications of the lecturers that study such problems are used for the students preparation on human and children’s rights.

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The role of universities in the human and children’s rights protection is to familiarise students with human and children’s rights. What is more, it is necessary that the university lecturers are followed by research and publication work. As an example I can indicate the participation of Bulgarian representative, university lecturer in the international CRUN-Project (Children’s Rights Universities Network) – 1997-2005.⁶ There is a good collaboration on the national level between Sofia University “St. Kliment Ohridski” and the United Nations Association in Bulgaria (UNA of Bulgaria) – a non-governmental organization working actively in the field of the human rights education. In a joint activity between UNA of Bulgaria and Sofia University was realized a very successful project “Flying University”, whose main aim was to prepare teachers from schools in different Bulgarian towns to use the knowledge about the human and children in everyday school educational practice with children.

Part of the university pedagogical training in the field of human and children’s rights is the preparation of a course and diploma works by students. These problems are also within the interests of Ph.D. students. For example: in the frame of Ph.D. thesis: “Rights of children with deviant and criminal behavior; Right to social protection of children living in social institutions; Rights of children to human relationship with adult (teachers, social workers and parents); Right to information (related to European values)” are studied and presented. Some examples for course and diploma works are: “Children’s rights in school; Right to social protection of disadvantaged children; Right to nonviolence; Right to leisure, play and amusement; Right to education; Children’s rights in a situation of adoption; Rights of homeless and street children; Rights of children with deviant and criminal behavior”⁷. Legal determinants of the religious education, Children’s rights in the context of the relationship social work – intercultural education, Social protection of children and intercultural education.⁸

The quality and effectiveness of the students’ works in the field of the children’s rights depends on the quality of the university lecturers – the information level and the research and practical level. In the last years university lecturers that present the problems of the human and children’s rights education, social protection of the children, participated in different projects on the national and international level, in conferences, seminars, discussion forums related wholly or partly to these problems. As a result of these initiatives, books and papers in pedagogical scientific periodicals and anthologies were published.⁹

To conclude, the experience of including the subjects of human and children’s rights education in Bulgarian university pedagogical curriculum brings real results. This experience demonstrates that pedagogical faculties preparing future teachers and other pedagogical staff should contribute to popularization, protection and respect of human and children’s rights. □

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Janusz Korczak said:  
“What a tragedy life is nowadays and what a disgrace for the current generation, who have given children this chaotic world.”

A lack of order in the world, the loss of sense of security and the search for a secure place to be, are the major reasons for human migration. The side effect of that phenomenon is becoming a refugee. Who is a refugee and who is the victim in such situation? The victims are most commonly children, women and the elderly. Here are some facts that present the situation of children in many regions of the world:

• There are about 50 million displaced people in the world – they are looking for safety in their own or in other countries. Half of them are children.
• The High Commissioner of The United Nations for Refugees has ensured the care of over 23 million people; about 10 million were children under 18.
• In the last 10 years, as a result of military conflicts, 2 million children were killed, 6 million injured and 1 million orphaned.
• In 87 countries in the world children live the areas containing 60 million mines.
• Over 300 thousand underaged people currently serve in armies around the world. Some of them are under the age of 10. Most girls who serve in those armies are sexually abused.
• According to the UNHCR, 57% of refugee children live in Africa and 20% live in Europe. In Europe 2-5% of minors apply personally for a refugee status, whilst in Poland they file around 50% of all applications.

Janusz Korczak stated that the basic obligation of adults is to save children from the dangers and risks of the surrounding world. He said that “a child may be frightfully lonely in its suffering.” We should have respect for every child expressed in: acceptance of its physical, mental and social distinctness, tolerance of its outlook, religion and home language and recognition of its work and achievements.

In the years 1951 and 1991 Poland did not have experience in helping refugees, especially refugee children, as it is understood within the framework of the Geneva Convention. It is true that after World War II, despite the difficult social, economic and political conditions, Poland gave shelter to tens of thousands of refugees from Europe, but this help was more political than purely humanitarian.

Eugen Weber, a Romanian-born American historian, said: “When democracies experience a crisis, the discontent and fear that hangs in the air can become focused on Others who are then accused of taking away work, bread, security and money from the local population and helping to increase taxes. In times like these neighbours become enemies, and nationalism turns into the xenophobic division of us and them. Typically, immigrants are first shunned and pushed to the margins, only later to go through a process of integration and assimilation. However, in difficult times, concealed hostility can turn into open animosity and hatred, as during the Great Depression, when the Dutch, Belgians, Swiss, British, French and Americans sharpened their immigration laws. In reality, Human Rights are simply those rights that one group of people are ready to afford to another group. […] Democracy can not only express the higher feelings and aspirations of the majority, but also their biases”¹. This quote relates to our reality, because it talks about the treatment of the Other in a recession; and Europe is now widely understood to be in the era of crisis. The crisis is affecting mainly the youngest and most vulnerable, and this group includes children who are looking for shelter and safety.

Today’s world is full of cruelty, violence and hatred, and women and children are the most affected. They are weaker and more

vulnerable and often looking for shelter in another country is the only choice left for them. As a result of fear of persecution because of race, religion, nationality, political reasons or social ethnicity, they escape to another country where they can gain a refugee status.

Poland joined the 1951 Geneva Convention concerning status of refugees and also the New York Protocol of 1967 in 1991. The decision to ratify the convention was possible thanks to changes in the social-political situation in Poland after 1989 and also due to the fact that in 1990 Sweden sent a ship to Poland filled with refugees from the Third World countries. This was Poland’s first contact with refugees after many years. Up to the end of the 1980’s, refugees were rare in Poland. In fact it was Polish people who were among the most numerous groups applying for refugee status in Western Europe.

Since 1991 children from many foreign states have come to Poland seeking shelter. Most of them were from Bosnia and Herzegovina, Russia, Sri Lanka, Afghanistan, Armenia, Belarus, Iraq, Iran, India, Bangladesh, Pakistan, Lebanon, Mongolia and Vietnam. From the year 2000 the biggest group looking for shelter in our country were citizens of the Russian Federation, mostly of Chechen nationality.

Although Poland has acceded to both the Geneva Convention on refugee status, and the Convention on the Rights of the Child, the situation of refugee children is still difficult. Children who come to Poland with their parents apply jointly for a refugee status. The application for a refugee status is therefore granted to children along with their parents. Once they are recognized as refugees, they can seek assistance and support to help them with their integration. However, the situation of children who have come to Poland without parents or legal guardians is much more difficult.

In 2011, 6,887 people applied for a refugee status in Poland. It is difficult to give precise numbers regarding unaccompanied foreign minors residing in Poland because some are in Poland illegally, others, even if included in the statistics, leave for Western Europe to seek their place in the world, or leave their facilities and join family or friends staying in Poland. In the last decade of the 20th century, the number of unaccompanied foreign children applying for a refugee status ranged from a dozen to several hundred. And so in 1994 there were 17, in 1995 – 29, in 1996 – 359, in 1997 – 377, in 1998 – 185, in 1999 – 99, and in 2000 – 76. In 2001 – 80, in 2002 – 201, in 2003 – 214, in 2004 – 230, in 2005 – 278. In 2006 there were 282, in 2007 – 356, and in 2008 – 376 children. According to the Office for Foreigners, unaccompanied minors rarely receive refugee status mainly because most of them leave Poland before the procedure of granting a refugee status is completed.

Under the Act of 13 June 2003 regarding the granting of protection to foreigners on Polish territory, an authority which receives such a request must deliver the unaccompanied minor to professional foster parents who serve in family emergencies or to an interventional education care facility. The Act of the 9 June 2011, regarding family support and the foster care system, states that an interventional education care facility must:
1) provide immediate care for a child during a crisis situation;
2) provide access to training tailored to age and developmental abilities;
3) provide care and nurture until they are restored to their natural family, placed with an adoptive or foster family or placed in a family type social care and educational facility;
4) provide access to psychological and educational assistance appropriate to disorders and developmental deviations or specific learning difficulties.

One of such facilities for alien minors in Warsaw is Children’s Home No. 9. In 2008, there were 21 people in Children’s Home No. 9, and 20 people in 2009. Between 2008 and 2009 the children attending ranged from 1 year and 8 months to 17 years old. Although the majority of children were aged between 15-17. Children whose legal status is undetermined, stay in foster care for a much shorter time than children whose situation is legally defined (for example, they are seeking refugee status). Approximately 88% of children placed in foster care voluntarily leave within the first six months from arrival. In most cases, we do not know where they are and what happens to them after they leave the foster care.

Young foreigners who are already in a children’s home are entitled to health care and have the right to education. Poland has one of two integration policy models in terms of access to

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3 Refugee Children in Poland, „Z Obcej Ziemi” (From a Foreign Land), no. 12/2001, p. 16.
4 Refugees in Numbers – 2001, „Z Obcej Ziemi” (From a Foreign Land), no. 15/2002, s. 5.
5 Policies on the reception, return and integration of unaccompanied foreign minors in Poland..., cit., p. 11. See also Uchodźcy w Polsce w 2005 roku (Refugees in Poland), „Z Obcej Ziemi” (From a Foreign Land), no. 24/2006, p. 30-31.
education, namely the integration model. This involves foreign children going to school together with Polish children (even if they have little or no Polish language skills), with Polish language assistance provided through additional language lessons. This model is applied in the UK, in Portugal, Italy, Austria and Hungary. The other model is separational, with foreigner children taught in separate classes until they master the host language and is applied in, among others, Germany and Romania.

Peter Bystrianin from the “Salvation” Foundation stresses that the experiences of war and persecution, conditions of poverty, educational gaps caused by war, drift and instability translate into impaired cognitive, emotional and social development, and an impaired sense of security. They also have a significant influence on outlook, memory, learning ability, and on the day to day functioning (psychosomatic symptoms) and health of refugee children.

Zygmunt Bauman - a Polish Sociologist - said: “Refugees are discarded people, completely useless to the country in which they arrive and reside temporarily, ‘people for the scrapheap’ stripped of any illusions and without realistic hopes of assimilation and incorporation into a new social organism. From the landfills where they find themselves there is no way back. There are no paths to lead them away from there.” 7. John Paul II said children are the hope and the future of the world. The way children are treated, whether as discards or as the hope of the world, depends entirely on us.

An equitable childhood is the fundamental children’s right that Janusz Korczak fought for in the last century. He said: “The child will not be able to live tomorrow, if we do not allow it to live a conscious and responsible life today.” Children have the right to respect and to be who they are, Korczak said. Children have the right to a respectful childhood because childhood is the period for “growing up happy”. “There is no child generally. There is a given child. Not what it will be, but what it is now. Not what it should be, but what it may be.” He fought for a child’s right to be who they want to be.

Is there any way out of the circle of violence and hatred in which humans move and live? Will adults make our children’s world better and safer? Is there hope that beaten, abused, discarded, tortured and besieged children will find trust and self worth in contact with adults? And finally, will the adult be able to start a dialogue, not with someone who will become an individual, but with someone who already is an individual? I think that the protection of a child and their right to a happy childhood is a challenge and a task for pedagogues, teachers, tutors, and all those who find that children rights are close to their heart. If adults understand that children are the hope and future of the world, then the world will survive and children will find safety and happiness. ■

7 Z. Bauman, Życie na przemiał (Life for Recycling), Wydawnictwo Literackie (Literary Press), Kraków 2004, pp. 122-123.
Workshop on the Rights of Children organized on the occasion of the Janusz Korczak Year, celebrated this year in Poland

SUBCOMMITTEE ON HUMAN RIGHTS POLICY DEPARTMENT DG EXPO WITH THE COOPERATION OF THE PERMANENT REPRESENTATION OF THE REPUBLIC OF POLAND TO THE EU

6TH NOVEMBER 2012 / EUROPEAN PARLIAMENT / BRUSSELS
PROGRAMME

Chair by
Ms Barbara Lochbihler, Chair of the Subcommittee on Human Rights

Introductory remarks
Ambassador Marek Prawda, Permanent Representative of the Republic of Poland to the EU

Panel I
Convention on the Rights of the Child – a Work in Progress or the End of the Road?
Debate open to members and audience
• Mr Philippe Cori, Director, UNICEF Brussels office
• Mr Humbert de Biolley, Deputy Director, Council of Europe, Liaison Office with the European Union
• Mr Marek Michalak, Children’s Rights Ombudsman, Poland

Panel II
Children in Armed Conflicts
Debate open to members and audience
• Ms Veronique Arnault, Director, Human Rights and Democracy Directorate, European External Action Service
• Mr Marius Wanders, World Vision EU Representative
• Prof. Wouter Vandenhoeke, Chair in Human Rights – UNICEF Chair in Children’s Rights, Faculty of Law, University of Antwerp

Panel III
Children’s rights and the internet
Debate open to members and audience
• Ms Nel Broothaerts, Child Focus Agency
• Mr Pawel Jaros, Ministry of Justice of Poland
• Prof. Sonia Livingstone, London School of Economics, EU Kids Online Coordinator

Summary
Conclusions by the Chair
Let me start with reiterating maybe the obvious: a child is a person, who enjoys the rights and freedoms as set forth in the ECHR. Paraphrasing Janusz Korczak, "Child is not a mini person with mini rights; it is a full person, with full rights". Important rights are enshrined in ECHR Art 2, 3, 4, 5, 6 and 8 are to be applied to all child under the jurisdiction of any Council of Europe Member States.

With this perspective, all Council of Europe legal standards and works, our conventions, our Recommendations, are based on the UN Convention on the Rights of the Child, which is ratified by all the CoE 47 MS. The main philosophy of our legal standards is to take the UN Convention further and to adapt it to the specificity of the member states of the Council of Europe.

The UN Convention is for instance the spinal cord of the recent Council of Europe Strategy on the Rights of the Child, adopted by the committee of Ministers on 15 February 2012, which will guide the work of the Council of Europe until the end of 2015.

The main objective of this strategy is to achieve effective implementation of international and European children’s rights standards. The Strategy further aims also at promoting child-friendly services and systems, eliminating all forms of violence against children, guaranteeing the rights of children in vulnerable situations, and promoting child participation. These are ambitious aims indeed.

In pursuing this strategy, the CoE programme “Building a Europe for and with Children” sets out to provide policy guidance, and support to the member states in implementing United Nations and Council of Europe standards on children’s rights. The programme promotes a holistic and an integrated approach to children’s rights, and identifies measures that will tackle old and new challenges in this field.

As you have understood, the Strategy and the campaign call for the need to bridge the gap between standards and practice – to
move from de jure to de facto – by providing guidance, advice and support to member states on how to best implement these standards.

When implementing the Strategy, the CoE will essentially keep in mind that, as I said at the beginning, children and young people have the legal right to equal access to and adequate treatment in healthcare or in social, justice, family, education systems and services. The Council of Europe will therefore support the development of child-friendly services and systems that are respectful, responsive, reliable and responsible, with a particular focus on children in vulnerable situations. The adoption, in 2010, of the CoE guidelines on child friendly justice, was the first achievement in that connection. These guidelines have since then become THE reference for European work in this matter, also very much considered as such by the European Commission.

In our work we will also continue focusing on eliminating all forms of violence against children.

Children and young people are legally entitled to be protected from all forms of violence. But despite positive steps in this direction, children continue to suffer violence in all spheres of life and in many different settings, including in the media.

As a main component of the strategy and of the CoE campaign ‘building a Europe for and with children’, we will continue promoting the signature and the ratification of the CoE convention on the protection of children against sexual exploitation and abuse.

The convention was adopted in Lanzarote in October 2007 (“the Lanzarote convention”) and entered into force in July 2010.

This Convention is the first international legal instrument to establish the various forms of sexual abuse of children as criminal offences, including such abuse committed in the home or in the family.

Preventive measures outlined in the Convention include the screening, recruitment and training of people working in contact with children, making children aware of the risks and teaching them to protect themselves, as well as monitoring measures for offenders and potential offenders.

The Convention also establishes programmes to support victims, encourages people to report suspected sexual exploitation and abuse, and sets up telephone and internet helplines for children. It also ensures that certain types of conduct are classified as criminal offences, such as engaging in sexual activities with a child below the legal age and child prostitution and pornography. The convention also criminalises the use of the new technologies – the internet in particular – to sexually harm or abuse children, for example by “grooming”, an increasingly worrying phenomenon of children being sexually harmed after meeting adults they have previously encountered in internet chat rooms or game sites.

With the aim of combating child sex tourism, the Convention establishes that individuals can be prosecuted for some offences even when the act is committed abroad.

To date, 45 out of the 47 member states of the CoE have signed the Convention. Among them, 22 have indeed ratified and are therefore parties to the Convention. And among these, 12 are States belonging to the EU. Our objective at this stage is to encourage and cooperate with States which wish to sign and ratify the Lanzarote convention. And for that purpose, we count on and we indeed enjoy, the support and the cooperation from the EU institutions. We concretely speak here about the signature, by the remaining 2 EU MS, and the ratification by 15 additional EU MS and by 10 other European States, as part of the HR foreign policy of the EU.

This is very important so as to ensure a coherent legal framework, throughout the continent.

Only such a strong legal framework can ensure that the various forms of violence against children are indeed criminalised and therefore can be prosecuted and condemned.

And only a coherent legal framework can allow for efficient criminal law cooperation, among police and judicial authorities in Europe, which is in particular important for transborder crimes, such as the crimes committed through internet.

The cooperation and support from you all and in particular from the members of this honourable house, in view of more ratifications of the CoE convention is essential if we want to build a Europe which is more protective of our children rights.

I am sure you would agree that this would be a sort of tribute that Mr Janusz Korczak, from where he is, would be very pleased to look at.
Welcome to the discussion on children and armed conflict which, unfortunately, remains as relevant today as it was in 1990s when the Security Council started to address grave violations against children in the context of peace and security agenda (esp. in Africa). To illustrate, just think about the images of child-victims in the post-Arab spring events in Libya, Yemen and later in Syria: attacks on schools and hospitals, child recruitment, denial of humanitarian access, etc. Recently, we were appalled by Taliban attack against 14-year-old Pakistani schoolgirl Malala Yousafzai on her way from school just because she fought for girls’ right to education in Swat valley in Pakistan.

From the very beginning, the European Union has been supporting vigorously the work of the UN, in particular of its Security Council, aiming to strengthen the protection of children in armed conflict. This included support to emerging institutional and normative set-up (both UNSC resolutions and the Optional Protocol on the involvement of children in armed conflict). I give three examples of EU efforts:

First, The EU has been supporting the UN monitoring and reporting mechanism on CAAC, esp. UNICEF in the coordinating role. Without serious monitoring and reporting, there can be no credible UN action. In 2008, the EU exchanged letters with UNICEF to enhance cooperation on children, including children in armed conflict, at the HQ and in the field. In 2011, the EU delegations have been instructed again to engage actively with UNICEF and the SRSG on CAAC to implement the EU Guidelines. Of course, the EU does its own monitoring and reporting primarily through EU delegations. It is significant that the EU aligned itself with the UNSC listing of perpetrators of grave violations against children in this respect, which has a direct impact on drafting of local human rights country strategies.

Second, it was the resolution presented by the EU and GRULAC which established and later extended the mandate of the SG Special Representative on children and armed conflict. It was not an easy task then and even today, the EU and like-minded countries put a lot of energy in defending the independence of this mandate at the UN General Assembly. The EU is looking forward to working closely with a newly appointed SG Special Representative Leila Zerrougui – the PSC held discussions with her predecessor on situation in Syria and on persistent perpetrators of grave violations against children in July 2012.

Third, this year, the EU conducted lobbying campaign to promote the ratification of two Optional Protocols (including on involvement of children in armed conflict) to the Convention on the Rights of the child as well as the ILO 182 Convention on the worst forms of child labor. Universalisation of these standards is important also in the context of international accountability of the perpetrators.

I would like to stress that the EU promotes the protection of children not only politically, but also through concrete action in the field. The adoption of the first EU foreign policy document on children coincided with emerging operational presence of the EU in conflict zones through crisis management missions (e.g. Artemis in DRC in 2003) and deployment of EUSR on the ground. Therefore, the first EU Guidelines on children focused on situation of children in armed conflict. Still, the mainstreaming of children rights in crisis management remains a challenge, despite the Checklist developed in 2006 and the revision in 2010 of the Guidelines’ Implementation Strategy.

The EU is also among major donors of assistance to children affected by armed conflict. Recent mapping of our assistance showed that the EU and its Member States spent more than 200 mil Euro in aid to children affected by armed conflict in the period 2009-2012 in countries of concern designated by the UNSC. This year, new calls for proposals will be launched under the Investing in People Program (under violence against children) and the Instrument for Stability (including transitional justice for children). The mapping allowed us to identify both positive and negative trends in our assistance. Comprehensive approach (different phases of conflict; all children affected by armed conflict, not only child soldiers; addressing not only demobilization, but also socio-economic reintegration) to children affected by armed conflict is a positive element. On the other hand, we could pay greater attention to specific vulner-
ability of girl-child in our assistance (only 2.2 mln euros out of 200 mln euros spent in activities specifically targeting girls).

We realize that the EU has a potential to do more to protect children during armed conflict. The **EU Strategic Framework and the Action Plan sets the direction**.

We should **better leverage our political weight** to promote behavioral change among perpetrators. We are extremely visible and present at the UN, we could probably do more politically - to complement assistance - **at local level**. Local statement of the EUSR for Afghanistan on the occasion of the world day against the use of child soldiers or the local EU statement on the occasion of signing of an Action Plan in the DRC are the steps in the right direction.

If we want to strengthen local action, we need to **train and empower our staff** at local level. This includes not only the EU delegations, but also EU staff in crisis management operations (Our civilian and military mission in Afghanistan, DRC, Iraq, Somalia,...). In cooperation with Save the children, the EU is working on a **standardized child protection training module for CSDP missions**.

In the absence of consensus at the UNSC, we could explore possible role of the EU or regional organizations such as African Union in exerting pressure on perpetrators of grave violations, esp. **persistent perpetrators**. The EU has already imposed **sanctions** on perpetrators of grave violations against children in DRC and Somalia – to implement the UN sanctions.

We could also bring protection of children in armed conflict in our common agenda with **regional organizations, which could help to depoliticize it**. Two years ago, we have started to engage on this issue with the African Union in our human rights dialogue. We have even issued a joint statement on the occasion of international day against the use of child soldiers. This could be a basis for further engagement and cooperation.

Thank you.
EU KIDS ONLINE
This presentation is based on my work directing a network funded by the Safer Internet Programme, European Commission. EU Kids Online works in 33 European countries and we aim to produce the evidence base that can inform policy in relation to children and young people the way they use the internet in Europe. The main part of our evidence base comes from interviews we conducted in 2010 with 25,000 European children aged between nine and sixteen. The survey included approximately 1000 children in each of 25 countries, and we interviewed one child and one parent per household.

Having identified considerable differences across Europe, we have classified European countries in terms of the frequency with which they use the internet and the incidence of risks that children report in relation to their internet use. Over and above country differences, an important finding was that the more children use the internet, the more they gain benefits but also the more they encounter risks. The struggle for policy makers, therefore, is to find ways in which they can encourage more use of the internet not resulting in greater harm.

Such efforts are important. Across Europe, parents are concerned about the internet. One in three parents (of 9-16 year old European children) says that they worry a lot about the kind of content that their child might encounter on the internet, and also about the kind of contact that their child might have on the internet. When we asked children, just over half said that they think there were things on the internet that can upset and bother people of their age, and one in eight said that they had been upset by something in the past year. Findings such as these have concentrated the minds of policy makers on issues of protection. In what follows I want to say something about protection, provision, and also participation – the three “P’s” that come with the UN Convention on the Rights of the Child.

CHILDREN’S RIGHTS IN THE INFORMATION SOCIETY
Most policy efforts associated with the information society are devoted to stimulating internet access, so as to create a competitive knowledge economy, to stimulate e-government participation, and to encourage plural media. Children’s rights figure rather unevenly in this wider framework. There are some exceptions, such as at the World Summit on the Information Society, for example, where the Tunis Commitment included recognition of children’s rights both to protection, provision and also participation in relation to the internet. Also important is the Oslo Challenge, by UNICEF in 1999, which recognises the media and information environment as a relevant context for the realisation of children’s rights.

However, recognising children’s rights in the online and digital world is a complex and important undertaking. If we consider the adoption of the internet from one country to the another, it appears that initially the risks of access to pornography (and race hate, violence etc.) are unrestricted and therefore relatively high; this engenders public concern, stimulating first restrictive but then more empowering forms of intervention. It also appears that, when countries are in the early phases of gaining access, specific positive provision for children is relatively low, leaving children to find whatever they can – and that can be risky interactions or content designed for adults.

Policy makers also struggle with the legacy in which the initial policy responses to online risk and protection issues were sometimes rather heavy-handed and top-down. Because of this, there was a lot of contestation, and initial policies have turned out to be sometimes unsustainable. A significant turning point was grasping the key distinction between regulating the illegal and trying to manage what is not illegal, but is inappropriate or harmful for children. The result is a range of governance structures, some of which are more successful than others.

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Concerning the framework, the primary principle is that children’s rights offline are also – or should be – children’s rights online. There has been a lot of effort devoted to promoting children’s rights offline but, I suggest, much less consideration so far of how those rights can apply – and can be implemented online. I want to draw attention here to Silvia Costa’s proposal, from the Education and Culture Committee of the European Parliament, which emphasises that the time has come for a single framework directive that looks after the rights of children in the digital world. We have a very fragmented policy landscape at present, and the call for a strategy which draws together these different rights is extremely timely. The OECD this year made a very similar call for a concerted policy framework.

UNCRC: PROTECTION, PROVISION AND PARTICIPATION ONLINE

The rights of protection in the UN Convention on the Rights of the Child are familiar, but what we have yet to work out properly is how to protect children from online forms of abuse and neglect, how to protect them against online sexual exploitation and sexual abuse, and how to deal with the other kinds of online exploitation prejudicial to their welfare. The most effort has sought to prevent illegal child abuse images, sexual grooming and child trafficking. It is in the realm of the legal but harmful that there is less agreement and less concerted action. Article 17 states that there should not be material injurious to the child’s well-being, that we should protect children’s reputation and identity – but these are very difficult to consider in practice in relation to the internet.

Many of the risks that might harm children in terms of their well-being, their reputation and their identity come from other children via user-generated content. As a result, they tend to escape the kinds of controls that large companies or indeed states can oversee. So here we see the debate about filtering, and the question of whether filters are effective. Recent work from the European Commission suggests filters are still not sufficiently effective: they tend to overblock, they have many problems, and they do not deal with user-generated content where the risks to children lie – therefore real limitations remain.

It is also problematic that it is not clear who is a child and who is not a child online, so it is difficult to implement particular provisions to protect children. As yet, we have no effective forms of age verification. Here the technology makes a difference: by email, instant messages or social networking sites, a harmful message can rapidly be sent to very many people; and it is very difficult to eliminate such material once it is posted. The prospect of the right to be forgotten, for children to take down images which are detrimental to their wellbeing – is very promising in this regard.

Rights to provision are demanding because there is so much that we could, and perhaps should, provide for children, especially compared with how little is available for them online in many parts of the world. Have we yet thought about children’s right to recreation and leisure, their right to education, to prepare them for responsible life? Have we yet thought what all this means in the digital age? How should e-learning and digital skills be supported? Such initiatives can be very expensive and sadly, what the research shows is that the more we provide online, the more it is taken up by the privileged children who have excellent internet access, and so it makes inequalities worse rather than better.

Therefore, there are some real challenges in provision in terms of children’s rights. In terms of the more specific importance of provision through the media, which is defended in Article 17, and children’s rights for free expression, I think we see some particular challenges about the need both to allow children to speak freely when our instincts are to constrain them, and also some very expensive questions about how to provide material specifically for children online.

On participation rights, I think we have even more work to do. Arguably, children’s participation rights are not sufficiently recognized offline; they are certainly not sufficiently recognized online as yet. Over and again surveys show that what children do online, despite this wonderful world of opportunities. They treat the internet as a mass medium rather than an interactive medium, and they don’t participate very much, because when they do, what they say is not heard.

LOOKING AHEAD

Children’s rights are beginning to be recognized more online – consider Vice President Kroes’ initiative for a better internet for children in Europe – but there remain some real challenges that we haven’t yet come to terms with in addressing and promoting children’s rights online. I will just note here challenges of definition (what really is a risk and do we all agree what are the

risks to children?), challenges of evidence (do we really know how widespread these risks are, especially as the evidence goes quickly out of date?), and challenges of principle (we would like a free internet and a free market, but we would also like a constrained internet that protects children – and sometimes adult rights to free expression seem to conflict with children’s rights to protection).

As already noted, there are some major problems of implementation and enforcement with the global internet, along with many legal uncertainties even about the nature of the digital objects that we are concerned with, let alone questions of who has jurisdiction, what counts as evidence, and which bodies do we trust to require compliance and enforcement. In Europe, the preferred solution is to try and take the existing legislation and extend it to the internet, with some success. Otherwise, the tendency is to rely on self-regulation, commercial (and some state) provision, and on education and awareness-raising. I would suggest that self-regulation has had some successes, but they are uncertain and somewhat fragile. Finally, education remains absolutely vital, but is also very resource-intensive and so will always require major state investment and support. ■
Let me first present Child Focus: we are a **Belgian foundation for missing and sexually exploited children**. We were created in 1998 after dramatic events that touched the entire Belgian society. We began to work on in the early 2000s on the risks of child abuse via new technologies. Today, we are members of the EU’s Safer Internet Plus Programme and are recognised by the European Commission as the Belgian Safer Internet Centre. This means that we are running an **anonymous hotline**, part of the INHOPE network, via which people can signal child abuse material that they find on the web. We are also members of INSafe, running a **helpline** for parents, teachers and children where we advise on the safe use of the Internet. And finally, we are an **awareness centre**, where we develop materials that are used in e-safety prevention throughout the country, mainly to support those who are close to children: parents, teachers and educators.

The topic of children and the internet is a very emotional one at this time. This has to do with two factors. The first is that we, as adults, do not really understand what young people are doing in their online life. We do not use the vocabulary of ‘liking’ and ‘friending’, we send probably ten times less text messages than our children and probably prefer having a drink in a pub with our friends, rather than watching the videos they have posted.

Secondly, we heard of some tragic events related to children and the internet: just think of the case of Amanda Todd in Canada, or of a young boy in French Brittany last week. The list of risks for children that we see as adults concerns mostly risks around sexuality: exposure to inappropriate images, sometimes illegal ones, or being approached by strangers online. However, in recent research from EU Kids Online, it was shown that most children cope relatively well with inappropriate content, if they live in a family environment that supports and nourishes them and provides explanations to their questions. Actually, the most traumatising thing for children is the behaviour of other children, in the form of cyber-bullying. The cases I mentioned are a sad reminder of this.

On the other hand, we tend to forget that the internet is also an excellent tool to realise children’s rights. The majority of children use the internet in this way: they communicate, they build their identity, they inform themselves and they use their right to assembly. There are examples of children doing great things online, that deserve our attention and support:

- Nathan Sorel is a young blogger, whose interviews of celebrities in Belgium make it to the printed press
- Yavi is a participative media website, where young people can post their videos on social issues.

Now, what if things go wrong? There are good examples here, too:

- As soon as the case of Amanda Todd became known, many teenagers have created support groups to spread one single message: ‘bullying is not acceptable!’
- Juuport is a German website where young people support other young people in emotional crises, especially in cases of (cyber-)bullying
- Stopzelfdoding is a counselling website for children who have suicidal thoughts, set up by two Flemish teenagers

When thinking about children’s rights, we often speak only about child protection. This is a very important responsibility for parents and society. The Convention on the Rights of the Child (CRC) refers a lot to such protection rights: the right to be protected from unlawful activities (art. 36) and from sexual abuse (art. 34) and, last but not least, the principle that the best interest of the child should guide our decisions on them (art. 2). However, we tend to forget that the Convention on the Rights of the Child also speaks a lot about freedoms: freedom of information and expression (art. 17 and 13) or the right to privacy (art. 16). Children and young people want to realise these freedoms, and the internet is a great place for that.

So the question is: how can we strike a balance between protection of children and children’s freedoms? Let us have a look at our experiences from last year. We are a charity that is very much
known in Belgian society for dealing with ‘tough’ issues: sexual abuse and disappearances. However, only one third of the calls we receive concerning new technologies are relative to sexual abuse. Almost half of the calls on new technologies relate to cyber-bullying and more generally to how to educate children in safe use of media – we call this ‘media education’.

So a resolution to the equation of how to protect children, is to educate them. If we want to protect child rights on the internet, we have to teach our children the responsible use of it. We need to inform them about the risks, so that they pay more attention whom they transfer private data to, and which pictures they share. We need to teach them the value of respect for other people, and that this value is as important online as offline. We need also to inform them about the possibilities they have if something goes wrong: talk to their parents or peers, call a national helpline or seek advice of social services. This can only succeed if children have confidence in finding an open ear, and not outright rejection when they talk about their problems.

Education has the aim to empower children, this is what the Committee on the Rights of the Child has asked for in the General Comment Nr. 1. Children who have been taught these principles are more inclined to adopt a safe behaviour online.

Child rights on the internet should be seen through the prism of ‘Protect, Respect and Fulfil’:

• Fulfilling children’s rights on the internet means educating our children to know their possibilities, but also the risks related to being online. Sexual education and civic education are the most important points in this. Sexual education, because adolescents actively seek information on sexuality on the internet and engage in (sexual) relationships and experiments with their peers online. Civic education, because the right to privacy and protection from cyber-bullying can only be effective if our children themselves adopt the values of respect.
• Industry has an important role in making applications child-friendly and intelligible. Our claim is that industry should make privacy-settings for applications restrictive by default. Children can then change the settings, but they have to be aware of what this implies. For example, when children post something on a social networking site, it could randomly chose profile pictures of people with whom children have little interaction and show them, asking: ‘do you want these people to see this? This is a means of reminding children to ‘think, before they post’.
• It is also important to respect children’s rights on the internet. This holds true for children themselves, but also for adults surrounding them. Parental control software should be designed

in a way that it is visible and transparent to children. Also, as they get older, adolescents want to have their privacy, and this is their right. It is important that parents know what their children are doing, but this has to pass by communication between adults and young people, rather than control.
• In order to protect children from harm, we have two major demands. Protecting children means being there if things go wrong. Reporting mechanisms for harmful content, such as cyber-bullying content, must be made more efficient and easy to find and use, and the takedown of these contents should be fast.
• Another thought goes to the protection of victim’s rights on the internet. Victims have a right to counselling and care. This means that social services should take the step and offer direct support on the internet. Since February of this year, we are running a chat service on sexual abuse, open to young people, with impressive results. A next step for us will be to create a European network of online help providers, in order to exchange practices and encourage other services to take up online support. We will launch this network in February, here in the EP.

A child-rights-based approach to online safety is one that believes that a child can make informed choices. To support these, we have to strengthen media education by parents and teachers. We need to respect our children’s rights, also online. And we need to be there and stay alert if things go wrong.
The Child’s Right to Respect in Practice

20TH NOVEMBER 2012 / PARIS
PROGRAMME OF THE SEMINAR

Opening session
President: Krzysztof Kocel, Ambassador, Permanent Delegate of the Republic of Poland to UNESCO

- Opening address by Qian Tang, Assistant Director-General for Education and representative for Irina Bokova, Director-General of UNESCO
- Address by Marek Michalak, Ombudsman for Children of the Republic of Poland
- Address by Samuel Pisar, Honorary Ambassador and UNESCO Special Envoy for Holocaust Education

Discussion panels led by professor Adam Fraczek, Chairman of the UNESCO/Janusz Korczak Chair in Social Pedagogy, Warsaw, Poland

Panel I

- Marek Michalak, Ombudsman for Children of the Republic of Poland
- Hatem Kotrane, Vice-President of the UN Committee on the Rights of the Child, Switzerland
- Pascal Vivet, Member of the Child Rights Information Centre, France

Panel II
Towards a high-quality education from early childhood

- Tatjana Vonta, Director of the Educational Research Institute, International Step by Step Association, Slovenia
- Irena Kozminska, President of the ABCXXI – All of Poland Reads to Kids Foundation, Poland
- Maki Hayashikawa, Chief of the Section for Basic Education, UNESCO

Panel III
Innovation in pedagogy: children as actors of global citizenship

- Vicky Colbert, Executive Director of the Escuela Nueva Foundation, Colombia
- Jonathan Levy, Specialist in pedagogy, Janusz Korczak French Association, France
- Kate Moriarty, Chief of the Section of Education for Peace and Human Rights, UNESCO

Conclusion
1. ‘The Child’s Right to Respect in Practice.’ This is a very suggestive theme of a debate we were invited to by the Polish Institute in Paris and the Permanent Delegation of the Republic of Poland to UNESCO. More than 20 years after the adoption of the Convention on the Rights of the Child (hereinafter the ‘Convention’) by the General Assembly of the United Nations at its 44th session on 20 November 1989, the choice of this theme reminds us of the still little known work of Janusz Korczak, a great promoter and practitioner of the rights of the child and a pioneer of the revolution in the relations between adults and children, which we are witnessing today and which was at the heart of the Convention. This document is based on the principle that the child is a person and it recognises not only children’s civil, social or cultural rights - already partly present in the UN Declaration of the Rights of the Child of 1959 - but also civil liberties, the genuine ‘human rights of the child.’

Between the child seen as a king and as an object, the Convention is undoubtedly supporting the idea of child as a subject. A subject who has rights and a voice!

2. Every child is indeed a unique and precious human being, and therefore their voice needs to be heard so that their individual dignity, needs, best interests and privacy are always respected and protected.

3. Our goal is important, because it reminds us that the respect of human rights begins with the way a society treats children, all children! A society that cares about children and youth will guarantee them freedom and dignity by providing conditions that will allow them to develop their full potential and to prepare to live a full and satisfying adult life.

4. As a transcription of and an addition to the human rights, the
rights of the child consist in teaching human rights. This is probably the greatest contribution of the Convention, which is both a legal norm and a pedagogical tool, calling the States Parties to ‘make the Convention known to adults and children’ and to ‘help children learn about their rights.’ (Article 42 of the Convention).

5. However, the Convention differs from previous texts mainly in that it is binding. This is a major change which, combined with a very ambitious content, has given this text a strong meaning, reflected by the universal adherence to the rights of the child through the ratification of the Convention by almost all UN Member States (193 ratifications), with the exception of the United States, which ratified two Optional Protocols to the Convention, adopted by the General Assembly of the United Nations in 2000, one concerning the sale of children, child prostitution and child pornography (161 ratifications), and the second concerning the involvement of children in armed conflict (150 ratifications); and Somalia, which is now expected to start the formal ratification procedure, now that it has a legal government. These facts revive the hope of quickly achieving the goal expressed by the UNICEF and NGOs working with and for children, that the Convention become a truly universal international text on human rights.

6. It should also be reminded that international system for the protection of the rights of the child has been significantly strengthened by the adoption, at the 66th session of the General Assembly of the United Nations, of the resolution 66/138 of 19 December 2011 on the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Protocol was opened for signature during the ceremony which took place in Geneva, Switzerland, on 28 February 2012, with the participation of 20 countries from different regions of the world. It has been signed so far by 35 States and ratified by two of them, namely Gabon and Thailand.

7. However, one may say that the universal adherence to the rights of the child is only masking the reality, as it is true that the rights of the child are threatened or even called into question around the world, which leads us, in the first part of this speech, to the crucial question: are the rights of the child still applied?

(I)

8. Many other challenges remain. They are related to the risks to which children may be particularly vulnerable, including the risks resulting from the financial, economic, climate and energy crisis, which is felt around the world, but especially in developing countries, and which directly affects children, threatening not only their lives, but also the application of their rights, including their right to development.

Many difficulties and challenges at this stage of evolution make us ask ourselves about the scope and nature of the States Parties’ obligations, not only with regard to the responsibility of particular States and their duties towards their own citizens, but also about the support and resources that the international community is ready to provide, also in the framework of international cooperation and solidarity, so that children continue to hope for a common and solidary vision of development, which would enable them to keep faith in humanity forever!

(II)

Which explains why the present address is divided into two parts:
I – Are the rights of the child still applied?
II – Rights of the child and hope for a common and solidary vision of international cooperation.

(I) ARE THE RIGHTS OF THE CHILD STILL APPLIED?

9. What conclusions can we objectively draw from the current state of the rights of the child in the world? The answer is difficult, since we live in essentially ambivalent times, also in terms of the human rights of the child. For if it is true that no other times have granted children so many rights, so much care and attention. But at the same time no other times have exposed children to so many risks or forced them to adapt to these risks. Children are abandoned or face other problems, such as poverty, disability, dropout, deviance, economic exploitation, sale of children, prostitution and pornography, trafficking and wrongful removal, etc. Before our very eyes, they are also victims of military attacks and deadly bombings, as has been the case in Syria for nearly two years now and is again the case in Gaza. These are just some of many situations which continue to challenge the international community and which certainly concerns the Committee on the Rights of the Child (hereinafter the ‘Committee’).

10. In this context, we should recall the deep concern expressed by the Committee three years ago, on 13 January 2009, over the devastating effects of the military operations in Gaza on children. The Committee wrote: ‘Hundreds of children have been killed or injured, many seriously. Many others have lost their loved ones. The continuous fighting and destruction of livelihoods and basic infrastructures seriously compromise enjoyment of human rights especially in relation to health, education and family life... Children also experience serious difficulties in terms of access to humanitarian aid. The psychological effects of these events on an entire generation of children will be severe.’ The Committee also reminded that ‘the human rights law, including the Convention, applies at all times, including in situations of armed conflict.’
11. The same problems apply again to Gaza, the martyr city, in the case of which some refer to prison environment, also for children who are victims of the worst atrocities and crimes committed with impunity and met with indifference.

12. The Committee expressed similar concerns on 31st May 2012, following the massacre in the Houla region of Homs in Syria on 25 and 26 May, in which at least 108 people, including 49 children, were killed. Most of them were younger than 10 years old. The Committee said it was alarmed and dismayed by the reports of the United Nations military observers demonstrating the blind pursuit of violence and massacre against the civilian population and a growing number of civilian casualties, including children. The Committee was also deeply concerned that since the beginning of protests in Syria in March 2011, ‘hundreds of children have been killed, injured and arrested, and despite repeated pleas to the Syrian State and the other parties to stop these severe violations, no action appears to have been taken.’ The Committee was further dismayed by the information that ‘civilians, including children, may have been deliberately targeted in the Houla Region.’

Finally, the Committee recalled its final conclusions and recommendations adopted on 7 October 2011, following the analysis of the third and fourth periodic report of the Syrian Arab Republic on the Convention on the Rights of the Child. In particular, the Committee reiterated its ‘deep concern over credible, corroborated and consistent reports of gross violations of the rights of the child that have been committed since the beginning of the uprising in March 2011, including arbitrary arrests and detentions, killings of children during demonstrations and cases of torture and ill-treatment.’ The Committee also reminded the State Party that ‘(...) it is its primary responsibility to protect the population’ and that it ‘should therefore take immediate steps to end the excessive and lethal use of force against civilians and prevent further acts of violence against children, in particular prevent other children to get killed or injured.’

13. However, the challenges of the rights of the child are not limited to the massive violations to which children are subject in Syria, Gaza and other areas of armed conflict. And although the children’s enjoyment of their rights recognised by the Convention remains very uneven depending on the country and its level of economic, political and social development, given that in many cases the status of the child reflects the position of States on the international stage, it would be wrong to reduce the issue of compliance with the Convention to a simple matter of economic resources or technological or other development, as proven by the experience gained by the Committee over the years. In fact, serious concerns were expressed after examining periodic reports form developed countries, according to which the idea of the Convention as the text laying down the human rights of the child is not yet clear in the minds of many decision-makers and political actors. It proves that when it comes to the rights of the child, their duties are more and more automatically evoked. There is even a tendency to call into question certain rights, for example the right of a child in conflict with the child’s right to special protection and treatment adapted to his/her situation.

14. One should mention, for instance, the concluding observations adopted by the Committee following the consideration of the third and fourth combined periodic report of France on 26 May 2009, at its 51st session.

While examining the report, the Committee was aware that the vast majority of the 14 million children and adolescents living in France live through their childhood and adolescence without any difficulties. They live in a country where education is provided, their health promoted, their rights generally respected, and their voice heard, in line with a well-known, long tradition, which makes human rights in general and the rights of the child in particular an important element of the political and social organisation of the country.

15. However, the Committee was concerned at ‘(...) the stigmatisation, including in the media and in school, of certain groups of children, in particular vulnerable children and children living in poverty, such as Roma and disabled children, children belonging to minorities and children living in housing projects (banlieues), which leads to a general climate of intolerance and negative public attitudes towards those children, especially adolescents, and might often be the underlying cause for further infringements of their rights. The Committee was further concerned at the general negative attitude of the police towards children, in particular adolescents.’

Therefore, the Committee recommends to the State Party to take measures to address the intolerance and stigmatisation of children, especially adolescents, within the society, including in the media and in school, and to bring the police to adopt a positive and constructive attitude towards children and adolescents.’

The Committee also expressed concern at the tendency to challenge the right of the child in conflict with the child’s right to a treatment adapted to his/her situation and over ‘(...) the legislation and practice in this field, which tend to favour repressive over educational measures, especially with respect to the reforms introduced by Law No. 2007-1198 of 10 August 2007, which strengthens the fight against recidivism among majors
and minors and allows to try children as adults. In particular, the Committee is concerned that, in cases involving juveniles aged between 16 and 18 suspected of having committed serious violent and/or sexual offence:
a) the principle of mitigation of penalties for minors cannot be applied for a first offense, by a reasoned decision of the judge;
b) this principle does not apply to offenders aged 16 to 18 and can only be restored by a specifically reasoned decision of the judge;
c) mandatory minimum sentences are applied in case of recidivism.’
The Committee therefore invites the State Party, inter alia, ‘(...)’ to fully implement international standards on juvenile justice (…)’ and ‘(...)’
e) do not treat children aged 16 to 18 differently from children under 16;
f) to develop the use of reintegration measures and sanctions alternative to imprisonment, such as diversion, mediation, probation, psychological counselling or services of general interest, and to strengthen the role of families and communities in respect (…)’

16. Other situations make us reflect on the state of the rights of the child in other parts of the world. The example I would like to mention here is that of children in Arab countries which have recently undergone major political changes, revolutions which some referred to as first signs of the ‘Arab spring.’ The question then is: what is the place of children (and young people) in the post-revolutionary institutions, which are being gradually established?

The debate is of key importance, because it concerns the social model that is currently developing, and because it reminds us that the respect of human rights begins with the way society treats children, all children! A society which cares about children and youth will guarantee them freedom and dignity by creating conditions that will allow them to develop their full potential and to be prepared to live a full and satisfying adult life.

17. However, it is clear that today children and young people are far from benefitting from changes that took place in Tunisia, Egypt, Yemen and even less in Libya. For example, in Tunisia, the question of including the rights of the child in the new constitution is evaded, as it is true that the proposed text of Article 31 of the preliminary draft of the Constitution made by the Committee on Rights and Freedoms in the National Constituent Assembly (ANC) is simply disappointing. It is a step back in comparison to the current situation of the rights of the child in Tunisia, because the said constitution does not contain any of the essential elements included in the draft text prepared and defended by experts and representatives of civil society. This has recently led the President of the Committee on the Rights of the Child to send a letter to the President of the ANC calling for a full and unrestricted recognition of the rights of the child in the new constitution, clearly referring to the principle that the child is a subject of law, and to the State’s commitment to respect, protect and apply the rights of all children within its jurisdiction, without any discrimination, and to do so through all appropriate measures, including the establishment of independent mechanisms of monitoring and control. The same applies to the principle that the application of the rights of the child must be conducted in strict accordance with their best interests and in respect of their right to contribute to any decision relating to them, in particular the right to be heard in any judicial and administrative proceedings affecting the child, the views of the child being given due weight in accordance with their age and maturity.

Finally, the Committee made a wish that, in this period of transition, children are the first to benefit from freedom and democracy that are gradually opening to the whole society, and that Tunisia continues to chart its own course and gives an example of what people are capable of accomplishing to eternally leave their mark on the path to human rights and dignity.

(II) RIGHTS OF THE CHILD AND HOPE FOR A COMMON AND SOLIDARY VISION OF INTERNATIONAL COOPERATION.

18. In the Millennium Declaration adopted on 13 September 2000 by the UN General Assembly at its 55th session, the political leaders of the world gathered at the headquarters of the United Nations at the dawn of a new millennium, and acknowledged having duties ‘to all of the world’s people, especially the most vulnerable and, in particular, the children of the world, to whom the future belongs.’ They also stated that the fundamental values that should underpin international relations in the 21st century are ‘freedom, equality, solidarity, tolerance, respect of nature and shared responsibility.’ They were particularly committed to protect the most vulnerable and to address the special needs of Africa by setting eight goals to reduce poverty by 2015 and to make the right to sustainable development ‘a reality for all.’

19. Twelve years later, almost everyone recognises that promises, especially in the fields of the right to development and the fight against hunger, poverty and the continuing loss of environmental resources and climatic conditions, have not been fulfilled!

20. We have less than three years left before the deadline and we already know that the Millennium Declaration Goals (MDGs) will not be achieved everywhere. In fact, many countries have
responded to the challenge and are expected to achieve their goals, or, in some cases, even exceed them. However, even in those countries, pockets of poverty remain or even develop: regional inequalities (Northeast of Brazil, western China, southern Mexico, the Indian states through which the river Ganges flows), inequalities between urban and rural regions, inequalities in the urban area (slums on one hand and the development of residential neighbourhoods on the other), etc. The successes of some countries or regions should not hide the magnitude of needs, with a special focus on the inequalities and the most backward regions: Africa, and especially sub-Saharan Africa.

21. For each of the MDGs, delays in Africa are even more alarming, as other regions of the world are making important progress. Asia is well on its way, thanks to the countries experiencing sustained growth (China, India), but most sub-Saharan African countries suffer from insufficient growth and will not reach the goals by 2015 without increased support from the international community.

22. Financial needs are important to ensure progress in achieving the MDGs. International mobilisation around the theme of solidarity becomes more urgent than ever in order to meet commitments and to strengthen them.

23. May we then continue to believe that international solidarity still exists and the Millennium Development Goals will still be in the spotlight and will be of concern to the United Nations! It is on that condition that children around the world will keep their faith in humanity!

‘Children begin by loving their parents; after a time they judge them; rarely, if ever, do they forgive them!’

(Oscar Wilde).
PROGRAMME OF THE SEMINAR

Part I
• Opening and welcome remarks by BFSU
• Opening speech by the Ambassador of the Republic of Poland to China, Mr Tadeusz Chomicki on Janusz Korczak’s character and ideas
• Speech by Ms Gillian Mellsop, Permanent Representative of UNICEF to China on the role of UNICEF in China
• Speech by Ms Mary Chiang, chairwoman of the Red Cross China and the Bright Angel Fund – “Disabled Children and their Needs”
• Polish Ombudsman for Children (Ombudsman), Mr. Marek Michalak, presentation of Polish model of Ombudsman in the context of situation and needs of children in Poland

Part II
• Prof. Barbara Smolińska-Theiss, Warsaw Pedagogy University – “Janusz Korczak Pedagogy – to Love, to Understand, to Respect Children”
• Mr Guo Yongfu, Vice-president of China Education Society – presentation on children education in China
• Dr Liu Dong, Founder of a Beijing Chunmiao Save The Children Foundation – presentation about the justice offered to children who seek help
• Ms Barbara Sochal, president of Janusz Korczak Society (NGO) – “Janusz Korczak and Young People Online”
• Mr Jonathan Hursh, founder and CEO of “Included” (formerly called “the Compassion for Migrant Children”)
• Panel discussion

Part III
Towards a high-quality education from early childhood
• Mirosława Kątna, Committee for Defending Rights of the Child – “Respecting Children’s Rights in Poland from the Committee’s Perspective”
• Qi Dahui, Director, China Parents Education Institute; vice-chairman, Beijing Family Education Institute – “Parents’ Education – the Key to the Children’s Education”
• Prof. Jiao Jian, China Woman’s University – “How to Fulfill Children’s Rights”
• Wang Tingting, CAS En-First child development Centre – “How to Help Children Develop their Creativity”
• Wendy Zhang, Attorney at Law, Deputy Director of Beijing Children’s Legal Aid and Research Center – “Chinese Juvenile Protection – the Improvements and Challenges”
• Panel discussion
Every nation, every society has their wise men and teachers. Among them are people who have performed incredible tasks, who had special gifts. They earned respect with their writings and important discoveries. But beside those great people there are also people who are common and exceptional at the same time. Normal and unusual. This best describes Janusz Korczak, today considered to be a leading representative of modern European – and not only European – educational theories. He is called the discoverer and researcher of childhood.

Who was Janusz Korczak and why are we talking about him today? Janusz Korczak, who was born in 1879 and died in 1942, was a writer, educator and columnist. His life was filled with difficult moments. He was brought up in Warsaw in the family of a well-known lawyer. Later came his father’s illness, financial problems, growing up in poverty. His relationship with his parents was not the best. Korczak’s father was a schizophrenic who committed suicide. His mother died after contracting typhoid from her son.

Janusz Korczak was brought up in a Jewish family. At the time, in early 20th century, over 25% of the population of Warsaw was Jewish. They were the city’s elite but the relations between Poles and Jews left much to be desired. Korczak felt Jewish and at the same time he assimilated the Polish culture. This did not please everyone. Jews found him to be too Polish. Poles considered him too Jewish. He was an open-minded man, very well educated, a member of the elite, yet he was not permitted to pursue formal academic studies. He was involved in the leftist movement of educators and alternative forms of teacher training before the World War II. The above are untypical experiences but not unprecedented or exceptional. Yet Korczak was an exceptional man!  

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1 J. Olczak-Ronikier, Korczak. Próba biografii (A Biographical Sketch), Wydawnictwo WAB (WAB Publishing), Warszawa 2011
Janusz Korczak decided to take care of children. Not his own, though. He fathered no children, had no plans regarding marriage or parenthood. He was a loner. His biographers do not account for any close relationships with women.

Korczak chose social service as his calling. He was a member of a European movement called Modern Breakthrough. The representatives of the movement in the early 20th century believed that the world can be changed through education and parenting. They thought that the key to a better future is to parent and educate children in accordance with academic psychological and educational norms. This approach was advocated by the well-known Swedish feminist and childhood researcher, Ellen Key, in her famous manifesto The Century of the Child.2 "The 20th century will be the century of the child. By (scientific) raising and educating children, we can change the world", she wrote.

Janusz Korczak was a member of the movement, he studied the ideas of Modern Breakthrough movement but he was hardly a Utopian. He took care of children, orphans, children living on the street, poor and sick children. This was the choice he had made at a young age when he worked as a private tutor. Later he explicitly claimed that he is a pedologist – a researcher of childhood. 100 years ago the taking care of children by a man was not a serious matter. It did not win him respect or esteem among the society. However, educating children became the vocation of Janusz Korczak.

Korczak was a pediatrician by profession. He graduated from medicine and practiced and made a living as a doctor. However, medicine was not what attracted him most. He wrote about himself: "I betrayed medicine for some sort of teaching and education." Yet he did not betray his profession entirely! Korczak enriched his medical practice with a humanistic educational dimension. He also enriched education and parenting theories with solid, nearly medical, diagnosis of the child.

In 1912, Korczak founded the Home of Orphans in Warsaw, an orphanage for Jewish children. At the beginning there were 50 children living there, later 100 and then nearly 200 orphans during World War II. He worked at the Home until the very end of his life. He treated the Home of Orphans as a laboratory of children’s education. He was still a doctor, he examined the children every day, he weighed and measured them, he took notes and made observations. But primarily he talked to children. He was engaged in a peculiar dialogue between the child and the adult. This dialogue is highly esteemed by the modern teaching theory. Korczak is considered to be one of the key representatives of the Pedagogy of dialogue.

The dialogue with the child according to Korczak, is construed as a specific approach of openness to the child, to listening and hearing what the child has to say. Children have important things to communicate, they often entrust their secrets to us. The child is an important and serious partner in a dialogue. The child poses questions which are difficult and provocative: "Where was I when I wasn’t there?" “How can such a tall tree that I can see fit in my little eye?”. These and other questions require some thought on the part of the adult. That is why Korczak said that through dialogue with a child both the child and the adult can learn new things.

The adult teaches the child – this was the rule for centuries. But the child can also teach the adult. The child can reveal before the adult a different, long forgotten world of tales, myths, linguistic paradoxes. Korczak said that the adult learns FROM the child. He or she can enter the world of the child by trying to understand the child, to look at the world through the child’s eyes. To find out how children think, how they suffer, how they cry, how children die. An adult cannot enter this world abruptly and forcefully. The child will not say it is being beaten or that its father is drunk just because the teacher tells him to say so! The teacher or educator must establish a dialogue with the child so as to let the child invite the adult to its world, so as to make the child want to talk to the adult. Korczak does not reduce children to an infantile level, he does not pat their heads, does not butter children up. Korczak is an educator, a guide, an advocate, a spokesperson of children. He is an authority, although he does not seek to be such authority.

Dialogue according to Korczak constitutes educational content. Korczak talked to children a great deal, he wrote letters and notes to children. Korczak formulates a particular language of dialogue. Korczak’s dialogue is much like table tennis. Short brilliant statements, paradoxes, banter. Korczak dialogues with the child both from the standpoint of an adult and from the level of the child. He provokes, he defies conventions, surprises children. He introduces different forms of dialogue and communication with children. In the Home of Orphans run by Korczak there is a house council in operation with children as council members, a newspaper written and edited by children, there is also a children’s self-government and a children’s court. Children awarded themselves and other children points for good and bad deeds, for sweeping the street well, for forgiving a friend when the friend insulted them. It was a frequent public dialogue. With other children and the group.

Through this kind of dialogue Janusz Korczak discovers the child. Korczak dreamed about writing a book entitled The Syn-

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2 E. Key, Stulecie dziecka (The Century of the Child), Nakładem Księgarni Naukowej (Księgarnia Naukowa Publishing), Warszawa 1904
Theses of Child Development. Similarly to other representatives of the Modern Breakthrough movement, he supported learning about the mechanisms of child development. He never wrote this particular book, but... his legacy consists of 16 volumes of his writings. For many years, together with the German Korczak Association, Janusz Korczak's writings, recollections and documents were meticulously collected and published.\(^3\) Korczak was frequently published, he wrote on a daily basis, he wrote for children, he wrote press articles. He was a writer and columnist. He wrote for the press, he condemned poverty, he criticized the school system, he pointed at the need to help the child and family. Korczak was also an excellent radio reporter. At the time the radio was an attractive and popular medium. Korczak's radio shows attracted large audiences of both children and parents. We could boldly say that thanks to these shows, he became well-known and earned social esteem. But, above all, he was called Mister Doctor or the Old Doctor. However, the most important legacy of Korczak are his works on teaching and parenting, including the famous essay How to Love a Child. The Child's Right to Respect.\(^4\) These works have been translated into many languages. They contain the fundamental axiological and philosophical questions about the identity of the child. These works seek the answer to this question. They are the key to getting to know and understand the child.

Korczak studied the child, discovered the child, got to know the child. He was fascinated with the growing, developing child. A child – the miracle of God and Nature – as Korczak used to say. Something amazing!!! Two merging cells from which a child develops and grows – a human being. This human being can achieve so much!!! "Who is the child" – Korczak asked rhetorically and provided the answer himself: "the child is a growing system". From the medical, psychological and educational perspective, Korczak admires the development efforts of the child. He emphasizes the effort of the growing bones, muscles, the effort of the first steps, as well as the effort of the child's cognition of the world. A baby sees its hand and is surprised to learn that it is its own hand. Older children ask difficult questions. The child wonders: “there is sort of an entire world in every person”. "I stand at the river bank and I know it is a river. But the water flowing in the river keeps changing, there is no single moment for the water to be the same, the droplets change, but they are still droplets of the same river”. The child asks fundamental questions about the nature of the world, about the meaning of life and death. Children ask philosophical questions. This is what Korczak claims too. In the ending of the book The Rules of Life he explicitly wrote: “the child is a philosopher, the child is a poet.\(^5\) The child thinks philosophically in its own way and forces the adult to ask fundamental, existential questions, questions which are sometimes serious and difficult, which might be absurd or comic.” Korczak says: “the child is like a book filled with hieroglyphs which need to be deciphered”\(^6\). The adult must learn the child, understand it and love it.

Korczak taught us and still teaches us how to love, understand and respect children. The famous essay How to Love a Child published in 1918 can be treated as a guide, a handbook of sorts. But it has very little in common with the American self-help type of books teaching readers how to become creative, ambitious or rich. Korczak refrains from giving simple advice. He hates simplified solutions. He warns readers against the arrogance of learned educators and pediatricians. How to Love a Child is addressed above all to mothers, fathers, caretakers, guardians. What does Korczak tell us in his handbook? HE TEACHES US HOW TO LEARN ABOUT THE CHILD. Your own child whom you have just given birth to, is what Korczak is saying to a mother. Korczak teaches parents how to see, how to look, how to identify and understand the child’s reactions and impulses. He also lists and condemns various parenting mistakes resulting from misunderstanding the child, from ignorance or self-comfort. "Raising children is not pleasant fun, it is an effort requiring many sleepless nights", he said.

The pedagogy advocated by Korczak is a lesson, a parental and educational assignment addressed to every mother, regardless of the continent or the country she lives in. This is the most universal value and teaching. Korczak tells the parent to “bend over their child, to listen closely to the child, to understand it and trust it”.

Korczak admires the child. He respects the child's effort. He writes about the efforts of growing cells, the effort of the first steps, the effort of getting to know the world, learning about relationships with adults, with peers. Observe your child for hours, be with it, listen. The child is unique, an individual. You have to identify the child's smiles, needs, to establish a special language of communication with the child. You are the most important person for your child. Korczak, similarly to Jean Jacques Rousseau, locates the

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\(^3\) J. Korczak, Prawda życia. Dziesła, Tom 11.1 (Life’s Truth, A Collection of Works, Volume 11.1), Warszawa 2003, IBL, p. 100

\(^4\) J. Korczak, Jak kochać dziecko. Prawo dziecka do szacunku (How to Love a Child. The Right of Child to Respect), op. cit. p. 20
force triggering development in the child itself. He is a Naturalist but not a Utopist. He is the advocate of breastfeeding, of natural responsiveness to the child's needs, of non-violent child rearing, of raising children in an atmosphere of judicious love. Korczak does not create a mythology, he expects a lot from children, teaches them how to work and how to perform their chores. He does not idealize reality, he writes about difficult issues, about children's fights, nycturia, child masturbation. Korczak calls for parents to understand and love the child.

Love for a child is not a tender affectation, infantilism, it is not about giving in to whims or pressure exerted by children on their parents. There is more to love than just the emotion manifested by the parent towards the child. It is not only about loving the child, caressing and hugging it. Firstly, parental love is linked with the acknowledgement that the child is a person, a human being, the utmost value. The child is already a human being, and not an expectation of a future human being. The child is an important and serious person. The child has its own, serious childhood problems. Secondly, parental love is linked with being with the child and getting to know the child wisely or reflectively, as we would say today. Parental love is about being together with the child, about maintaining a dialogue, about being together in play, in block building, in reading books. Korczak believed that the synthesis of the love for a child, of the dialogue with the child, is respect for the child.

Respect for the child is a key notion in Korczak's pedagogical theories. The child has the right to respect. Adults should provide the child with such respect and learn how to respect the child. "There are no children – there are people." The child is a human being here and now", claims Korczak. The child is not an expectation of a human being. It has an innate human dignity. The child is a human being, a citizen. Korczak showed us that the child is not a miniature adult, nor is childhood an internship to adulthood. It is an important and serious period for the child and childhood.

On the other hand, the child lives in a children's world. It is the world of childhood, a world of childhood reality. The child creates and builds this world, expresses itself in education, in play. It defines itself in this world. The child has the right to this world, to have his child-like thoughts, behaviors and expressions respected. We should also respect the attributes of children's daily reality which are permanent elements of their lives: sticks, stones, ropes, bottle caps. We should understand the pain of scratched knees and ripped trousers.

Respect the child – is what Korczak calls for. Respect the child's effort, respect their lack of knowledge, respect the child's misfortunes and tears, respect the child's property and its budget, respect the current hour of the child, the present day. Korczak stresses: "You have to respect what is little – little people little needs, joys and sorrows”. "The years of arduous education, more and more schools, exams, the printed world. And the child is small and weak... – it has not read, does not know how to...” writes Korczak.

Korczak is the defender, tribune, advocate of the child. He clearly addresses adults. "Years of working with them have evidenced explicitly that children deserve respect, trust and kindness. They have the right to respect. Adults and the adult world must warrant this right. Adults have to learn how to respect the child”

Today, after so many years, Europe and the world have rediscovered Janusz Korczak and they once again pose questions about who the child is, they attempt to rediscover the child anew and in new ways, to understand the child, get to know the child and respect the child.

We did not succeed in completing our homework from Korczak's teachings. The ideas put forth by the representatives of the Modern Breakthrough movement proved to be naive, namely that through parenting and education and the child itself the world would change. World War II, in which both Poland and China experienced so much cruelty from the occupant, has shown that the child has become primarily the victim of history. But in the contemporary civilized world, children are the poorest social group, they experience violence from adults. Europe is coping with demographic problems. China is also familiar with this issue. That is the reason why Janusz Korczak's voice and his address to love the child wisely, to respect the child resonates today so profoundly. We all understand that we have to approach with care the simplest, most repetitive daily tasks of raising children and to discover the serious matters of little human beings.
The most populous group of contemporary Internet users are children and young adults. In Poland, 72% of web users declare to log online every day or nearly every day. 71% of users in the age group 9-16 use social media sites. For this age group, the Internet has become a platform where openness, authenticity of emotions, both positive and negative, the need to react to the reality around them and express themselves is demonstrated with unlimited, practically censorship-free force. In the contemporary world the Internet serves a number of functions – it is a source of information and knowledge created with the input of young people themselves. It is also a space where young people can present themselves and their work, where they can develop their interests and passions, where they make friends and maintain these friendships, where they engage in a dialogue and exchange of experiences, but it can also be a space where their barriers of intimacy are transgressed, where people humiliate and mock their peers, where language of contempt, hatred and disrespect is used.

Unlimited access to information on the Internet may be both a benefit and a curse of the contemporary world. When I was writing this presentation, I typed the name “Janusz Korczak” into Google and it came up with 1,800,000 results. It was mostly “trash” information containing substantial and spelling errors. Therefore, in the era of abundance of data and information noise, cultural and media education is important, if not indispensable. For the time being, we have been teaching children and young adults at schools how to operate the computer and how to use software. However, they also need to learn other skills such as searching for information and critically evaluating the knowledge they find, formulating and expressing their thoughts in a communicative way legible for different recipients, as well as – and this issue is of crucial importance – how to safely use the Internet.

The list of threats which a young Internet user may be faced with on a daily basis is long. That is why it is very important for children and young adults to be taught how to anticipate those threats and dangers and how to deal with difficult situations. The most common threats in Poland include the following:

- Young children’s contacts with strangers – 24%
- Exposure of children and young adults on the Internet to potentially harmful content or receipt of materials threatening their correct development (e.g. hatred, suicide, self-mutilation, anorexia, drugs) – 17%
- Receiving sexually-explicit messages – 15%
- Watching sexual content – 15%.

Frequently parents are not aware of the threats connected with the use of the Internet by their children. Research has shown that 85% of parents believe that their children have never received sex-related content, while 70% of parents do not know that their children have met in person with someone they contacted online.

Another worrying phenomenon is becoming addicted to the internet which allows users to play games, giving them an opportunity to compete or create alternative worlds. However, claims that a young person addicted to the internet is like an alcoholic addicted to a wine glass are insufficient and do not recognize that spending time online at the expense of contacts with friends and family and excessive involvement in this pastime may lead to obsessive behavior which resembles an addiction.

THE IMAGE OF THE CHILD ON THE INTERNET – PROTECTION AND ABUSE

The behavior of adults – the closest adults – parents – can pose a threat to a child. Not only do they not know, as the results of the quoted research show, what their child is doing online, but they also commit a series of errors. The parents should be aware that e.g. posting in the public sphere such as the Internet naked pictures of their small children, may in the future embarrass them, expose them to the risk of being ridiculed by their peers and finally, these children may become the object of interest of child molesters.

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1 Results of a EU Survey Kids Online II, http://www.saferinternet.pl/wiadomosci/poznaj_wyniki_badan_eu_kids_online.html
2 Perusal of family photo albums has been moved to the virtual world and private pictures became available to more recipients than just the immediate family.
Today, we do not only describe other people’s pain and misfortune, as observers of children’s dramas but we also participate in a desperate race to shock people with human tragedies. It is important to keep the attention on ourselves, on the topic, on the program, to get recognition which translates into popularity – viewer rating. Zygmunt Bauman wrote: “Getting people’s attention has become a matter of life and death and the grand award in a competition; you can only break through to the crowded attention by shocking, but you can only rely on a shock more drastic than the yesterday’s shock to have the power of outraging people”.

A young person becomes the subject of this race, he or she “exposes” himself or herself or is exposed by his or her parents, so that he or she can be watched, e.g. in reality shows or talk shows, or on the Internet. A young person presents a whole range of behaviors permitting him or her to be noticed and to survive in a television program, online, in a peer group, and does so at the expense of his or her privacy which is on display for viewers and Internet users. A young person is worth anything only for as long as he or she can keep the attention of curious onlookers on himself or herself.

Children are talked into revealing their personal data and information about themselves. They blog, chat, make “friends” on social media networks, they live double lives: in reality and in the virtual world.

Today we know more about others but others can also more easily and quickly find information about us. We make it perfectly easy for them by posting personal information and photographs on the Internet. When we function in a double life we give in to the creators of the virtual world seducing us with new and fresh ideas. Facebook has just announced its new project: “We present the timeline – The new Facebook profile. Tell us about your life”.

The biggest group of filings made with the Team of Dyżurnet.pl concerns the category of “child pornography”. In 2011, Internet users submitted 3,310 reports in this category, out of which, after a thorough analysis, 539 cases were classified as child pornography-related content.

Although today the image of the child is more efficiently protected by the law, there occur situations where adults use the child to achieve their own goals although in accordance with the law. The more and more common phenomenon observed today is the so-called “modeling” of children in erotic poses dressed often in luxurious clothes typical for adults (high heels, jewelry and strong make-up). The cross-section of these photographs is exceptionally wide: from “family” photographs of girls dressing up as their mothers and professional images from fashion periodicals presenting the latest fashion collections posted on the Internet. While in the case of the former type of images we could be dealing with lack of imagination and sensitivity of adults, the latter category is governed by big money.

Another quite different example is presenting chronically ill children on the Internet for the purposes of collecting funds, where children are presented in a manner which would make us more likely to donate money for the child’s medical treatment. It only takes to obtain the permission of the legal guardians of the suffering child’s.

The image of the child is also used to substantiate certain views, for instance to obtain approval for the in vitro fertilization technology. One example of this approach is a calendar featuring the photographs of children born thanks to the application of this method, a calendar recently posted on the wiadomosci.gazeta.pl website.

Is really everything both in the real and the virtual world for sale? Is the situation the same as Janusz Korczak described it in his Diary referring to his last days in the Warsaw ghetto: “Mistreated faith, family, motherhood. All spiritual goods are the subject of trade. A stock exchange where a conscience is traded. – A variable rate of exchange – how much do you charge for onions and life today”.

LONELINESS ON THE NET

Today, we do not only describe other people’s pain and misfortune, as observers of children’s dramas but we also participate in a desperate race to shock people with human tragedies. It is important to keep the attention on ourselves, on the topic, on the program, to get recognition which translates into popularity – viewer rating. Zygmunt Bauman wrote: “Getting people’s attention has become a matter of life and death and the grand award in a competition; you can only break through to the crowded attention by shocking, but you can only rely on a shock more drastic than the yesterday’s shock to have the power of outraging people”.

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3 The Dyżurnet.pl Team operates as part of the Safer Internet Project (a program of the European Commission) and its objective is to increase the safety of children and young adults on the Internet. In Poland the project is carried out by the Research and Academic Computer Network NASN and the Dzieci Niczyje Foundation.

4 The Dyżurnet.pl Team: Raport 2011, contact: http://www.dyżurnet.pl


6 http://wiadomosci.gazeta.pl/wiadomosci/5,114944,12856981,Te_dzieci_przyszly_na_swiat_dzieki_in_vitro__ZDJECIA_.html?i=1


9 I am referring to a television talk show called Rozmowy w toku aired on 19 January 2012 on TVN. The show featured young girls and their mothers who talked about their sexual experiences, about intimate issues. Both the girls and their mothers consented to participate in the show.

10 http://www.facebook.com/about/timeline (15.04.2012)
A contemporary form of living a life for everyone to see, which far too often conceals solitude and despair, envisages transferring one’s life to the Internet and staying there until the very end, until a person commits suicide. Late at night on 26 January 2012, a young man called Marcin H. who was chatting via a video chat on the Interia.pl portal typed the following question: “Does anyone want to see me hang myself?”, and then, watched live by web users, he hanged himself on a rope. One of the web users who witnessed the suicide called the police. Sadly help came too late. The boy died.¹¹

THE REMAINS OF SHAME

A child has the right to privacy which is guaranteed under the Convention on the Rights of the Child.¹² Article 16 of the Convention says:

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Despite legal guarantees protecting the child, as adults and parents we often exceed our entitlement, justifying our behavior with care for our children and concerns about their development: we spy on them, we read their email correspondence, their text messages, we rummage around in their desk drawers, we check the contents of their mobile phones. When we fail to find anything suspicious we feel ashamed of ourselves for the way we behaved. Janusz Korczak wrote about our distrust and shame resulting from unjust suspicions:

“On another occasion I found out that one of the girls had a mysterious encounter when she was crossing a garden after dark... This gave rise to concerns. The encounter in the garden alerted me. – Therefore, I insisted that she tell me what happened or else she would not be allowed to go out on her own. She said to me: «When I was walking across the garden a bird soiled my hat, it pooped on my head», she said. Of the two of us, it seems, I was the one who was more ashamed. If we were always so untactful towards children, how often would we have to burn with shame for the messiness of life which they encounter, against which we are incapable of protecting them”.¹³

Today children are equipped with new tools capable of recording the events of their lives: cameras, the Internet, mobile telephones. Each of the tools can be used to benefit self-development and enrich peer relations or to mock and humiliate peers. One example of the latter behavior is the “Elitarna Łoża Szyderców” (The Elitist Scoffers’s Lodge)¹⁴, where you can post any photograph depicting a friend in a random context with the purpose of making fun of and compromising them in public.

A tragedy took place in Gdańsk,¹⁵ where in one of Middle Schools a classroom in the absence of a teacher, a 14-year-old Anna was undressed and humiliated by classmates in front of the entire class. The sexual abuse of the girl was filmed on a mobile phone and none of her classmates protested, no one helped her. The following day the girl committed suicide, all alone.

“Before man becomes stuck for good and comes to terms with the sloppiness of everyday life... He fights... He suffers... He is ashamed of being different and lesser than the crowd; or perhaps he only painfully experiences solitude and his strangeness in life”¹⁶.

JANUSZ KORCZAK ON THE INTERNET

The announcement of the year 2012 as the Janusz Korczak Year resulted in a multitude of information being posted online both regarding Janusz Korczak himself and his work as well as events related to the celebrations of the Janusz Korczak Year. Schools and institutions named after Janusz Korczak updated the information on their websites. A number of new websites were created, for instance the website set up by the Ombudsman for the Rights of Children: http://2012korczak.pl/, by the Main Office of the City of Warsaw: http://www.korczakinfo.waw.pl/, by the Polish Janusz Korczak Association: http://www.pskorczak.org.pl/. Young web users have also undertaken a number of ventures such as the competition: “Bloggers for Korczak”.

Unfortunately, apart from access to knowledge, the cyberspace also features (or perhaps had featured before) unverified and inaccurate information. One thing is certain: the image of the Old Elitist Scoffers’s Lodge) ¹⁴, where you can post any photograph depicting a friend in a random context with the purpose of making fun of and compromising them in public.

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² Convention of the Rights of the Child, Dz.U.120.526 z późn. zm.
⁶ I am referring to a television talk show called Rozmowy w toku aired on 19 January 2012 on TVN. The show featured young girls and their mothers who talked about their sexual experiences, about intimate issues. Both the girls and their mothers consented to participate in the show.
Doctor, as Korczak was called, has been altered. He is presented not only as the one who wrote King Matt the First and who later died in a Nazi concentration camp with children from his orphanage. The image of Janusz Korczak has been enriched, filled with facts from his fascinating life, his teachings, his literary work, and his welfare work. He has become a multi-dimensional character which can still fascinate us, inspire us and teach us today.

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Ladies and Gentlemen,

I would like to express my gratitude for being given the opportunity to meet such a renowned group of people and for letting me share with you my experience and observations about the situation of children in Poland as regards the issue of respecting their rights.

The idea behind the foundation of organization of the Committee for the Protection of Children’s Rights was born thirty-something years ago. The founder of the Committee – Maria Łopatkowa, an educator, described this venture as “a conspiracy of people who were not indifferent to the harm done to children”. In 1981, at the time when things got politically “hot” in Poland and significant regime changes were about to come, a group of people got together and our organization was established. By pure chance the day of our first meeting was the day when Martial Law was announced in Poland. The reality thus provided us with the first assignment – protection of children against the effects of Martial Law.

Our organization was the first such organization to act for the benefit of children and, similarly to organizations which had been operating in the West for a long time, it has set as its goals countering the harming and bad treatment of children. The Declaration of the Rights of the Child adopted in 1959 by the United Nations at the initiative of Poland set the ground for our program. Regional Divisions of the Committee were set up across Poland. Our organization was joined by people who were professionally trained to work with children and their families – psychologists, educators, court probation officers, lawyers. However, the most important thing was that all these people had big hearts and were incredibly sensitive. The fundamental rule of our operation is best described by the approach: “Through the child to the problem”. Therefore, apart from performing individual intervention activities we instantly undertook long-wave activities aimed at triggering systemic changes.

One of our earliest crucial campaigns was the campaign advocating Opening the doors to children’s hospitals. We succeeded in effecting formal and legal changes which amended the operative rules, restrictions and the existing legislation for the purpose of providing a child treated in a hospital with the right to be under the care of a closest relative and the right for such relative to be with the child. We later undertook awareness raising activities among the society with a focus on the adults involved in the care of children – doctors, nurses, orderlies and parents. As part of a memorandum of understanding entered into with the then Health Minister we monitored the implementation of the so-called “open doors in hospitals” program.

Another significant campaign effected by our organization was called “Emotional relationships under legal protection”. In connection with the dramatic increase in the number of divorces also in families with children we undertook the following activities:

- Advocating and promoting family mediations;
- Thanks to our actions, the diagnostic tests of the child and its family in the course of a divorce began to account for the will of the child and its emotional bond with each of the parents;
- In particularly difficult situations we advocated the establishment of a “neutral space” where the child and the parent living apart from the child could safely meet;
- Initiation of the legislation process governing the child’s contacts with grandparents;
- Thanks to our activities, court enforcement procedures and forced taking away of children from parents by court enforcement officers (who were not trained for such actions in our opinion) were banned;
- We promoted the obligatory introduction of the so-called adoption period when a child had to be placed in a foster family environment under a legal decision. We were convinced that the foster parent obligatorily entrusted with the custody of the child should first visit the child a number of times to develop an emotional bond before taking it away;
• It was much thanks to our activities that a rule prohibiting the separation of siblings was enforced;
• We also proposed not to separate mothers and their infant children in particularly difficult situations and to extend more social assistance to the mother and child instead, for example by providing them assistance in Family Emergency Centers.

Ladies and Gentlemen, the next big campaign of the Committee for the Protection of Children’s Rights is the still ongoing campaign advocating child-rearing without corporal punishment. We launched the campaign in Warsaw with a large conference, a panel discussion and a staging of a court hearing with the participation of young people. There was a real indictment, a prosecutor, a defense counsel, judges and material evidence. Young people gave shocking testimonies of what they experienced in their homes and of the bad treatment of their friends. They wanted to openly talk about being beaten by their alcoholic fathers, cruel mothers, caretakers or teachers at schools and care centers. These young people boldly told us: “There is nothing we should be ashamed of, the adults should be ashamed”. Promoting child-rearing without corporal punishment is what we deal with on a day-to-day basis.

As part of the Committee we have set up an Intervention and Mediation Centre. Unfortunately, at the moment despite good and modern legal provisions in force, such as the Act on Counteracting Violence in the Family we still, and much too often, have to make interventions connected with the violent treatment of children.

Apart from the Intervention and Mediation Center, the Committee has set up a Specialist Diagnostic and Therapeutic Centre dedicated to cases of sexual violence against children. In this Center, in a professional environment, specialists diagnose children who are suspected of being victims of sexual abuse.

The Intervention and Mediation Centers have also been established at the many regional divisions (there are currently 23 such centers in Poland), where experts help solve domestic conflicts, especially those related to divorce.

In all the years of operation of the Committee we have also been involved in educational and awareness raising activities. The campaign promoting child-rearing with the respect of children’s rights is one of our current projects. We want both children and parents to be familiar with the rights vested in them and to understand that the fundamental human rights result from human dignity, and so these rights are vested in every human being regardless of age.

Ladies and Gentlemen, promoting children’s rights has for many years been one of our core assignments. Twenty-something years ago we had our share in the creation of the Convention on the Rights of the Child. Later we actively participated in reporting to the United Nations on how the Convention on the Rights of the Child was respected in Poland.

In the past few years, the awareness of children’s rights has considerably improved. Today, no one would publicly dare to say: “Against whom do you intend to protect children? It is the role of the parents to protect their children”. Or nobody would dare ask “And who will protect the rights of adults?” or, alternatively say: “The children’s rights will come only after their obligations are enforced”.

However, the daily activities of the Committee, as well as observation of the reality, show us how often fundamental children’s rights are not respected. There is still the issue of treating the child as an object and not a subject, the problem with “objectification of schoolchildren”, the child’s right to expression with respect to crucial issues concerning the child, the right to personal contact with people the child feels close to, the right to an identity and knowledge about ethnic origin, or finally the warrant to protect the child against physical and mental violence and sexual abuse.

As an example, let me tell you a little about how some of the provisions of the Convention on the Rights of the Child are enforced in our daily activities.

Protecting children against violence – or Article 19 of the Convention on the Rights of the Child. Our Committee’s input envisages the following activities:

• Making interventions as a result of filings made by various institutions and persons;
• Providing specialist psychological and legal assistance to victims and their families;
• Producing specialist publications on domestic violence;
• Conducting specialist trainings on violence addressed to employees of schools (directors, teachers and psychologists), kindergartens and specialists from other institutions (cooperation with City Councils across Poland);
• Training members of Interdisciplinary Teams;
• Running a program helping victims of sexual abuse;
  – The Committee is a member of the Warsaw Network of Helping Abused Children;
  – We diagnose sexually abused children;
  – We offer support for children – victims and their families;
  – We arrange interrogations by judges and prosecutors;
  – We have developed specialist publications on sexual violence;
• Running our own prevention programs pertaining to sexual abuse in kindergartens (addressed to children, teachers, parents);
• Taking an active part in the works on the amendment of the Act on Counteracting Violence;
• The Committee is a member of the Team Monitoring the Act operating on commission of the Ministry of Labor and Social Policy;
• The employees of the Committee are members of Interdisciplinary Teams.
  – Article 9 of the Convention – warranting a child contacts with both parents – is the right which is widely violated and most cases filed with the Committee concern this particular issue.
• We created a system helping parents and children experiencing divorce at our Intervention Center;
• We ran a social campaign entitled “My mum, my dad, their divorce” (the aim of which was to raise social awareness of the emotional condition and the needs of all the members of a family in crisis, with special focus on the child);
• We organized 5 series of open lectures for parents undergoing a family crisis;
• We trained a few thousand of specialists across Poland on the rights and needs of children undergoing a family crisis;
• We succeeded in strengthening the system of family mediations in Poland as one of the key instruments of helping children cope with parents’ divorce;
  – We prepared employees and volunteers of the Committee for the Protection of Children’s Rights, specialists from other institutions and non-government organizations to conduct mediation sessions;
  – We prepared supervisors;
  – We trained judges;
  – We conducted transnational mediations.
• We publish specialist publications.

These are only some examples of our activities aimed at protecting children’s rights. The rights which are often violated by adults, frequently parents and relatives. Today in Poland there is a modern legislation and a greater awareness of the problem, but too many children are still harmed.

We must bear in mind that even the most efficient legal provisions will not safeguard children from mistreatment. There is no possibility to imprison all the parents abusing their power. And this is not what we want. Anyway, I’m afraid we would quickly run out of prisons and child centers if this were the case.

Family life and the parent-child relationship often escape codification. The only real and efficient method of protecting children against all forms of abuse in the log term perspective is widespread public education, preventive measures and therapy.

We could also replace the widely applied parenting model based on strict obedience and subordination with a model respecting children’s rights. Convincing parents of the legitimacy and efficiency of the latter model is the ongoing task of the Committee and, if I may say so, of us all. This is undoubtedly what Janusz Korczak would like us to do. ■
Education for Democracy: Purpose, Practice and Perspectives

Janusz Korczak Seminar

28th November 2012 / European Youth Centre / Strasbourg
PROGRAMME OF THE SEMINAR

Opening
Chairs:
• Ms Urszula Gacek, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Poland to the Council of Europe
• H.E. Ms Roser Suñé, Minister of Education and Youth of Andorra

Welcome Addresses
• Ms Ólöf Ólafsdóttir, Director for Citizenship and Democratic Participation, Council of Europe
• Mr Jerzy Barski, Deputy Director of the Department on International Cooperation in the Ministry of National Education Poland

The Legacy of Janusz Korczak
• Dr Pavel Jaros, former Ombudsman for Children, Poland

Keynote speech:
Human Rights Pedagogy and Democracy
• Prof. Anja Mihr, Netherlands Institute of Human Rights, Utrecht University, Netherlands

Discussion
Parallel round tables as follows:
• International legal texts on citizenship and human rights education and their implementation – challenges and opportunities
• International surveys on civic knowledge, attitudes and engagement among students in Europe: key conclusions and implications for policy making
• Democracy learning case studies – lessons learned and future priorities
• International cooperation programmes: impact and outreach – the case study of the EU/CoE Programme in Turkey
• Experiencing Compass – the Council of Europe manual for Human Rights Education with Young People
• Putting into practice the Council of Europe Charter on citizenship and human rights education: Summer Academies for Democracy and Human Rights
• Children participation

Conclusion
Chair: Ms Urszula Gacek, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Poland to the Council of Europe

Interactive feedback from the round tables
• Ms Ólöf Ólafsdóttir, Director for Citizenship and Democratic Participation, Council of Europe
• Mr Jerzy Barski, Deputy Director of the Department on International Cooperation in the Ministry of National Education Poland

Projection of the film “Korczak” (Andrzej Wajda, 1990)
Excellences, ladies and gentlemen,

When I learned about the suggestion by the Polish Permanent Representation to the Council of Europe to organise a seminar in honour of Janusz Korczak under the Chairmanship of Andorra, it was without hesitation that I decided to support it. For Janusz Korczak represents for me two fundamentally important values – moral courage and respect for the rights of children.

Moral courage - I read with horror how on the 6th of August 1942, 192 small children and young people from the Warsaw Ghetto orphanage, dressed in their holiday best, marched to their death. Janusz Korczak led this tragic procession, carrying the youngest child in one arm and leading a second one by the hand.

We will never know if he marched with dignity to his death, protecting the children as best as he could, because of his life-long dedication to children or simply because of his moral courage. I suspect it was a bit of both.

But what we do know is that his ideas are still alive today. His demand for respect for children and their rights have inspired such fundamental texts as the UN Convention on the Rights of the Child. And let us not forget the context in which he wrote – such ideas in the early part of the past century were, to put it simply, revolutionary.

Yet, he was absolutely right. By not putting children first and not acknowledging they have rights as any other person, we are suggesting this: that children must bear the responsibilities for tomorrow -- without affording them their human rights today. Of course with the current economic situation, the burden of the world our generation will leave them will not be negligible.

This notion of the child’s right to respect seems quite straightforward when you think about it, but was and still is a fundamental shift from current thinking.
But Janusz Korszak did not advocate a laissez-faire approach. Rather, he emphasized that with rights also come responsibilities. Such a concept – a balance between rights and responsibilities – is one which the Council of Europe fully supports and is enshrined in the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

How can we meaningfully incorporate his concepts in the Council of Europe’s education and youth programmes? In schools, we can support interactive learning, relevant curricula and democratically governed schools. Also to build capacity among teachers and school staff on how to listen to children, enhance dialogue and promote conflict resolution. In the youth field, our best-selling publication Compass puts young people at the heart of active participation and decision-making. Our current programmes therefore do support the participation of children and young people in political and societal decision making. We are also constantly trying to support new concepts among the 50 states of the European Cultural Convention. One such idea is not just the right to education, as stated in the European Convention on Human Rights, but going one step further – the right to quality education. I am confident that Janusz Korczak would support such an initiative.

During the course of this afternoon, we will learn more about the practical application of Janusz Korczak’s education philosophy. I invite you all to join one of the seven roundtables at 4 pm where you can have a taste of what is happening now throughout Europe, to share your experiences and to suggest ways to move forward.

Identifying and then following ways to move forward where the respect for children’s rights and moral courage are at the heart of any action. By doing so, we will be respecting Janusz Korczak’s legacy thereby paving the way for a future where children are not treated as the people of tomorrow, but as the people of today.
Human Rights Pedagogy (HRP) is a methodology of ‘how’ to teach, train and learn in, through and for human rights. It derives from Human Rights Education (HRE), which primarily defines a concept and the design of what to teach and to learn about human rights. Thus, Human Rights Education is a set of pedagogical learning methods to inform people of and train them in their human rights. It provides information about the international or regional human rights norms, standards and systems and enhances peoples’ skills and attitudes that lead to the protection and support of human rights in ones own daily professional and private environment (Mihr 2009).

Methods of teaching and learning in and about human rights vary. Content of the programme or curricula depend largely on whether one teaches and learns in the formal (school or university) or the informal (NGO, private academies) or training sector. Target groups also alter the content of each training and learning programme. Members of law enforcement and judges need different training programmes than high school students or people who want to learn about specific human rights, e.g., women’s or children’s rights. The number of documents that define and outline international normative standards go into hundreds today. Hence, the trainer’s task is to detect those that are relevant for his/her training course and programme in respect to the target group he/she is working with. Human rights norms range from abstract civic human rights to practical human rights as defined, for example, in the UN Convention on the Rights of People with Disability (UN Doc GA Resolution 61/106, 24 January 2007) or the Charter of Fundamental Rights of the European Union (EU Charter 364/01, 18 December 2000).

Human Rights pedagogy faces the challenge of advancing and expanding pedagogical concepts for human rights teaching beyond civic, peace, tolerance, inter-cultural and history programmes. Those programmes and learning concepts are often considered exclusive in society (Tomasevski 2003). That is to say, for example, peace education targets learners in post-conflict or war torn societies, history and holocaust education targets people whose past and/or heritage links to specific historical events, etc. While these concepts also refer to human rights, they often stop at either a moral imperative or a mere normative knowledge about institutions and mechanism. They do not necessarily aim to empower individuals to stand up for their own human rights and those of others, which is what HRE and Human Rights Pedagogy must lead to.

Over the past decades an abundant field of “private actors” in the field of HRE and HRP have appeared. NGOs, foundations and companies that design HRE programmes, often have a single issue agenda and at times, even political agendas. The reasons for this are two folded: First, many of these private and informal actors have limited resources and are work/project orientated, working on a budgetary basis for a set time, commonly one to two years. They often aim to raise “exclusive” human rights awareness with specific target groups. Due to budget and time constrains, these actors and agencies must focus on specific human rights issues and often lack a holistic concept of human rights. In that case, target groups may learn about their specific rights as women or girls, but not those of others such as national minorities, children or migrants. This often leads to ignorance and misapprehensions about the human rights of others or the society as a whole, and again to what Tomasevski referred to as the exclusion of others (2003). “Exclusive” HRP even carries the risk that groups that have enjoyed human rights trainings are empowered in their rights, but disregard the rights of others or worse, discriminate them. The same risk exist for private companies or agencies who increasingly conduct internal, staff
orientated, HRE programmes. This risk is partly caused by the abundance of information and sources on human rights. Teachers and trainers in human rights, often need to select one set of human rights and leave out others, in order to cope with the large number of human rights norms and standards. At least 300 regional and international human rights documents define, describe and often legally bind states and stakeholders to fulfill and comply with norms, may they be social rights, such as the human rights to professional development, economic rights such as the right to access to water or political rights such as to freely participate in decision making processes, to assemble or the rights of people with disability to an inclusive education. To find ones way through the dense “forest of human rights norms” around the world, the trainer needs a clear analytical framework and the capacity to detect, find and define as well as assess and connect these human rights to the target groups they refer to while remaining inclusive. This is what Human Rights Pedagogy aims to do (Lenhart, Kaisa 2002).

Hence, in comparison to other ordinary training and education programmes, such as pedagogy for history or democracy, education that end in imperatives or institutional knowledge, the aim of HRP is as follows:
1. Enhance the personal engagement of the individual in, through and for human rights
2. Enable the individual to develop projects/programmes or other activities
3. Equip the individual to analyze, to dialogue and to compromise with others
4. Develop a level of empathy that allows moral judgments in ones own societal environment

Educators and trainers in the formal education sector often face the problem of not knowing how to assess, evaluate or mark human rights empowerment. Here, educators have to combine and merge conventional and formal assessment methods with more innovative methods. One way of doing it is in assessing self-reflective written outcomes, e.g., project outlines, essays, etc. Another way is to do cognitive testing on human rights norms in relation to things such as events. There are a number of examples around the world of how teachers and professors have successfully assessed acts of “personal empowerment” in human rights of students and learners (Council of Europe, OSCE/ODIHR, UNESCO, OHCHR 2009).

A successful Human Rights Pedagogy is therefore determined by whether or not the learner/student can identify the set of human rights issues that are relevant to her/his situation in any given context. She or he knows where to find the sources and reference and is able to analyze and assess any situation or event, whether in the private or professional field concerning human rights issues. Everyone should therefore be encouraged and empowered to ask the following questions: (1) “Why is the behavior or decision taken the way it is? (2) Is it because of traditions, customs, cultures, political regimes and systems or other circumstances?, (3) Does the decision or behavior lead to a human rights violation or abuse or does it leverage human rights of others and myself?”. In response to this, the person should identify the relevant legal and political entitlements and duty holders and then be able to connect this to the relevant instruments, mechanisms and institutions on a local, domestic or international level. Such mechanisms can be local, for example, local authorities, Ombudsoffices, district or administrative courts or NGOs and committees that are capable to support or intervene in the respective human rights issue. Such pedagogical methods are within the larger “package of human rights education” and contain at least three aspects (Reardon 1995; Equitas 2007, Mihr 2004).

1. The Head: Learning about/in human rights, that is the cognitive, normative and knowledge based analytical thinking.
2. The Belly: Learning through human rights, that is the perception and understanding of human rights and its interconnectedness with one’s own private or professional environment, past and present. It is also learning through emotions, affection and compassion in order to enhance ones own empathy.
3. The Feet: Learning for human rights, that is the way in which one takes action and initiative to change something about the flaws of human rights compliance. It is the behavior, the way of acting, the solving of problems, and the improvement of situations.

As mentioned earlier, the analytical and cognitive learning outcome is enhanced when one can ask “why and how are human rights violated?”. In order to answer these questions, one has to analyze the context of the present situation and its relation to the past and present on the local, domestic and international level. One has to have a basic understanding of human rights principles, of norms and standards and, if possible of international human rights treaties, conventions, declarations and/or protocols. A thorough understanding of human rights principles, an empathetical understanding of justice and injustice, of freedom versus restriction and of exclusion versus inclusion can sharpen one’s analytical ability to detect human rights abuse. For the cognitive learning process one should have a solid understanding of protection and monitoring mechanisms of human rights.
on all societal and political levels. The learner and empowered person should know the roots of injustice and conflicts in order to detect human rights violations and carefully distinguish them from “non-violation” (Tibbitts 2002).

When learning through human rights, one is often confronted with strong emotions such as affection, anger about discrimination, violence and injustice towards oneself and towards others. This is the stage where we increase our empathy and learn how to deal with it. The empathetic capacity of each learner to put oneself in the position of the other is seen as an asset. The trainers and teachers have to know how to deal with these emotions, often expressed in classroom or course context. One has to put oneself in the situation of the “other”: “Imagine you had been a dissident in the Soviet Union in 1975..? or “Imagine you are protesting in Tunis in 2011..?” etc

Learning for human rights is about problem solving, working toward alternatives and giving answer on how to change a human rights abusive situation or circumstances. It is about getting active, questioning and making changes - if needed- societal and well as in individual behavior. This is a medium and long term process and one can start with doing small steps by changing his/her own behavior and decision making in its own environment. Knowledge and empathy come together at this stage. They should lead the individual to attain alternative solutions to the current human rights abusive environment. Lobbying local or domestic decision makers, setting up community projects, campaigns or simply acting and doing things “different” than before are seen as the main outcome of progressive HRP.

ASSESSING HUMAN RIGHTS PEDAGOGY

Assessing human rights learning is seen as a main challenge in HRP. Kohlberg’s stages of moral reasoning can be utilized to assess and understand students reasoning. His theories are broken down into three levels, pre-conventional, conventional and post-conventional, with each level containing two stages. Each stage is seen as a vital building block in order to reach the succeeding stage. Kohlberg focuses on development and on how it is related to justice, and critics argue that this focus on justice excludes other moral values (Sohan, Modgil, Kohlberg 1986).

By assessing learners/students at which level they are reasoning at, teachers can teach better and Kohlberg advises teachers to teach at one level higher, in order to challenge the student to continuously develop her/his reasoning abilities. Seemingly, in its guidance materials, the Office of the High Commissioner for Human Rights (OHCHR) stresses the importance of assessing human rights teaching methods and HRP in contributing to the protection and dignity of all human beings. Four steps are laid out for the implementation and advancement of human rights education in higher education, (1) analyze current situation, (2) set priorities and create implementation strategy, (3) implement and monitor, and (4) assess learners outcome (OHCHR HR/PUB/12/3). To successfully meet these goals, one must first be able to assess the current quality of human rights education in a country and identify areas that necessitate heightened attention. Using the OHCHR and UNESCO jointly published Human Rights Education in Primary and Secondary School Systems: A Self Assessment Guide for Governments, written for human rights education integration into primary and secondary schools, one can find many methods and suggestions for assessment that are equally applicable and useful for higher education. A situation analysis is the first step for learning institutions introducing HRE for the first time. This is a swift analysis carried out by a small group of key actors within the institution who are able to use existing information in order to identify large gaps in HRE. Using this analysis, stakeholders for HRP are able to quickly set realistic and achievable goals. On the other hand, countries that have already implemented a HRE strategy must analyze what has been successful and unsuccessful, and determine why. The first phase in an assessment of this nature is to create a detailed plan for how the assessment will be carried out, giving thought and planning to accountability, data sources, data-collection methodology, etc. (OHCHR and UNESCO Publication HR/PUB/12/8, 2012). The next step is to create a focus for the assessment and to develop questions that can adequately assess the HRE implementation strategy in regards to key educational components, e.g., education policies, learning environment, and teaching and learning processes and tools (OHCHR and UNESCO Publication HR/PUB/12/8, 2012).

When developing and assessing the outcome of the “package of human rights education” all pedagogical methods have to include the third practical and active level. What should be done about human rights violations? Or how to leverage the human rights performance or compliance in any given situation? What actions, initiatives and participative way can one undertake, regardless of whether one lives and works in a democratic or autocratic society? Each situation requires different actions, but the learner ought to develop an understanding that he or she can do something, no matter how little, in any situation. These options range from using public dialogue and/or protests in order to openly argue that human rights compliance also leverages the working or living conditions of other stakeholders, politicians, business people, etc., to spreading information through social networks.
and alerting the media. It is also important to build a network internally and externally, e.g., international human rights monitoring bodies on the regional European, African, American, Asian or global UN level. Though taking action on the local level is most effective, i.e. lobbying of those who take decisions and can make a difference in society through politics and business is fundamental. HRP is most effective if it is connected to the personal environment and circumstances of oneself and the stakeholder or duty bearer through history and social development. On a local level and in private environment, one can use domestic and local remedies such as traditional problem solving mechanisms, community services, religious institutions. On the domestic and national level it is often national guidelines, laws, legislations, regulations, constitution etc. that ought to be amended through policy makers. One can also propose alternatives and solutions, moderate and mediate conflict situations, contact and engage with other peer groups or stakeholders and authorities.

In HRP it is important to never leave a learner/students outside the classroom, without a tentative idea what he or she can do about a situation of human rights abuse. To stay at the cognitive, normative level or conclude with a moral imperative after getting emotional after being confronted with an image of great injustice or atrocity e.g. film or story about the genocide in Rwanda, the Holocaust or images of torture victims, will lead to frustration and even disgust of feeling helpless and overwhelmed. After being confronted with such images many learners and students often feel incapable of doing anything to change the situation, more so, if they are confronted with atrocities that took place in the past. Educators and teachers must watch for warning signals from students expressing frustration over having greater human rights knowledge but feeling less empowered to create change. Expressions like “It will never work in my country!” or “Now I know that I cannot do anything about human rights abuse” is alarming. If participants of training course express this view, the pedagogical concept should be reconsidered.

In developing a pedagogy for human rights, one must ensure that the course content, the syllabus or curriculum does not lead to exclusion of certain groups within the learning environment (Tomasevski 2003). Any situation described or talked about during the human rights course should be linked to the impact it has on the society at large. That is to say, talking about why human rights of minorities or people with a disability should be respected makes only a difference if their needs and rights are referred to the needs and rights of the whole society. There are no human rights for one group that should leave out or even discriminate another group. Or, talking about citizenship and democracy only for citizens of one country, whilst one third of the class is composed of people with migration background and non-citizenship of that particular country, can lead to anger and exclusion of those who do not enjoy certain “citizen rights”. Exclusive human rights pedagogy, e.g., talking about rights of women and mentioning men as the mere human rights perpetrators, can manifest prejudice and increase discrimination. A non-proportional awareness about historical, political or institutional facts will lead to a narrow-minded idea about human rights.

Thus, one question that all human rights educators, trainers and teachers can ask when assessing and evaluating their own human rights course is “to what extent does X education or pedagogy programme/course empower people to take action and initiatives to generate social change, promote and protect human rights for themselves and others?” If the answer is exclusive or negative, because the programme exclusively focuses on history, only on one particular group or topic, the concept and methods of HRP should be reconsidered. That is not to say that peace or holocaust education is limited or not fruitful, but it is by no means human rights education because it purposefully leaves out large parts of a holistic pedagogical way of teaching and learning about human rights.

MERGING HUMAN RIGHTS PEDAGOGY WITH EDUCATION FOR DEMOCRACY AND GOOD GOVERNANCE

The Council of Europe highlights that human rights education and training furthers the promotion of human rights, democracy and the rule of law (Council of Europe, Recommendation CM/Rec(2010)7, 11 May 2010). It is through this educational concept that citizens are able to become aware of their rights and responsibilities in a democratic society. Additionally, it is believed that this education will empower individuals to actively combat violence, racism, extremism, xenophobia, discrimination and intolerance. However, the link between individual empowerment and the leverage of democratic performance or democratic culture is often not clear. For all to be part of a democratic society and leverage good governance principles one has to be participatory, consensus oriented, accountable, transparent, responsive, effective, efficient, equitable, and feel as a part of an inclusive society. HRE can lead to a better understanding and sensitivity towards human rights. A higher human rights awareness can enhance good governance principles. Human rights can act as benchmarks and tools to which actors must reach and can affect how policies, legislative frameworks, etc. are created.(OSCE/ODIHR, Council of Europe, OHCHR, and UNESCO, HR/PUB/09/3, 2009). Thus, if one is empowered to understand and act according to human rights and good governance principles the likeness of
corrupting democratic regimes is lower than otherwise. That is one of the direct links between democracy and HRE/HRP in particular. Human rights and democratic institutions and mechanism are tools in two different toolboxes. If they are merged the gain for society is higher.

The common denominators for merging the human rights toolbox of instruments and mechanism from the toolbox of democracy and good governance instruments seem evident. Yet the direct link between the two seems challenging for educators and teachers in the classroom. We are used to learning about the toolboxes separately. In one box we find human rights values, principles, instruments and mechanisms, while the other contains governance principles, government instruments and institutional knowledge. Yet the link becomes clear if one considers one toolbox to be a leverage instrument for the other and vice versa. Human rights are tools to leverage and improve the quality of democratic performance of its institutions on the basis of good governance principles. For example, the governance principle of Accountability and responsiveness of state authorities and their institutions towards constituencies and society can be enhanced by fulfilling the human rights of access to information, to participation, to professional development etc. This can lead to societal stability and leverage the legitimacy of political stakeholders, usually confirmed on election day. The governance principle of Transparency can be emphasized and leveraged through compliance with non-discrimination and equity acts, with the human rights of personal development, access to natural resources, scientific knowledge etc. If citizens are empowered in these rights their ways to claim and argue for these rights and ask for responses by stakeholders and duty bearers enhances transparency of democratic institutions. The third principle of good democracy or governance is Participation. Evidently, it can be increased through empowerment and responsible actions (UN OHCHR HR/PUB/07/4, 2007).

Fortunately, NGOs are no longer the sole and strongest force behind HRE, with many states now championing the role of HRE in society, too. Sonia Cardenas sees the integration of HRE into national agendas as the result of pressure from both below and above, as HRE has become an issue of state reputation. While many states verbally support and promote HRE, the actual implementation of HRE lags behind (Cardenas 2005). Supporters of HRE must call upon states to bridge this gap if one wants to see a culture of HRE emerge. Once HRE is implemented, other issues arrive, as it was found most recently in Hong Kong after assessing the ability of liberal studies teachers to teach human rights. Equally to the above mentioned criteria of HRP, the survey in Hong Kong found out, that teachers and trainers must be able to empower students to stand up for human rights, and not be taught human rights in a manner that merely encourages student compliance. In order to do this, teachers must themselves have a thorough understanding of human rights and not only support them in theory, but also in real life situations, an issue that became apparent in the study (Yan Wing Leung, Yan Lam Lo, 2012).

Thus, not only can both toolboxes be merged and be mutually beneficial, they can be used in partnership to leverage democratic quality and performance. In democratic or quasi-democratic societies, but particularly in countries in transition from autocracy to democracy, these tools are a necessity. The change from one regime to another is slow, but the empowerment of citizens in their rights can add to the performance and transition to democracy and its maintenance (Mihr 2009).

*Gratitude to Angela Ianniello, Euroscholar at SIM, Utrecht University in 2012, for contributing to this article

**BIBLIOGRAPHY**

We live now in a time of great political, economic, social and scientific changes. We discovered so many fascinating scientific and technical innovations. The Internet has changed greatly the world’s image during the last years, we are able to do so much more nowadays.

However, we see more clearly that such areas of knowledge as science, technique, IT and mechanics are not sufficient enough these days. The world needs values and authorities, not only physicists, microbiologists and economists. We need also poets, philosophers, teachers. Such ordinary people who are at the same time unusual. Janusz Korczak (real name: Henryk Goldszmit) is for us a person who combines those features. He belongs to a group of moral authorities of the 20th century such as Mahatma Gandhi, Mother Theresa of Calcutta or Albert Schweizer.

Henryk Goldschmit was born in 1878/9 in Warsaw, which was at that time under Russian annexation. He was a student of a dominated by the Russians gymnasium in Warsaw and of the Emperor’s University of Warsaw. He graduated from medical studies, although he dreamed of a literary career. In the end, he became an educator of Jewish orphans, defender and first informal ombudsman for children. He devoted his life thoroughly to them, at difficult pre-war time in a Poland plunged in economic and political crisis and strong anti-Semitism.

The life and literary activity of Korczak was part of two cultural and social circles – Polish and Jewish. Korczak formally was not a religious man, however, he made numerous references to God as the Great Creator with no clear face, God as Universum. Korczak regarded himself both as a Jew and a Pole. After many years, in “Letters from Palestine” he would write: “I am a Polish Jew born under Russian annexation”. He was connected with Warsaw (Warsaw belongs to me and I belong to Warsaw). He was fascinated with literature of the Young Poland Movement. He regarded himself as a Jew as he was brought up among Jewish elites of the pre-war Warsaw. He was in touch with representatives of progressive education circles both with Poles and Jews. He felt indignant about anti-Semitism and visible social divisions of the pre-war Poland. He was always on the side of poverty as he knew what it mean after his family was economically and socially degraded.

Many researchers and artists have been fascinated with Korczak. He was depicted in the film by Andrzej Wajda entitled Korczak. The film showed the most tragic and heroic image of Korczak in times and conditions of contempt and humiliation of a human being in the Warsaw ghetto. Korczak was also recently presented by Joanna Olczak-Ronikier in her book “Korczak – Biography Attempt”. There are also many literary pieces of Korczak memoirs. Betty Jean Lifton collected numerous relations and recollections about Korczak in, unfortunately not translated into Polish, book “The King of Children. A Biography of Janusz Korczak”. Each book about Korczak is a great joy. Each of them shows a different side of Korczak’s biography and his heritage. At the same time, we realize that none of the books can present a full picture of Korczak. Nowadays, we understand how colourful and multidimensional Korczak’s personality was and how greatly Korczak enriched the history and culture of Europe and the world. We also know how many disputes, misunderstandings and simplifications appeared in connection with Korczak. Fortunately, there are no more appropriations of heritage of Korczak, no more trials to include his works to the ideology of the People’s Republic of Poland or to present him as the saint Korczak from Treblinka. We do not try to show Korczak only from the perspective of Holocaust or determine whether he was a Jew or a Pole, separating him from the Polish culture.

Korczak was transgressing those narrow frames, he was above and beyond any divisions, history or times he lived in. This transgression is a feature of great people, reformers and visionaries and Korczak was one of them!

What did Korczak dream about? He dreamt about a better world and better people. He dreamt about knowing the mystery of human being of human’s development of knowing the child and
of writing a great literary piece about the child. He was not the first to wish to do that. At the beginning of the 20th century, many psychologists worked in the laboratory in Brussels and Geneva (Hildegarde Hetzer, Charlotte Buhler, Jean Pieget and others) trying to solve the mystery of human being’s development.

Korczak, however, went a different way. He was not a scientist closed behind the doors of the laboratory but he was a practitioner – a doctor, who was treating children, an educator who was upbringing them and a writer who wrote for children and about children. He was perceived at those times and today as a great educator, who taught and is still teaching how to love a child, how to be a child, how to get to know a child, how to understand it and how to hold a dialogue with the child. Formally, he did not write any fundamental piece of art but he created something of greater significance. Korczak from the beginning was transgressing beyond the standards. As he was described at that time – he betrayed medicine for some kind of teaching. He went beyond the framework of education of his times. He was not only doing the research, measuring and describing, but he wanted also to get to know the sense of child’s thinking and hardship of his actions. He wanted to know all of this through a direct contact, in everyday life.

A hundred years ago, in 1912, Korczak became the Director of the Orphanage Dom Sierot (Home of Orphans) for Jewish children in Warsaw, at Krochmalna 92 street. He lived with children, talked with them, played with them, treated them, cut their hair, together with others cleaned their shoes, collected cutlery and dishes from the table. He taught them self-governance, management – self-development, responsibility, discipline, patience, consequences. He tried to notice every good feature of each child challenging them at the same time with new tasks. Korczak was worried and anxious about each task that was not performed by a child. He was consequent and demanding. He did not perceive those everyday activities as heroic ones. “The city casts away children to me like shells...and me, I’m just good for them”.

Out of this ordinary way of life arose, however, great thought, big lesson that was left to us by Korczak in numerous publications about children and childhood. We discover it today again, in the course of the Janusz Korczak Year. We can say, we grew up to this. We see child’s dignity, child’s rights, child’s citizenship. We see it in the widest, universal dimensions. In questions posed by Korczak, in attempts to answers made by the Old Doctor. These are basic questions such as what it means to be a child, how the child thinks, feels and creates his or her child’s world. Who am I as a parent, teacher, educator, how to build a dialogue with a child. Those questions have nothing in common with applied psychology that is so popular in the United States. Korczak does not simplify or give advice. He makes us think, encourages constant search for an answer in the dialogue with a child in the practice of education.

We are put by Korczak in a position of reflecting partners, observers, children ombudspersons. “Mother, bend over a child, listen to the child” – says Korczak. “Child is a miracle of God and Nature”. A child is born out of two combined cells, the child can understand the mystery of the world and reach for the stars – as Korczak proves. Inside the child, there is this an unbelievable strength to develop, grow up and get to know the world. Child is able to do the same as an adult, only is his childlike way.

A child is a philosopher, a poet – as Korczak convinces. A child poses questions about the sense of living, asks about God, about death, about rules of everyday life in society. Quite often, a child enters the areas inaccessible for adults, it moves perfectly in the virtual world, uses the new media and multimedia better than the adults. In this new role, the child teaches the adults. As Margaret Mead would say – in modern societies – these are the children who create new culture, pre-figurative culture. They bring changes with them and adults often have to grow up to them. Korczak raises the value of the child, discovers child’s dignity, rights and citizenship. In his most famous essay “How to Love a child” translated into many world’s languages he writes: “I call for Magna Charta Libertatis, I call for children’s rights”, he mentions: right to death, right to this moment and right of the child to be whom he is. Ten years later, he talks about child’s right to respect. These rights will be presented as tasks and challenges for parents, teachers, social workers, doctors, family judges, priests, journalists and politicians.

For the Ombudsman for Children in Poland they are an imperative. They are a command, a social, educational, ethical and legal signpost enshrined in the Convention on the Rights of the Child. Personally, I see Korczak as the first informal Ombudsman for Children, as master and teacher, from whom I can learn a lot. Janusz Korczak in his works expressed a desire that in each country a constitutional defender of the rights of the child was established.

The Ombudsman for Children of the Republic of Poland is a constitutional organ elected for a 5-year term in office by the Parliament. He acts on the basis of the Act on Ombudsman for Children from the 6th of January 2000 with later amendments. The Ombudsman for Children guards the rights of children concerning responsibilities, rights and duties of parents. The Ombudsman undertakes activities in order to ensure a child’s harmonious development, respect for dignity and subjectivity of the child. The Ombudsman for Children in Poland has wide com-
petences concerning judicial proceedings, controls and interventions. Many children, parents and other persons concerned with children’s issues and problems can turn to the Ombudsman for Children directly through letters, emails or children’s helpline. The Ombudsman for Children cooperates with NGOs, self-governments, church etc. The Office of the Ombudsman for Children in Poland annually undertakes 30,000 interventions and directs 200 queries to central bodies and other entities. The Ombudsman for Children is submitting a yearly report in the Polish Parliament, he also monitors cases that were submitted to his office by children and adults.

Twelve years of activity of the Ombudsman for Children in Poland shows to what extent problems of Polish children change. Seldom can we hear problems connected with social conditions and poverty or children’s health problems. In the forefront there are different difficult situations in which children are involved such as divorce or abuse either physical or psychological, sexual abuse, neglect or maltreatment.

According to the recommendations of CRC as well as Council of Europe’s documents, numerous research and reports, the Ombudsman for Children in Poland undertook a number of legislative strivings connected with elimination of violence towards children. In 2010, the Act on Counteracting Violence in Family was amended and with just few voices against, the total ban on the use of corporal punishment towards children was legally introduced. Ombudsman for Children in Poland was entrusted with supervising this task and monitoring the functioning of the Act as well as with introduction of the prohibition of the use of corporal punishment. With great satisfaction I can say that Poland joined the majority of countries where such prohibition had been introduced in the name of protection of dignity, freedom and bodily inviolability of every human being. The act simultaneously introduced the whole system of legal and organizational solutions connected with the elimination of violence and development of social preventive measures (State’s programme on counteracting violence, municipalities’ tasks, interdisciplinary teams, working groups).

I would like, and I believe strongly, that the Year of Janusz Korczak proves to be another lesson for all of us. That it is a time to reflect upon children’s rights and condemn all signs of cruelty, violence and abuse towards children; and that we will better understand what Korczak was saying: “Childhood years are real life, not its preview”. Nobody wants to be beaten, neglected, or maltreated so why would our children need to face such treatment.

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The Right of the Child to Respect – Challenges of the 21st Century”

4TH-6TH DECEMBER 2012 / WARSAW
December 4, 2012

Official opening

the First Lady, Anna Komorowska and the Ombudsman for Children, Marek Michalak

Plenary sessions

- Thomas Hammarberg, Council of Europe Commissioner for Human Rights 2006-2012, *Children have voice*
- Prof. Adam Rotfeld, *Korczak – the authority of the 20th and 21st century*
- Leda Koursoumba, Chair of the European Network of the Ombudsperson for Children, *Janusz Korczak and the Convention on Rights of Children*
- Prof. Barbara Smolińska-Theiss, *Versatility and Timeliness of the Ideas of Janusz Korczak in the Contemporary World*

Section I

*Korczak’s Search for the New Child’s Philosophy*

- Prof. Krystyna Ablewicz

Special participation:

- Prof. Yuli Tamir, *Korczak’s Gift*
- Prof. Michael Kirchner, *Korczak’s idea of respect and recognition in the child’s anthropology*
- Prof. Maria Szczepkowska-Pustkowska, *Child-Philosopher, Child – Poet, Korczak’s inspirations, an attempt of updated reading*
- Prof. Astrid Męczkowska-Christiansen, *Child’s right to health in the context of Korczak’s philosophy of childhood. Possible and impossible reading*

Section II

*Dialogue about and with a Child*

- Prof. Jadwiga Bińczycka

Special participation:

- Prof. Rosa Valiejeva, *Possibility of a dialogue with a child from the perspective of the Tatar Society*
- Prof. Chilhiro Tsukamoto, *Contemporary educational problems in Japan – Korczak’s perspective*
- dr Anna Kamińska, *Korczak’s dialogue with Child philosophical inspirations*

Section III

*Child’s Citizenship read anew*

- Prof. Ewa Jarosz

Special participation:

- Prof. Birgitta Qvarsell, *Socio-cultural possibilities of a child to be a member of a society – Korczak’s perspective*
- Prof. Waltraut Kerber-Ganse, *Child as a citizen – Korczak and his concept of a “Just community”*
- Prof. Hanna Krause-Sikorska, *Education to reflective community*

December 5, 2012

Conference with the participation of non-governmental organizations

Session of the “Round Table” on the highest level with the participation of Ministers and the Ombudsman for Children

Subject of the Conference organized along with the 5 main areas of children’s rights (5 groups):

1. the right to life and health protection – Henryka Sokołowska
2. the right to be raised in a family – Joanna Luberadzka-Gruca
3. the right to decent social conditions – Ewa Kozdrowicz
4. the right to education – Teresa Orgodzińska
5. the right to live without violence – Mirosława Kantanna

Children’s Court preformed by children, based on the Korczak’s idea in the Senate of the Republic of Poland

- Signing of the Warsaw Declaration,
- Musical “Korczak” (Podlasie Opera and Philharmonics),
- Powszechny Theater with the participation of renowned guests from Poland and abroad

December 6, 2012

Meeting of the International Korczak Specialists

Final of the Social Campaign of Ombudsman for Children and Rodzice Przyszłości Foundation (Parents of the Future Foundation): *Make a test: Check if you are a conscious parent*

Meeting of Korczak specialists from all over the world, Children’s Home “Dom Sierot” Jaktorowska Street 6

Presentation of different initiatives in the year 2012 the Year of Janusz Korczak in Poland

“Janusz Korczak exhibition”, following the traces of Janusz Korczak

Presentation of different initiatives of the Janusz Korczak Year in the world

Meeting of the International Janusz Korczak Association

Meeting of the International Korczak Foundation
DEKLARACJA WARSZAWSKA

My, uczestnicy Międzynarodowego Kongresu Praw Dziecka, obradującego w 2012 roku w Warszawie oraz Ci, dla których dobro dziecka oraz ochrona jego naturalnych praw są wartościami najcenniejszymi – w roku poświęconym osobie i ideom Janusza Korczaka – wychowawcy, lekarza, pedagoga, opiekuna sierot, rzecznika praw dziecka w społeczeństwie – zwracamy się do rodziców, wychowawców i opiekunów, do nauczycieli, polityków, duchownych, do wszystkich osób odpowiedzialnych za kształt życia społecznego – z apelem o urzeczywistnianie dziedzictwa Janusza Korczaka.

Fundamentem Korczakowskiej filozofii jest mądra miłość do dziecka, uznanie jego podmiotowości, godności, wolności i odpowiedzialności, respektowanie prawa do szacunku, do partnerstwa w rodzinie, społeczeństwie i państwie. Dziecko jest obywatelem, którego głosu należy słuchać zarówno w jego sprawach osobistych, jak i rolniczych, społecznych oraz państwowych.

Przypominamy za Januszem Korczakiem, że dzieci – są ludźmi. Dziecko jest człowiekiem, a nie zadanikiem na przyszłego człowieka.

Zasady wychowawcze Janusza Korczaka, które legły u podstawa Konwencji o Prawach Dziecka, powinny być żywe w rodzinie, w szkole, w placówkach wychowawczych, opiekunach, kulturalnych, w działalności organizacji pozarządowych, religijnych i organów władzy publicznej.

Dzisiaj po 23 latach od uchwalenia przez Zgromadzenie Ogólne Organizacji Narodów Zjednoczonych Konwencji o Prawach Dziecka oczekujemy od każdego państwa:

- Pełnego wdrożenia jej postanowień oraz ratyfikacji wszystkich Protokółów fakultatywnych do Konwencji o Prawach Dziecka
- Powołania w każdym państwie niezależnej instytucji Rzecznika Praw Dziecka
- Ustanawiania praw i tworzenia warunków, w których w pełni będą respektowane naturalne prawa dziecka.

W imię pokoju i szacunku dla podstawowych praw człowieka oraz wiary w godność i wartość istoty ludzkiej, w dażeniu do zapewnienia każdemu atmosfery szczęścia, miłości i zrozumienia wzywamy zarówno rządy, jak i organizacje pozarządowe oraz wszystkie dorosłe osoby do podjęcia wszelkich działań gwarantujących każdemu dziecku świat wolny od przemocy, upokorzenia, biedy, niesprawiedliwości, dyskryminacji i zaniebania, gwarantujących wszystkim pokoleniom dobrą przyszłość.

[Podpisy]
WARSAW DECLARATION

We, the participants of the International Congress on Children’s Rights convening in Warsaw in the year dedicated to the life and ideas of Janusz Korczak – educator, physician, pedagogue, protector of orphans and defender of children’s rights in society – call on all educators and tutors, parents, teachers, politicians, spiritual leaders, and all those responsible for the shape of social life, to fulfill the legacy of Janusz Korczak.

The basis of Korczak’s philosophy is a wise love for the child, recognition of the child’s status as a subject, a child’s dignity, freedom, and responsibility, recognition of the child’s right to respect and to bonds of partnership in family, society and state. The child is a citizen whose voice must be heard in personal and family issues, as well as in social and national ones. We recall the words of Janusz Korczak – “there are no children, only people.” The child is a human being, not simply someone with the makings of a future human being.

The educational principles of Janusz Korczak, which had laid the foundations for the Convention on the Rights of the Child, should live on in families, in educational, cultural and caretaking institutions, and in the activities of non-governmental organizations, religious institutions and public administration bodies.

We expect the international community, which 23 years ago adopted the Convention on the Rights of the Child, to:

• fully implement the provisions of the Convention and ratify all Optional Protocols to the Convention on the Rights of the Child;
• establish the independent institution of the Ombudsman for Children in every country.

In the name of peace and respect for fundamental human rights, and having faith in the dignity and value of the human being, striving to provide everyone with an atmosphere of happiness, love and understanding, we call on both government and non-governmental organizations, as well as on every adult, to undertake all actions that guarantee every child a world free from violence, humiliation, poverty, injustice, discrimination and neglect, thus guaranteeing a better future for all generations.
Poland is the Homeland of Children’s Rights. This statement was one of the most frequently uttered during the international conferences and scientific seminars organized by the Polish Ministry of Foreign Affairs in celebration of the Janusz Korczak Year. The scale of this initiative by the Polish diplomacy was impressive. Those scientific meetings that took place on three continents are still yielding results in the form of initiatives which have been undertaken independently in other parts of the world. Only to exemplify, we can enumerate the conferences organized in Brasil (Sao Paulo) or in Ukraine (Kharkiv). They attracted the most outstanding authorities in human rights protection, pedagogy, sociology, politics and diplomacy such as: Thomas Hammarberg, Samuel Pisan, Maria Santos Pais, Anja Mihr, Jean Zermatten, Barbara Theis–Smolińska.

This kind of activity falls in line with the best of Polish intellectual traditions, which were initiated by Janusz Korczak in the interwar period, when he presented the idea of a child as an autonomous person with his or her own natural rights, separate from the adult rights. He consolidated the belief, deeply rooted in our culture, that it is necessary to help the weak while respecting their identity, and at the same time – their opinions, beliefs and interests. In a word – a child already is – not will be – a human.

A child already has natural rights – instead of gaining them when it grows up. A child already has dignity, at the same level as anyone else, and will not gain it some time later. A child is not a thing! It is an essential member of the family, of society and of the state! A child must be treated seriously!

This idea formed the basis for the Convention on the Rights of the Child passed as a result of Poland’s initiative and continues to be the basis for many other actions performed by individuals, society and the state. Thanks to the continuous efforts of scientists, lawyers and diplomats this concept permeates both the Polish culture and other cultures and societies. It is a continuous contribution into the human awareness and scientific output, in particular in the areas of pedagogy and the law, including the broadly understood civil law and international law.

A radical approach to a child as a subject, as expressed by Korczak, abolished the previous beliefs perceiving the child exclusively as an object of care, and had to lead to serious cognitive, social and legal changes. It is not an overstatement that Poland is a positive leader in this respect.

The truth of that statement lies not only in the Convention on the Rights of the Child – the most popular (193 ratifications) international document, which is also (as Th. Hammerberg pointed out during the New York seminar) the most pro-social and pro-family instrument of international law – passed thanks to Poland’s initiative. But also in the decades-long continuous efforts by the Polish society on the international and national.

In the former field, this continuity is visible in the form of L. Rajchman’s initiative concerning the establishment of UNICEF, the activity of Polish diplomacy in preparing the Declaration of the Rights of the Child, the initiative and leadership of the working group to prepare the Convention on the Rights of the Child, the motion to equip the Committee on the Rights of the Child with a complaint mechanism as well as in works on the III Optional Protocol to the Convention on the Rights of the Child.

In the latter field we are proud of the effective activity of both the society and the state authorities. One of the social initiatives that deserves to be mentioned is the Medal of the Smile, presented to adults by children through a special committee established for that purpose. Over time, the Medal gained the rank of the International Medal of the Smile and it is accepted with pride by outstanding people from all over the world. As regards the activity of the state, one needs to pay attention to the act on the proceedings in case of minors, which established a special procedure of dealing with children in conflict with the law. This act does not use the language of criminal responsibility towards children. The children cannot be penalized, and the educational measures that might be applied towards them can only be ruled upon by courts of general jurisdictions competent in juvenile and minor criminal matters. This act is a model for a child-friendly judicial system.
The most important and unique solution on the global scale is the Polish model of the Ombudsman for the Rights of Children. The Ombudsman is a constitutional body equipped with a range of powers which allow him or her to stand in defence of the child’s rights before general courts, administrative courts, the Supreme Court and the Constitutional Tribunal. All these initiatives, and in particular their successful social results, confirm the practical and clearly positive impact of Janusz Korczak’s concepts.

Hence, the moral obligation of the Polish authorities and society to promote those ideas and to share Korczak’s work and legacy in the form of the adopted and completed social and legal solutions. From this viewpoint, the series of scientific conferences organized by the Ministry of Foreign Affairs fulfilled their purpose. I am convinced that the exchange of observations, results and research work by the scholars, combined with the arguments arising from the most difficult experiences will help us make the world a better place, and concentrate our future efforts on children and developing the highest standards of protecting them. This always leads to friendship and peace. The Polish experiences, including those from the systemic transition period of the past twenty years, clearly speak for that statement.

The growing recognition, respect and friendship that arise in the effort for the well-being of children are then transferred into other fields of shared experiences and mutual cooperation.

I would like to express my gratitude to the Ministry of Foreign Affairs for the effort dedicated to organising the series of international scientific seminars discussed here. In particular, I would like to thank Consul General Jakub Wołąsiewicz and Consul General Jan Sobczak, who initiated the conceptual works. I would also like to express my deepest gratitude to all Polish and foreign Ambassadors of the Korczak’s Concepts, who see in them a way to a better and peaceful co-existence within the great human family. Spreading Korczak’s ideals further, let’s not forget that Poland is the Homeland of Children’s Rights.
From the right: Mr. Thomas Hammarberg; Ms. Olga Medvedeva-Nathoo, Ph.D.; Ms. Mariola Strahlberg MS, LAc; Ms. Natalia Aleksiun, Ph.D; Ambassador Witold Sobków

NEW YORK | Photo: Przemysław Balcerzyk, Consulate General of Poland in New York, USA

From the left: Mr. Czesław Siekierski, Mr. Arkadiusz Bratkowski, Ambassador Marek Prawda, Permanent Representative of Poland to the EU, Ms. Barbara Lochbihler – Chair of DROI, European Parliament, Mr. Marek Michalak – Children’s Rights Ombudsman, Mr. Andrzej Gryby, Ms. Małgorzata Handzlik, Mr. Marek Siwiec, Mr. Philippe Cori – Director of the UNICEF Office in Brussels, Mr. Paweł Jaros – former Children’s Rights Ombudsman

BRUSSELS | Photo: Łukasz Kobus, Permanent Representation of Poland to the EU, Brussels, Belgium

Anja Mfr, Netherlands Institute of Human Rights, Utrecht University, Netherlands

STRASBOURG | Photo: Jacques Derier, ©Council of Europe

From the left: Mr. Josep Dallerès, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Andorra to the Council of Europe; Ms. Snezana Samardi-Markovi, Director General of Democracy, Council of Europe; Urszula GACEK, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Poland to the Council of Europe

STRASBOURG | Photo: Jacques Derier, ©Council of Europe

Workshops at the Don Bosco Social Center, Tirana, Albania. Among children and other participants: center left – Ambassador Irena Tatarzyńska; center right – Mr. Marek Michalak, Children’s Rights Ombudsman

TIRANA | Photo: Archive of Embassy of Poland in Tirana, Albania

Regional Conference on the Rights of Children, 14 June 2012, Hotel Tirana International, Albania

TIRANA | Photo: Archive of Embassy of Poland in Tirana, Albania