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PROBATION CENTERS AS SPACES OF IMPLEMENTING CHILDREN'S RIGHTS. A POLISH CASE STUDY

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Abstract. A probation center is one of the educational measures provided in Polish law for socially maladjusted youth. It is a non-isolation form of social rehabilitation and preventive action, which enables young people who are at risk of demoralization to remain in the family and school environment. The current article concerns the potential that Polish probation centers have for realizing the idea of children's rights. It puts forward the following thesis: Probation centers are spaces for exercising children's rights as well as Janusz Korczak's pedagogy. Such centers follow the 3P principle (*provision – protection – participation*), which is included in the Convention on the Rights of the Child. Implementing this principle in probation centers makes it possible to establish a relationship between the probation officer/educator and the child/adolescent that is based on respect, openness, understanding, acknowledgment, ignorance, and love. These attitudes fit into Janusz Korczak's pedagogy, which is founded on the assumption that children have their rights as human beings and that adults are obligated to respect and protect these rights as well as to allow children to exercise them in everyday activities. As a non-isolating form of social rehabilitation interactions, the probation center does not contribute to the stigmatization of the child, but can be a safe place to practice the rights of the child and citizen.

Keywords: Polish probation center, children's rights, space of implementing children's rights, Janusz Korczak.

1. INTRODUCTION

Probation centers in Poland have a rich history spanning around half a century (Kozłowski, & Stasiak, 2018). They contribute to building a better future for children and adolescents who are at risk for demoralization or who are living in unfavorable conditions. The resocialization process taking place in probation centers aims to support children and adolescents in changing their attitudes and behaviors. It is an important topic of reflection and study in social sciences, in particular in pedagogy and sociology. As spaces in which work with minors takes place, probation centers are spaces of implementing children's rights. Thus, in the current article, I focus on the potential of probation centers in the context of implementing children's rights and putting Janusz Korczak's pedagogy into practice. I wish to present the potential of probation centers for educating and socializing children while simultaneously respecting their rights as human beings rather than as individuals branded with such labels as "minors," "maladjusted," "misbehaving," "demoralized," "outcasts," "delinquents," etc. Accordingly, I wish to examine probation centers through the lens of the specific relationship between the probation officer/educator/adult and the children (Convention on the Rights of the Child), who frequently have been hurt, mistreated, or rejected by their families, peer groups, or local communities. This approach

requires taking into account the children's biographical experiences and moving beyond social or legal labels which, according to Howard Becker's theory (Giddens, 2008), brand the individual, leading to identification, internalization, and entrapment in a socially determined framework of nonconforming behavior.

The thesis of the current article is as follows: Polish probation centers are spaces for implementing children's rights and realizing J. Korczak's pedagogy. They possess great potential for exercising children's rights in everyday activities. Thus, aside from schools, probation centers are important socializing institutions which play a crucial reparative role in the lives of children who are at risk of demoralization, who do not fulfill the compulsory schooling obligation, and who come from dysfunctional, mistreating, or difficult backgrounds.

Probation centers are a form of educational rather than isolation-based measures (Kwardans, 2016). They can be implemented by courts when children's welfare is at risk due to their functioning in a dysfunctional family, a difficult, demoralizing environment, their involvement in criminal activity, or failure to fulfill the compulsory schooling obligation. Probation centers are a form of nonstigmatizing support intended to help children in shaping appropriate social and communicative competences, coping skills, appropriate realization of social roles, abilities to constructively spend their free time, their interests and passions, etc. Probation centers also play an important role by working with families. This way, activities in probation centers move beyond the probation officer/educator – minor/participant relationship. Probation centers become important places of holistic influence on children's lives, places where children can learn how to exercise their rights.

2. ANALYSIS AND DISCUSSION

2.1. Responsibilities of probation centers from a legal viewpoint

Probation centers are an alternative for isolation-based educational measures as well as corrective measures intended for minors. According to Article 1.1 of the Act of June 9, 2022 on the support and rehabilitation of minors, a minor is considered to be 1) a person who has reached the age of 10 and is not of legal age (in cases pertaining to demoralization), 2) a person who has committed a prohibited act after the age of 13 but before the age of 17, 3) a person against whom an educational, therapeutic, or corrective measure has been ordered, but for a duration no longer than until that person reaches the age of 21. The Convention on the Rights of the Child states that children are individuals under the age of 18, "unless under the law applicable to the child, majority is attained earlier." Thus, the act on the support and rehabilitation of minors chiefly concerns children, that is, individuals under 18 years of age. For this reason, it is important to consider the implementation of children's rights from the perspective of probation centers, which represent educational measures.

In recent years, the number of probation centers in Poland has been increasing. Currently, there are 122 such centers (Announcement by the Minister of Justice of June 15, 2022 on the list of organizational units under or supervised by the Ministry of Justice). For comparison, their number was 96 in 2018 (Kozłowski, Stasiak, 2018, p. 9). This increase may signify that judges ruling on family and custody cases have become more aware of the educational and resocialization potential of this educational measure, expressed through activities in the minors' environment. Thus, probation centers lower the risk of introducing minors into the world of criminal and deviant pop culture. Probation centers also offer the opportunity for minors to systematically, if only for a few hours, isolate themselves from the negative influence of their closest environment, that is, the family, peer group, or local community. Simultaneously, they allow for maintaining stable relationships with these groups and for working to improve their functioning (Kwadrans, 2010).

In accordance with Article 163 of the Act of July 9, 2022 on support and resocialization of minors, Polish probation centers engage in educational, resocialization, therapeutic, preventive, and control activities. The aim of these activities is to change the minors' attitudes to ones that are socially desirable

and guarantee appropriate personality development. The same is also expressed in § 6.1. of the regulation of the Minister of Justice on probation centers (Regulation of the Minister of Justice of November 23, 2022 on probation centers). Compared to the 2001 Ordinance (Ordinance of the Minister of Justice of October 5, 2001 on probation centers), the new document features changes in the definition of the basic tasks of probation centers. They no longer provide care and education, but only education. The element of control has also been introduced, which was absent before. Control activities inhibit the development of an educational environment based on trust, which is crucial for implementing children's rights. However, the control process can become an area where children's rights are respected. This can be accomplished by co-creating control procedures with the minors so that they apply equally to every participant. This conforms with the point of view of participation and the development of self-government, which were of particular importance to Janusz Korczak - an advocate of children's rights. In his orphanage, he gave children the opportunity to participate in various aspects of self-government, including a peer court and a parliament created by the children (Korczak, 2013).

According to § 6.1. of the ordinance on probation centers of 2022, the probation centers' detailed duties include: preventing the spread of demoralization among minors, mitigating the causes of crime, preventing the development of addictions, teaching compliance with social norms, teaching compliance with legal norms, shaping social attitudes and skills, teaching independent coping with difficulties, shaping the sense of responsibility and care, developing interests, talents, and creativity, providing help and support in difficult life situations, solving emotional problems, shaping appropriate habits of spending free time, cooperating with the family and local environments. The first three duties underscore the importance of prevention realized by the probation centers through a variety of educational and preventive activities which raise minors' awareness of the negative consequences of socially undesirable behaviors. Kozłowski and Stasiak (2018) indicate that Polish probation centers mainly carry out preventive functions at two levels. These are the selective and indicative levels. The first refers to high-risk individuals who, due to a life situation outside of their control, are exposed to various risk factors and are at a higher risk for various disorders and problems. On the other hand, the indicative level involves high-risk individuals who *"already exhibit early symptoms of dysfunction and signals of the incidence of more serious behavioral problems"* (Kozłowski, & Stasiak, 2018, p. 72). The next group of duties of probation centers concern teaching minors how to respect legal and social norms, which facilitates their appropriate, socially accepted functioning as individuals and citizens. Both those duties are aimed at preventing social exclusion. This is an essential condition for the appropriate development of identity and personality. These duties are realized as part of the educational and resocialization functions of the probation center. Shaping social attitudes and skills as well as the sense of responsibility and care is also crucially important from the point of view of individual development. This involves shaping appropriate ways of communicating and interacting with other people and with institutions. Shaping the sense of responsibility is possible only when minors are given the conditions to participate, make decisions, and experience their consequences, which is indicated by the Convention on the Rights of the Child in Articles 12, 13, 14, 15, and 17. Shaping the sense of responsibility, including civic responsibility, is impossible without respecting the freedom of belief, speech, thought, conscience and faith, association, and access to information. This group of duties is related to the educational function of the probation center. The tasks of the probation centers also relate to helping minors learn to cope independently with difficult situations and emotional problems, as well as to providing assistance and support in difficult life situations. This is an extremely important area of the probation centers' activities. Through such activities, the child/minor can become acquainted with the correct ways to solve difficult situations, which will prevent further demoralization and, on the contrary, will help stabilize their emotions and teach them constructive and socially approved ways coping. This is an important element of realizing of the custodial and therapeutic function of probation centers. The diagnostic function, which involves determining the causes of minors' specific behaviors as well as their environmental situations, is also important here. As Kozłowski and Stasiak (2018) point out, this aspect

of probation centers' functioning is currently being realized on an insufficient level, as it mainly focuses on performing a diagnosis during preliminary interviews with the minors. The aim of this diagnosis is to select individual methods and techniques of working with the minors. However, diagnosis should be a constant element in the probation centers' functioning, so that educators can effectively react to emerging problems.

The next group of duties assigned to probation centers involve the realization of the educational and preventive functions. They refer to the elimination of educational neglect, shaping interests, talents, and creativity, and shaping appropriate habits of spending free time. These responsibilities are aimed at arousing passion in the children, enabling the realization of their abilities and talents, and arousing their interest in constructive ways of spending free time. Such activities require a comprehensive diagnosis and constant observation of the minors during their stay in the probation center. The duties in this group fit into the implementation of Article 31 of the Convention on the Rights of the Child, which states: "*States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*" Creating opportunities for exploring new and constructive ways of spending free time is an important preventive and resocialization aspect. It also teaches appropriate ways of coping with difficult emotions, which are very frequently experienced by participants of probation centers.

The final duty realized by probation centers is cooperation with families and local environments. As a non-isolating educational measure, the probation center is an institution which influences not only the minors, but also their immediate surroundings. The educational, preventive, and resocialization work also involves the children's parents/guardians, which is intended to improve their functioning as a family unit, and in turn, improve the child's functioning. Cooperation with parents should also consider including support groups, which can serve as the basis for reflection and reconstruction of the parents'/guardians' parenting skills. Probation centers also cooperate with schools to ensure the minors' attendance, and improve their situation as students and their position in their peer group.

In summary, the duties of the probation centers, indicated in the 2022 regulation, are aimed at preventing children's social exclusion and at enabling socially and legally acceptable functioning. This is an important aspect of the realization of children's rights. It is referred to in Article 3(1) of the Convention on the Rights of the Child, which states: "*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*" The probation centers' tasks are an example of securing the interests of children/minors who, for various reasons, are exhibiting behaviors indicating demoralization.

2.2. Outline of the history of children's rights

Children's position and role has changed frequently throughout history, though they started to become recognized as individuals requiring particular care, support, and protection only in the 19th century. As Ewa Jarosz (2017, p. 143) writes, at that time, "*there emerged the view of a child as vulnerable to harm, fragile, and requiring special protection and conditions for development.*" At the beginning of the 20th century, children were perceived in society as individuals who must be prepared to enter adulthood. Hence, there emerged the need to legally protect them, as due to their psychological, social, and moral immaturity, as well as their lack of life experience, they were at risk for having their rights as human beings ignored (Zajączkowska, 2009). Therefore, children, as a special social group, possess additional rights to special protection and care, in addition to human rights (Czyż, 1998). It is worth noting that children's rights should be interpreted from the point of view of the relationship between the State (including its institutions) and the child. Thus, as institutions under the jurisdiction of regional courts, probation centers are also responsible for protecting these rights.

Due to the subject of the analyses carried out in this article, I will not present all of the historical steps on the road to children's rights being created. I will focus only on the most relevant ones.

Children's rights were not formally regulated until 1924. At that time, the General Assembly of the League of Nations adopted the Declaration of the Rights of the Child (known as the Geneva Declaration). It included 5 principles for the treatment of children by adults. The provisions concerned the equal treatment of children regardless of their race, nationality, and religion. Children should have the opportunity for normal development, both in the physical as well as the spiritual sphere. They should also be provided with assistance and care (Declaration of the Rights of the Child adopted by the General Assembly of the League of Nations in 1924).

Another important date in the history of protecting children's rights was the creation of UNICEF in 1946 by the United Nations General Assembly, mainly to provide help to children who were victims of the Second World War. Subsequently, UNICEF's tasks were expanded to include other aspects of children's functioning, including education and health. In the same year, UNESCO, another international organization, was established. Its area of work is the support of education and schooling, especially in developing countries.

Children's rights were also highlighted in the Universal Declaration of Human Rights (1948). In particular, Article 25(2) states that both maternity and childhood give entitlement to assistance and special care. Moreover, the Declaration equates the right of children born in marriages to social support with the right of children not born in formal relationships (Universal Declaration of Human Rights, 1948). Convention for the Protection of Human Rights and Fundamental Freedoms (1950) is also relevant from the point of view of protecting children's rights. It is often cited by the Strasbourg Court (Zajączkowska, 2009).

In 1959, the United Nations General Assembly proclaimed the Declaration of the Rights of the Child. It is an extension of the Geneva Declaration. The 1959 document outlines 10 principles by which children should be treated. The Declaration underscores the equality of all children, without any exceptions or differences, the possibility of special legal protection, the possibility of using social support, and special care for those children that require it. The document also points out the need to provide children with: the right to a surname and citizenship, free and compulsory education on at least the primary level, priority in receiving protection and support, protection from neglect, exploitation, and cruelty, and upbringing in the spirit of understanding, fraternity, and tolerance (Zajączkowska, 2009). It is worth noting that the Declaration considers love and understanding as fundamental conditions for child development.

In 1966, two important international agreements concerning the protection of human rights were established: The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. In the former, Article 24 proclaims that every child, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, has the right to such measures of protection as are required by their status as minors, on the part of their family, society and the State. It also imposes the obligation to register the child at birth and give them a name and citizenship immediately (International Covenant on Civil and Political Rights). In the International Covenant on Economic, Social, and Cultural Rights, Article 10(3) states that all children and adolescents are entitled to protection and assistance without discrimination of any kind. Children should be protected from economic and social exploitation, as well as from work that is harmful to their health and morals. The Covenant also mandates the establishment of an age limit below which the employment of children is prohibited and punished (International Covenant on Economic and Social and Cultural Rights).

A key document from the point of view of the current article's topic is the Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989. Poland was one of the initiators of the establishment of this Convention. The document consists of a comprehensive preamble and three main parts. Part I contains a catalog of children's rights, consisting of 40 articles. It defines children's personal, social, and political rights. Part II contains regulations on the implementation of the Convention and the mechanisms for guaranteeing compliance with its articles. Part III contains the rules

for implementing the Convention.

The creation of the children's rights catalog was guided by 4 principles: child welfare (acting in children's best interest), equality (all children, regardless of their characteristics, are equal before the law), respect for the rights and responsibilities of both parents (respecting family autonomy and considering state intervention only in justified cases), and state aid (supporting families' social security, Zajączkowska, 2009).

The Convention lists the personal, political, social, and cultural rights of children. The rights belonging to each of the aforementioned groups are also implemented in/through the probation centers. This chiefly involves the following rights: the right to free expression and respect by adults and the right to education (probation centers focus on homework and regular school attendance). Probation centers also implement children's political rights. This includes the right to freedom of expression and freedom to seek and communicate information and ideas of all kinds. In terms of social rights, probation centers implement the right to social security and the right to rest, leisure, entertainment, and play by presenting encouraging forms of leisure activity and encouraging minors to take part in them. Probation centers also implement children's cultural rights, which are expressed in the use of cultural goods such as cinemas and sports halls.

2.3. The 3P principle

The relationship between minors and the justice system is under special jurisdiction by the system of protection of children's rights. This situation arises from the fact that children are at risk of demoralization conflicts with the law. These can result in marginalization and exclusion from social life (Segrado, 2016). One way of preventing these outcomes is for the family court to oblige minors to attend probation centers. As was stated above, the operations of probation centers are currently regulated by the Ordinance of the Minister of Justice of November 23, 2022 on probation centers.

The Article § 6.1. of the 2022 regulation on probation centers describes the 3P principle of *provision - protection - participation*, which is included in the Convention on the Rights of the Child (Osler, Starkey, 1998; Alderson, 2000; Dillen, 2006; Quennerstedt, 2010). Issues related to *provision* concern children's rights to have their basic needs fulfilled, e.g., the need for nourishment, healthcare, education, rest, and fun (Hammarberg, 1990). Thus, provision includes social rights (Lansdown, 1994), which are also included in the duties of the probation centers. They are implemented very broadly, as they require meeting various types of needs. They are expressed through meeting physiological needs, for example, by feeding children, teaching them to how prepare meals and how to clean up afterwards. The centers also fulfill the participants' emotional needs through their participation in various artistic and therapeutic activities and conversations with educators. Probation centers also fulfill social needs by motivating participants towards activities that require working on appropriate social relations, teaching the basics of appropriate communication by enabling real participation, teaching appropriate interpretations in communication, appropriate conflict resolution, enabling children to participate in discussions and argue their views appropriately, teaching prosocial behaviors, motivating children to care for the environment and their immediate surroundings, e.g., by working in the center's garden, etc. *Provision* is implemented through various art therapy and sports activities, as exemplified by the annual Probation Center Games (*Igrzyska Ośrodków Kuratorskich*). In September 2022, the Games' fourteenth edition was held, in which the alumni of probation centers from the Słupsk District participated (*XIV Probation Center Games*). The aim of the project is to shape patriotic attitudes, the ability to cooperate in a group, and appropriate patterns of sports competition. Through these types of activities, minors' basic needs for activity, interaction, and communication are met, which promotes the development of key social competencies. In 2022, the 14th National Probation Center Football Tournament (*Ogólnopolski Turniej Piłki Nożnej Ośrodków Kuratorskich*) was also held (<http://surl.li/lviek>). This is also an example of sports-oriented activities that aim to meet the probation center participants' needs. *Provision* is also implemented through participation in fairs where handmade products and decorations are sold

(<http://surl.li/lvifg>). Another example of probation centers implementing provision-related tasks is a mural that was made by the participants of one of the centers in Wrocław (*A mural about emotions was made. A project in cooperation with probation center participants*). The mural is an example of young people's artistic expression and addresses the need to promote mental health as well as proper education in this area.

Another principle – *protection* – refers to children's right to not be discriminated against, freedom from physical and psychological abuse, substance abuse, and conflict (Lansdown, 1994). The implementation of this principle by probation centers is carried out primarily in the prevention of further demoralization by the provision of various types of engaging leisure activities as an alternative to the boredom of the participants' daily life outside the center. Protection is also implemented through engaging minors in socially appropriate behaviors, through which they will become socially accepted individuals. Moreover, the probation centers' protective function involves increasing control, particularly when it comes to misbehaviors, e.g., truancy or drug use. Increased control also applies to the participant's family situation, which can prevent further domestic violence. Another dimension of protection, one that Janusz Korczak also emphasized, is also worth noting, namely, the protection of children's free development and the right to grow and develop at their own pace. On the other hand, adults are responsible for creating the optimal conditions for this development. Concerning this right, Korczak (2013, p. 22) postulated the "*protection of children's freedom of harmonious development of all spiritual powers, bringing out the fullness of their hidden strengths, educating in reverence for goodness, beauty, and freedom...*" Through their activities, probation centers create conditions for minors' holistic development, attempting to mitigate the negative influences of their environment and enabling the acquisition of new, positive experiences. An example of the probation centers' implementation of the *protection* principle is the *Swim for Your Future* project (Kamińska, 2019). In this project, minors learn to swim so they can apply for a swimming card. The next step is to apply for junior lifeguard credentials, which gives minors the opportunity for future work, giving them hope for a constructive future. It is worth noting that swimming lessons are accompanied by systematic mental training.

The *participation* principle is also reflected in the probation centers' daily functioning. "*Participation empowers children in a variety of circumstances to make independent decisions about basic issues affecting their lives ... the lives of other people, and their environment*" (Levy, 2018, p. 321). According to Lansdown (1994), participation refers to civil and political rights. For the younger generation, these rights are expressed through the right to a surname and identity, to access to information, to express their views and opinions, to physical integrity, and to challenge decisions made on behalf of children by adults. All these rights are relevant to the participation process and are implemented in the daily work of probation centers.

Creating conditions for children's participation is implemented, for example, through involving them in developing the rules and regulations for the centers' operation together with the educators. As active participants in this activity, minors become co-responsible for creating and following the provisions contained in the regulations. Probation centers also create conditions for minors' participation by encouraging their real participation in decisions related to the centers' daily operation and through their involvement in off-center initiatives. An example of an activity that involved children attending one of the probation centers was participating in a jury of a national competition for the designing the logo of the "(S)prawa dziecka" group. The young judges had to demonstrate their ability to make choices, argue their opinions, and agree on the winning entry. The probation center participants' participation is also expressed through sports competitions, for example, in inter-center soccer tournaments, which I have already mentioned above. Committed individuals must show determination and responsibility for the consequences of their decision to join the team, which involves training, discipline, and attention to physical and mental fitness.

Actual participation is based on respect for the children's right to express their opinions. It requires building a relationship of equality between the probation officer/educator and the minor, in which the

child's voice is not only heard (Lundy, 2007), but above all, taken into consideration (United Nations, 2009). This constitutes one of the fundamental freedoms, which is described in Article 12 of the Convention on the Rights of the Child. By practicing voicing their opinions, children not only develop as critically thinking individuals (Giroux, 2001), but also learn how to be active subjects involved in changing their surrounding reality (Rudduck, 2007). Creating a space in probation centers for minors to use their voices in is a basic condition for restoring their humanity, and it is one of the fundamental responsibilities of probation officers (Konpoczyński, 2016; Baładynowicz, 2018; Jedynak, 2018; Wirkus, 2016; Babicka-Wirkus, 2019). It is also a key condition for developing children's sense of responsibility for their decisions and choices. In turn, responsibility is an important idea in contemporary education (Michalak, 2018), which fosters the development of responsible citizens who think and act critically.

3. NO (HAPPY) ENDING – POSTULATES

If a National Day of Polish Children of War was established in Poland in 2023 (as a state holiday “in tribute to the Polish Children of War”, celebrated on 10 September each year), there should also be an initiative in Ukraine leading to the establishment of a “National Day of Ukrainian Children of War”. This could be a joint Ukrainian-Polish proposal from academics, especially educators, as a starting point for the adoption of such a law, referring to the National Day of Polish War Children established in Poland. This is so that the fate of the children of war can be reliably researched and known, so that the memory of the fate of the children of war can be preserved with due respect and reverence.

The second postulate includes the creation of a “Virtual Centre for Documentation and Research on Children of War” as a “space” for interdisciplinary and systematic scientific debate and information exchange in cooperation between Polish, Ukrainian and other countries' academic centres, organising cyclical scientific seminars also in connection with the National Day of Polish Children of War, seminars with both theoretical and practical orientation (e.g. on education and readaptation of children of war).

2.4. Recognition of the child in Polish probation centers

Working in probation centers requires rejecting the stigma of the labels given to children. Referring to Erving Goffman's (2003) stigma theory, probation centers reject the division between normal and stigmatized individuals. These institutions usually follow Janusz Korczak's assumption that the child is a person, “ (...) a rational being who knows well the needs, difficulties, and obstacles of their life. Not despotic order, imposed rigors, and distrustful control, but tactful understanding, belief in experience, cooperation, and coexistence” (Korczak, 2017, p. 21). This approach is crucial for educational work with children, especially children in difficult life situations due to dysfunctional families or peer environments. It requires several attitudes that must be implemented in daily practice (Babicka-Wirkus, 2021) in probation centers. These attitudes are based on:

- respect for the child, expressed in respecting their rights and creating conditions for their practice in everyday life situations. This attitude stems from the belief that the child is a human being in the “here and now” and possesses all their inherent rights (Michalak, 2018). “Respect for childhood leads to the emergence of thinking about children's rights” (Shner, 2018, p. 299). Thus, children's rights are not an act of grace on the part of the adults, but rather stem from the recognition that childhood is an important period of human life that is fundamental to the quality of the person's continued existence. Treating children as equal subjects with their own thoughts, opinions, views, and fears is crucial because it enables adults to understand the children's world and acknowledge it. However, this approach requires openness to the Other;

- openness to the other person, the subject who is different, has their own history, experiences, and specific ways of perceiving and interpreting the world. Children have the right to make mistakes, to doubt, and to trust, just like an adult. Korczak (2017, p. 28) claimed that “The child is a foreigner, does not understand the language, does not know the directions around the city, does not know the laws and

customs." He demanded respect for children's ignorance. Openness to children involves accepting and respecting them. By accepting children with their strengths and weaknesses, the probation officer/educator recognize them as unique entities. They accept children with all their experiences but do not judge and do not punish, but respect and care about their best possible development at the individual and social level;

- understanding – this requires the probation officer/educator to put themselves in the child's shoes, to look at the surrounding reality from the perspective of a child who has come into conflict with the law or who shows symptoms of demoralization. The surface-level manifestation of the problem that the child faces is only an outward exemplification of the invisible, imperceptible problems that they have to face. Obliging children to attend the probation center is usually treated as a punishment for inappropriate behavior at first. Thus, it is particularly important that the relationship between the probation officer and the child be based on respect, understanding, acceptance, and appreciation. Children must be viewed holistically as human beings embedded in a web of relationships and experiences that shape them and that, at some point in their life, have led to the need for the court to impose a correctional measure in the form of probation center attendance;

- recognition, which Mirosława Nowak-Dziemianowicz (2020) describes as a condition of an individual's identity. This is an ideal interpersonal relationship based on reciprocity, equality, and, at the same time, separateness (Honet, 2012). Recognition occurs when we respect the sovereignty of another. Only in such a relationship can we speak of acceptance and equality between subjects. Thus, the recognition of the adult requires the recognition of the child and their rights. A relationship of reciprocity occurs. Three areas of recognition can be distinguished. These are the family, law, and the economy. Within the second area, recognition involves the subjects' moral equality. As Nowak-Dziemianowicz (2020, p. 82) writes: "In the sphere of law, the human potential for reason is recognized." Thus, probation centers, as a manifestation of the child's relationship with the law, have a special role to play here since through their functioning, they can create conditions for the development of "readiness, ability, and skill to make moral judgments and evaluate of one's own and others' behavior" (Nowak-Dziemianowicz, 2020, p. 85) in a manner consistent with accepted social principles. By recognizing children's rights, we also recognize their capacity for reflection and judgment as well as moral competence;

- ignoring socially ascribed labels – this is expressed in the necessity of being a so-called ignorant master, as J. Rancière (1991) writes. In this sense, ignorance refers to not paying attention to minors' social status. The focus is on children and their experience, history, and the ability to know and understand. Rancière means the equality of the subjects' intelligence, the right to speak, to be heard and listened to, and to respond to specific views, opinions, and decisions. The relationship between the probation officer and the minor can and should be based on this type of ignorance, as it allows to see a human subject in the child, with the right to be recognized, listened to, and treated with respect;

- love – "For transgressions and misconduct, patient, kind forbearance is enough, for transgressors, love is needed" (Korczak, 2017, p.39). The relationship between the probation officer/educator and the minor attending the probation center should be based on Maria Łopatkowa's (1992) pedagogy of the heart. This pedagogy is also found in the writings and actions of Janusz Korczak – a great advocate of children's rights. Love requires patience, respect, openness, appreciation, and understanding. It is important in the process of restoring the individual to society, as well as for the development of the individual subject.

3. CONCLUSION

In sum, the probation center has the potential to create conditions for the realization of children's rights. Thus, Polish probation centers fit in with the strategies of The Aims of Education (United Nations, 2001), where children's rights should be part of their everyday experience, and therefore,

should be implemented in the centers' functioning, allowing children to practice their exercising. This way, probation centers become spaces for change, a transformation of the child as a subject defined by the label of a minor who must suffer punishment, and therefore, has their rights limited, into a child who has rights and knows how to exercise them. The probation center, through its preventive, educational, resocialization, and therapeutic tasks, aims to return the child to society. To this end, it must develop relationships based on respect, openness, understanding, recognition, ignorance, and love, through which the practical realization of children's rights can be achieved.

Polish probation centers have the potential to respect and implement children's rights in their daily operations. The realization of this potential largely depends on adults/probation officers/educators who, in implementing the provisions contained in the normative regulations on the operation of this non-custodial means of upbringing, adopt the perspective of respecting children's dignity. It is expressed through respect, openness, understanding, appreciation, and love towards the minor, as well as through ignoring socially given labels.

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Бабіцка-Віркус Анна. Центри пробації як простір реалізації прав дитини. Польський досвід. *Журнал Прикарпатського університету імені Василя Стефаника*, 10 (3) (2023), 48-60.

Центр пробації слугує одним із виховних інструментів, передбачених польським законодавством для соціально дезадаптованої молоді. Ця неізолювана форма соціальної реабілітації та превентивних дій дозволяє молодим людям, які перебувають під загрозою деморалізації, залишатися в сімейному та шкільному середовищі. У статті представлено потенціал, який мають польські центри пробації для реалізації ідеї прав дитини. У ній висувається наступна теза: Центри пробації – це простір для реалізації прав дитини, а також педагогіки Януша Корчака. Такі центри працюють за принципом ЗР (provision – protection – participation), який закладений у Конвенції про права дитини. Реалізація цього принципу в центрах пробації дозволяє встановити відносини між офіцером/вихователем пробації та дитиною/підлітком, які ґрунтуються на повазі, відкритості, розумінні, визнанні, незнанні та любові. Таке ставлення відповідає педагогіці Януша Корчака, яка ґрунтується на припущенні, що діти мають свої права як люди, а дорослі зобов'язані поважати і захищати ці права, а також дозволяти дітям реалізовувати їх у повсякденній діяльності. Як неізолююча форма соціально-реабілітаційної взаємодії, центр пробації запобігає стигматизації дитини, може бути безпечним місцем для реалізації прав дитини та громадянина.

Ключові слова: польський центр пробації, права дитини, простір реалізації прав дитини, Януш Корчак.