

Children's Rights in Poland and Russia in the Context of Janusz Korczak's in heritage

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The urgency of the problem under investigation is due to the fact that children's rights are equally important and binding than those of adults. Even more important, because children need special protection of the state and the international community. The aim of the article is to study the situation with realizing children's rights in Poland and in Russia in the context of Janusz Korczak's inheritance. The main methods of the research are systematization, classification, comparative analysis, which allowed to determine the main objectives and results of the historical development of children's rights; as well as analysis and generalization of Janusz Korczak's ideas on children's rights. The implementation of the Convention on Children's rights in Poland is described on the example of child-refugees. The Russian experience of realization of the named Convention is also described in the article. The results of the research will be useful for the teachers and principals of the educational institutions in realizing children's rights.

Keywords: Janusz Korczak, children's rights, child, childhood, the right to be respected for, child-refugee, Convention on the rights of the child

INTRODUCTION

Actualization of the problem

There are problems, the severity of which always remains unchanged. One of them is the children's rights and their protection. History shows that every generation needs to protect the rights of the individual, and that the slogans of a happy childhood, not backed by laws and not based on a fair and strong state policy in the interests of children remain only declarations. Children's rights in society is a key topic of many pedagogical works today. This is not only the expression of progressive educators' anxiety of the humiliating situation that prevailed in the world towards children and of adults maltreatment, but also of the demand to society and parents to ensure the child his inalienable rights, to guarantee the freedom and dignity of children, creating conditions for developing children as individuals and as citizens, providing conditions for free creative life. Today, the

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value of childhood, the need for its protection are based on international document - the UN Convention on the Rights of the Child. Civilized humanity was going to accept in 1989 this document gradually: in 1924 in the framework of the League of Nations the Geneva Declaration of the Rights of the Child was adopted, in 1948, the UN General Assembly adopted the Universal Declaration of Rights of the Child. September 30, 1990 in the same hall of the UN General Assembly, the Convention on the Rights of the Child was adopted. At the World Summit for Children the World Declaration on the Survival, Protection and Development of Children was signed. All these documents are a kind of bar that we have yet to overcome if we want to say that the adult world is just in practice, not in words. Rights of the child enshrined in the Convention are the inalienable right of every child.

Explore Importance of the Problem

In this regard, relevant to modern education is the international experience of ensuring the Children's rights. In the light of these provisions it's quite justified to appeal to the ideas of prominent educators. The Polish educator and writer Janusz Korczak (1878 - 1942) was the first Ombudsman for Children's Rights. Despite the emergence in the early twentieth century of many different documents for the protection of the rights of the child, it was J. Korczak who initiated and propagated the idea of regard and respect for children's rights. What was new in his pedagogical approach was that he fought for their emancipation, equal rights and for children to be treated with respect and dignity, as subject and not object. He was the director of the orphanage in Warsaw, which provided security for every child, which was a unique phenomenon in pedagogic life of the XXth century Europe. In 1942 the Nazis doomed educators and 200 children from the Jewish orphanage managed by Korczak to death in a gas chamber of the camp Treblinka. Janusz Korczak shared the horrible fate of his children though he was repeatedly given a chance to save his life (Valeeva, 2003).

Janusz Korczak's orphanage was a new type of an orphanage, where organization of children's life was filled with deep humanism, with care about the child's welfare, and where everything was done to create conditions for the child's development and upbringing and to provide every child with security guarantees. Unlike many other children's orphanages, the goal set of this system presupposed the upbringing of an active and independent personality with developed humanistic qualities, and was based on the principle of the child's personality and rights respect as well as respect for the whole children's community, and on the principle of cooperation between "reasonable upbringing" and self-education activity of children.

Status of a problem

The problem of children's rights is widely covered in the modern pedagogical studies in Poland and Russia. The subjects of works cover historical aspects of Children's rights (Abramov, 2007; Cots, 2009), the theoretical foundations of children's rights realization (Bauman, 2004; Budanova, 2001; Shiro, 2009; Weber, 2003). Janusz Korczak's ideas on children's rights are researched in the works of A. Lewin (1999), J. Bińczycka (2009), J. Brągiel (1999), S. Wołoszyn (1964), I.D. Demakova (2013), R.A. Valeeva (2003, 2010). Commissioner for Human Rights of the Council of Europe T. Hammarberg made a special report "Janusz Korczak: A child's right to respect" (Hammerberg, 2009).

Janusz Korczak's pedagogical ideas on children's rights

Educational ideas of Janusz Korczak were developed in a dramatic struggle with the social environment. An early understanding of social injustice towards children

contributed to the formation of his original concept, according to which any society was split into two big groups or classes – one of adults and the other, the oppressed one, of children. Searching for the reason of the children's oppressed status in the society, Korczak came to understanding the opposition of two worlds – the world of adults and the world of children. On the one hand, Korczak has become an advocate of children's interests and rights against tyranny and lawless behavior of adults and, on the other hand, he was trying to find ways for them to be reconciled and reach mutual understanding (Valeeva & Demakova, 2015).

No less important is the Korczak's view of children as a social stratum is his assurance of the absolute value of childhood. Korczak's holistic system of education generally rests upon it. "Childhood", he wrote, "is a long important period in a person's life" (Korczak, 1979, p.15). "...Childhood is mountains where the river originates and where its direction is determined" (Korczak, 1978, v.4, p.9). He repeatedly emphasized the significance of a happy, joyful childhood in the formation of personality and believed that without a complete childhood the whole life of a person would be maimed. Therefore, Korczak strove to increase the teachers' responsibility for the child's "present day": "This present day should be clear, full of cheerful efforts, absolutely childish, careless with no responsibilities which do not correspond to the child's age and powers. I ought to provide for him an opportunity to use up his energy, I ought – regardless of the insulted written law's rumble and its ferocious clauses – to give the child all the sun, all the air, all the benevolence that he deserves regardless of his merits or faults, his virtues or vices" (Korczak, 1979, p. 41).

Korczak believes that children possess a multitude of rights, which adults must implicitly admit. The child has the right for respect of his ignorance and his cognitive labor; his failures and tears; mysteries and deviations of the hard labor of growth; the current hour and the present day; the mystery of correction; efforts and credulity. No less important is to admit the child's right to be what he is. Adults must also admit the child's right to: participate in discussions and judgments which concern him directly; experience considerate attitude towards his problems; express his ideas; organize his life independently; use his virtues and conceal his faults; protest; to make mistakes; have a mystery; move; property; play; and, finally, the right to die.

It seems appropriate at this point to quote Janusz Korczak's call to adults on the matter of respecting a child's rights: *I require a Magna Charta Libertatis concerning the rights of the child. Perhaps there are more, but I came upon three basic rights:*

1. *The right of the child to its own death.*
2. *The right of the child to live in the present.*
3. *The right of the child to be himself or herself* (Korczak, 1993).

Korczak argued for these rights as follows – he said: "A child is not a prize winning lottery ticket". He also said: "Children are not people tomorrow, they are people today and A hundred children – a hundred human beings – they are not human at some time in the future, neither not yet, nor perhaps tomorrow, but already... now... they are human beings here and now".

In his pedagogical credo Korczak also spoke of children's other rights. He considered that a child has the right: to receive love (*Love the child, not just your own*), be respected, have optimal conditions in which to grow and develop (*We demand: do away with hunger, cold, damp, stench, overcrowding, overpopulation*), make mistakes, to fail, be taken seriously, be appreciated for who he or she is, to have secrets, to tell a lie, to a deception, to a theft (but does not have the right to be a liar, a deceiver, and a thief), to respect for their possessions and achievements, to education, to protest injustice, to a Children's Court where he or she can judge and be judged by peers and to be defended in the juvenile justice court system, to respect for their grief, and to be free to commune with God (Joseph, 1999). At the

time these ideas/ demands were innovative and, in the spirit of the "New Education", changed the approach to children.

Aleksander Levin – a Polish teacher and Korczak's colleague in the orphanage at 92 Krochmalna Street, Warsaw – wrote that Korczak in his works recognized the child in different contexts and in different situations, writing among others about Polish and Jewish children, Palestinian children (mainly from the Ein Harod Kibbutz), and about the children of the drawing room and of the street. He also wrote about the children of the Warsaw ghetto and about war children who had experienced suffering and abuse by adults (for example, those he himself treated in Harbin, Manchuria, and those who had lived through World War I and II) (Lewin, 1999).

Korczak wrote the following about war: *War is an abomination. Especially because no one highlights how many children are hungry, ill-treated, and abandoned. Before making a decision to go to war, every nation should consider for at least a moment how many innocent children will be injured, how many will be killed and how many orphaned. There is no cause and no war which is worth depriving children of their natural right to happiness. Before we start revolutions we must think about the children* (Hammarberg, 2009, p.6). Clearly, the concept of freedom (both internal and external) is a very important category in the pedagogy of Janusz Korczak, since only a free man can achieve social and spiritual maturity. Freedom, as Korczak noted, can be attained in a variety of situations, including incarceration and coercion. In his personal case, it was in war and violence, the hunger and death in the Warsaw ghetto (Sobolewska, 2002; Mikos, 2002). Today (one could say - especially today), after the experiences of World War II and the rule of totalitarian systems, freedom, human rights and children's rights are especially important. The words of Korczak are worth quoting at this point: *Without a cheerful, brimming childhood later life becomes crippled*. These words are prophetic and, unfortunately, still relevant in today's world, this twenty-first century, in which wars are ongoing in many countries with the use of child soldiers. Yet already in the late nineteenth and early twentieth century, in her book entitled *The Century of the Child*, the Swedish writer, educator and social activist Ellen Key was writing about an individual approach to the child and respect of their humanity.

History of children's rights

The history of children's rights dates back to the nineteenth century, during which a number of international associations were formed involved in the protection of children from harm, misery and exploitation. In 1920 in Geneva, the International Association of Children's Aid (Union International de Secours a l'Enfant, UISE) was founded by a teacher from England called Eglantine Jebb. In 1924, members of this Association (the UK Save the Children Fund and the Swedish organization Radda Barnen) announced the first Declaration of the Rights of the Child (hereinafter Geneva). Among the most important responsibilities of adults to children, the declaration listed the protection of children against various threats and dangers (including war, hunger and exploitation) (Bragiel, 1999, p.206; Cotz, 2010, p.43).

Another important document concerning the Rights of the Child was the Declaration of the Rights of the Child adopted by the UN on the initiative of Poland in 1959. It resembled such the Universal Declaration of Human Rights (1948) and the Geneva Declaration of the Rights of the Child (1924). The Declaration contains 10 rules that refer to children's rights, listing among others that every child "without regard to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or position either for themselves or their families" is to have the right from birth to a name and nationality, should be protected from all

forms of neglect, cruelty and exploitation, as well as from "all practices that would foster discrimination, either racial, religious or of any other form". The child should also be "brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be given to the service of his fellow human beings" (Woloszyn, 1964, p.528). But the most important piece of legislation (in force today) is the Convention on the Rights of the Child of 1989. Its forty articles include children's rights as well as protections for children (Covention, 1990). Thus, Article 1 states that the Convention describes the rights of all people who are under 18 years of age; Article 2 says that: "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". Article 6 declares "every child has the inherent right to life and States Parties shall ensure to the maximum extent possible the survival and development of the child". Article 8: "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference". In Article 9, the Convention stipulates that in the event that there is a separation of the child from the parents as a result of the detention, imprisonment, exile, deportation or death of one or both parents, the child will have the right to be informed of this. Article 10 says that: "A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents, and also States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country". Article 11 stipulates that: "States Parties shall take measures to combat the illicit transfer and non-return of children abroad". Article 20: "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. States Parties shall in accordance with their national laws ensure alternative care for such a child. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background". The article which I would like to draw particular attention to is Article 22 on the rights of refugee children. This states that a child who is seeking refugee status, or who is a refugee, will receive appropriate protection and humanitarian assistance. In turn, Article 30 speaks of the rights of children belonging to an ethnic, religious or linguistic minority. Furthermore, Article 37 concerns the protection of children from punishment and torture and from cruel, inhuman or degrading treatment. And the last two articles that I'll cite here are articles 38 and 39, as they concern the protection of the child from participation in armed conflict. Article 38 reads: "(...) States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict", and Article 39: "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child".

All the cited articles form the basis for the rights of every child, and also of war-children and child refugees. At this point it seems important to mention the "Optional Protocol to the Convention on the Rights of the Child regarding the

involvement of children in armed conflict". Article 4 states that: "Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years". And Article 6: "States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration" (United Nations, 2000).

MATERIALS AND METHODS

The tasks of the research

The study addressed the following objectives: 1) To analyze the historical and pedagogical literature for the study of "children's rights" notion; 2) To describe Janusz Korczak pedagogical ideas on children's rights; 3) To reveal the realization of Korczak's humanistic ideas on Children's rights on the example of the of Child-refugees in Poland; 4) To describe the situation with realizing children's rights in Russia.

Theoretical and empirical methods

We used methods of theoretical studies (systematization, classification, comparative analysis), which allowed to determine the approaches to mechanisms and mechanisms of realization of children's rights; analysis and generalization of Janusz Korczak ideas on children's rights.

RESULTS

Rights of Child-refugees in the world and in Poland

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

1. 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.
2. The High Commissioner of The United Nations for Refugees (' Matters) has ensured the care of over 23 million people; about 10 million are children below the age of 18.
3. In the last 10 years, as a result of military conflicts, 2 million children were killed, 6 million injured and 1 million were orphaned.
4. In 87 countries throughout the world children live amidst 60 million mines.
5. Over 300 thousand under aged 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 exploited.
6. According to the UNHCR, 57% of refugee children live in Africa and 20% live in Europe. In Europe between 2 - 5% of minors apply personally for refugee status whilst in Poland this figure is around 50% of the 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.

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” (Weber, 2003). This quote relates to our reality, because it speaks to 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 hate, where women and children are the most affected. They are weaker and more vulnerable and often the only choice left for them is to look for shelter and help in another country. By escaping to another country as a result of the fear of persecution because of race, religion, nationality, social or political ethnicity, they can gain refugee status...

Between the years 1951 and 1991 Poland, as understood within the framework of the Geneva Convention, did not have experience in helping refugees, especially refugee children. 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 was more political in character than purely humanitarian. The largest group which at that time had come to Poland, the 50s of the twentieth century (and more specifically in the years 1948-1960), were political refugees from Greece and Macedonia. In total more than 15 thousand refugees came to our country, including more than 3 700 children aged from 4 to 15 years of age. Another large group of children to which Poland provided assistance and shelter in the 1950s were Korean children, who arrived from North Korea during the war between North Korea and South, which broke out in 1950. In total there were about 1 500 Korean children who came but who eventually had to leave Poland by the late 1950s.

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 due 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 Third World countries. This was Poland's first recent contact with refugees. 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, (Third World countries), 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

refugee status. The application for 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 the Poland without parents or legal guardians is much more difficult.

In 2014, 6 621 people applied for a refugee status in Poland (Zestawienia roczne, 2014). When it comes to statistics, it is difficult to give precise numbers regarding unaccompanied foreign minors residing in Poland because some are in Poland illegally, because some, even if included in the statistics, leave for Western Europe to seek their place in the world, and because some leave their facilities and join family or friends staying in Poland (Policies, 2009). In the last decade of the 20th Century the number of unaccompanied alien children applying for refugee status ranged from a dozen to several hundred. For example in 1997 – 377, in 2003 – 214, in 2004 – 230, in 2005 – 278 unaccompanied children applied to Poland for refugee status. In 2007 – 356, and in 2008 – 376 children (Policies, 2009; Refugees, 2005). According to the Office for Foreigners (UDSC - Urząd do Spraw Cudzoziemców,) unaccompanied minors rarely receive refugee status mainly because most of them leave Poland before the procedure for granting 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 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 such facility 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 of age, although the overwhelming number 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 leaves within the first six months of arrival. In most cases, where they are and what is happening to them is not known (Kosowicz & Maciejko, 2007).

Young aliens 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 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 used 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, and 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". (Bauman, 2004, p.122-123). 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.

Children's rights in Russia

In September 1917, the Declaration of the Rights of the Child was published in Russia stipulating that only compliance with its rights in their entirety may pave the way for the fullest realization of the rights of the older generation and serve their most solid guarantee.

Prepared by the Russian educator, leader of free education Constantine Wentzel, this declaration has paved the way for the development by the International Union for the protection of children Declaration of the Rights of the Child, adopted in 1924 by the Assembly of the League of Nations in Geneva and known as the Geneva Declaration of the Rights of the Child (Wentzel, 1918).

In 1918 the "League for saving children" was created having the aim of rescue and protection of children left without parents due to war and devastation. States took certain measures to their plight (Budanova, 2001). In 1923 the Society "Friend of Children" operated in Russia. It had the aim of providing social assistance to children, but it lasted a short time and its goal was not achieved.

The ongoing today in Russia global socio-economic and political transformation that touches all areas of social life, along with positive changes have led to a significant increase in the negative events. The most vulnerable and unprepared for these changes were children.

According to the State Information and Analytical Center of the Interior Ministry, in 2004 in Russia there were more than 50,000 crimes connected with violent acts against children, almost 6,000 were victims of crimes related to violence sexual acts: 6 teenagers were victims of homicides involving rape or sexual assault, 2091 children have been raped, 2103 - sexual assault, 1086 - debauchery. These statistics, however, do not reflect the true situation, as many victims are afraid to contact the police. Involvement of imperfect Delinquency in prostitution, for example, is usually revealed during arrests for other crimes or child abuse.

According to experts, today Russia is experiencing the third (after the Civil and Second World Wars) wave of child abandonment. The number of orphans is almost the same as it was after the Second World War. For example, in 1945 there were 680 thousand orphans and according to Russian Commissioner for Children's Rights Pavel Astakhov, at the beginning of the 2013 there were 644757 children left without parental care. 83% (62 thousand) of them are social orphans, i.e. orphans with parents alive. However, about two thirds of them (516 592) are raised in families, including adopted children. Others (more than 104 thousand) live in residential care or enrolled in primary and secondary professional education (Pavel Astakhov, 2013).

Statistics show that the number of orphans in Russia, accounting for every 10,000 children (and according to the Russian State Committee on Statistics the Russian Federation is now home to 28,3 million children), is one of the highest in the world. Almost 50% of the child population (about 14 million) is in the area of social risk (Mukhina, 2001). Every year about 100 thousand children in need of care are

revealed in Russia (74,7 thousand in 2012). According to the Commission for Women, Family and Demography at the RF President in the last 5 years the number of orphans has increased by 70% (Osipova, 2008).

More than 104 thousand orphans are living in Russian orphanages. There is a negative trend of a stable from year to year growth of the number of children placed on full government support proportion (based on the total number of identified and registered at the end of the year children left without parental care) in 2007 - 23.7% , in 2008 - 25.0%, in 2009 - 26.6%, in 2010 - 28.2%, in 2011 - 28.4%, in 2012 - 28.5% During the same period the absolute number of children placed in the family decreased by 47.9%: from 129.6 thousand in 2007 to 61.4 thousand in 2012. Including - 34.6% reduction in the number of adopted children: from 14.1 per thousand in 2007 to 9.2 thousand in 2012 (Pavel Astakhov, 2013).

Russia has ratified the Convention on the Rights of the Child, and started to move in the direction of performing of its main objectives: priority and the best protection of rights and interests of the child in the activities of all public, private, administrative, judicial and legislative bodies. It is necessary to identify a number of barriers to positive changes in ensuring the rights and legitimate interests of children: 1) the inertia of social processes; 2) there is a time gap between the adoption of measures for children and their implementation; 3) a relatively slow development of new defense mechanisms in the social, moral and spiritual sphere, appropriate appearance of socio-economic phenomena, due to the greater open society, replacing authoritarian control methods by democratic ones.

DISCUSSIONS

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 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..

Janusz Korczak said the following to his pupils: We will not give you anything. We will not give you God, because you must find him yourselves in your own soul, in solitary effort. We do not give you a homeland, because you have to find her through the work of your own hearts and minds. We do not give human love, because there is no love without forgiveness, and to forgive entails toil and trouble, which everyone must take up by themselves. We give you one thing - a longing for a better life, one which does not exist now but can in the future, beyond the life of Truth and Justice. Maybe this longing will lead you to God, Country, and Love . These words, despite the passage of several decades since they were uttered, remain valid today. I think they relate especially well to refugee children who, all by themselves and despite the difficult circumstances, must find a way to their own place in the world. For this road to be made easier and less painful, adults must take responsibility for those young people for whom they have prepared such a fate.

CONCLUSION

With all the variety of opinions, the problem of children's rights is of great interest both for children and adults. Almost all agree that the rights play a major role in person's life, but they are difficult to defend. As one teenager said: "There will always be someone who can ensure that my rights are not respected". Therefore the most important personality traits that help in protecting violated rights are persistence and perseverance, combined with patience and respect for others. Finally, it is a problem of respect from adults, parents and teachers when addressed

the issue of protection of the child. Moreover, we should not focus on the confrontation, but of mutual respect, patience and tolerance. Really, as Janusz Korczak said, the future and happiness of the children rests in our hands.

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