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Katarzyna Osiak-Krynicka, PhD.
ORCID: 0000-0003-2101-6717

katarzyna.osiak-krynicka@mail.umcs.pl
Department of Criminal Procedure
Faculty of Law and Administration
Maria Curie-Skłodowska Univeristy

Standards for the protection of minors – a new effective form of protecting children from violence or an unpleasant obligation?

Keywords: *standards of protection of minors; violence against children; protection of children's rights; lex Kamilek*

The article analyses the institution of the Standards for the Protection of Minors, introduced by the amendment of the Act of 13 May 2016 on counteracting threats of crime of a sexual nature and on the protection of minors, which aims to create a coherent system of prevention and response to violence against children. The normative foundations, the scope of obligations imposed on the addressees of the regulation, and the mechanisms for implementing the standards in entities operating for the benefit of children are discussed. The analysis indicates the dual nature of the regulation: on the one hand, it constitutes an innovative and comprehensive tool for the protection of children's rights; on the other, it burdens obligated entities with numerous organizational and training duties, the implementation of which takes place under conditions of insufficient informational and educational support. Consequently, the Standards for the Protection of Minors appear as an instrument with the potential for effective protection against violence, which, however, in practice is often perceived and implemented in a formalistic manner, reducing its genuine preventive function.

Introduction

Violence against children covers various areas of social life. Children may experience violence both in the family environment and in educational institutions, care facilities, within the justice system, as well as in their own local communities.[1]

Violence against children has many aspects and is distinguished by five basic forms of abuse: physical violence (e.g., pushing, pulling, hitting, throwing objects), emotional violence (deliberate actions by adults toward children, devoid of physical aggression but significantly disturbing their proper development, e.g., humiliation, slander, intimidation, discrimination, ridicule), neglect (long-term or one-time failure to meet a child's basic needs – both physical, such as proper nutrition, clothing, healthcare, education, and psychological, such as safety, love, and care), sexual violence (involving a child in sexual activities to which they cannot give conscious and legally valid consent, and which are incompatible with their development and with legal and social norms), and peer violence (repetitive and intentional actions aimed at harming a weaker

[1] J. Helios, W. Jedlecka, *Przemoc fizyczna wobec dzieci. Perspektywa prawna*, Warszawa 2020, Legalis/el.

person, carried out by one perpetrator or a group; it may take the form of verbal, relational, physical, material, or electronic violence).[2] The consequences of each type of violence against children are devastating and can affect their entire lives. It is therefore necessary to undertake actions that will both prevent such harm and appropriately respond to incidents of violence.[3]

According to data from the Ministry of Justice, obtained through a request for public information, approximately 50,000 criminal proceedings are conducted each year in which children appear as victims.[4] Meanwhile, the results of research presented in the report by the foundation called "Fundacja Dajemy Dzieciom Siłę" – 'Diagnosis of Violence Against Children in Poland 2023,' conducted on a sample of 2026 individuals aged 11–17, indicate that as many as 79% of respondents have experienced violence or neglect at least once in their lives. However, it should be emphasised that available statistics do not reflect the full scale of the problem, as a significant number of cases of child abuse remain unreported. The reasons for this situation may include the silence resulting from the power imbalance between the perpetrator and the child, fear of the consequences of disclosure, fear of stigmatisation, the persistence of social acceptance of certain forms of violence against children, as well as the failure to act by professionals obligated to respond – such as social workers.[5]

The lack of reporting of cases of violence against children and the passivity toward this phenomenon raise serious concerns, as experiencing harm poses a significant threat to a child's proper development. It leads to personality pathologization of personality, causes lasting consequences that determine the individual's future life, and significantly increases the risk of negative psychosocial outcomes. Victims of violence are more likely to become both subsequent victims and perpetrators of aggressive behavior, are more susceptible to anxiety disorders, suicidal behavior, addictions, or risky sexual behaviors. Children who experience abuse are at a higher risk of developing mental and somatic disorders, the effects of which extend beyond childhood and persist into adulthood. These include, among others, chronic depression and other serious health dysfunctions.[6] The most dramatic consequence of violence against children is their death, which may result from homicide, severe injuries caused by abuse, or gross neglect. This phenomenon particularly often concerns infants, where the perpetrators are usually the parents, while in the case of older children – most often men.[7]

[2] *Ibidem*; K. Osiak-Krynicka, *Porzucenie jako forma zaniedbania – wybrane zagadnienia karnomaterialne i karnoprocesowe*, "Dziecko Krzywdzone. Teoria, badania, praktyka" 2019, Vol. 18, No. 1, 2019, pp. 131–152; M. Kolankiewicz, *Zaniedbanie dzieci*, "Dziecko Krzywdzone. Teoria, badania, praktyka" 2012, Vol. 11, No. 2, pp. 81–94; J. Brągiel, *Zaniedbanie dziecka w rodzinie*, "Roczniki Socjologii Rodziny" 1998, Vol. X, p. 277; M. Beisert, A. Izdebska, *Wykorzystanie seksualne dzieci*, "Dziecko Krzywdzone. Teoria, badania, praktyka" 2012, Vol. 30, No. 2, p. 56; K. Makaruk, *Przemoc rówieśnicza* [in:] *Dzieci się liczą 2022. Raport o zagrożeniach bezpieczeństwa i rozwoju dzieci w Polsce*, Warszawa 2022, pp. 257–268.

[3] A. Lewandowska, *Wytyczne WHO dotyczące zapobiegania maltretowaniu dzieci i wzmacniania relacji rodzic-dziecko*, "Pediatria po Dyplomie" 2023, No. 3.

[4] To determine the frequency of minors acquiring victim status in criminal proceedings and the types of crimes most frequently experienced by children between 2011 and 2023, I submitted a request for information from the Ministry of Justice regarding this matter. In response, I received the MS-S6r and MS-S6o Reports on persons convicted in the first instance according to subject matter jurisdiction from 2011 to 2023, which contained the requested information.

[5] K. Makaruk, K. Drabek, S. Wójcik, *Diagnoza przemocy wobec dzieci w Polsce 2023*, Warszawa 2024, pp. 6–8; J. Helios, W. Jedlecka, *Przemoc fizyczna…*

[6] N. Szalas, A. Bryńska, *Adverse childhood experiences – characteristics and links with mental disorders, suicidal behaviours and self-injury among children and adolescents*, "Psychiatria i Psychologia Kliniczna" 2022, nr 23, pp. 52–61; K. Chotkowska, *Doświadczenie przemocy w dzieciństwie – skutki w życiu dorosłym*, "Dziecko Krzywdzone. Teoria, badania, praktyka" 2022, Vol. 21, No. 1, pp. 57–75; J. Helios, W. Jedlecka, *Przemoc instytucjonalna wobec dzieci. Kulturowe uzasadnienie przemocy instytucjonalnej*, Warszawa 2020, pp. 9–15.

[7] K. Przybylska, *Przestępstwa przeciwko życiu i zdrowiu – noworodki, niemowlęta i dzieci jako ofiary*

1. The Necessity of a system for protecting children from harm

Crimes committed against minors, especially those involving physical violence or of a sexual nature, are multifaceted. Effective counteraction requires the creation of a uniform, coherent, and efficient system for the protection of minors and the application of both preventive and intervention measures, including reporting incidents to the appropriate authorities, ensuring immediate assistance to the child and their relatives (provided they are not the perpetrators), and, where appropriate, providing support to the broader social environment.[8]

The need for a system to counteract harm to children is justified by the fact that a child, as a being in a period of intense physical, psychological, and social development, requires assistance and protection from violence, cruelty, exploitation, or moral corruption not only from parents and close relatives but also from public authorities,[9] as derived from Art. 72 of the Constitution of the Republic of Poland.[10]

The protection of children against harm introduced by the system for the protection of minors should have a dual purpose – on the one hand, to protect children from harm and prevent situations in which they would become victims of violence, and on the other – should harm occur, to minimise the negative consequences for the child associated with this traumatic experience. The existence of a system for the protection of children in Poland will ensure the coherence of actions taken by institutions dealing with child-related issues and will improve the quality of services provided in the area of legal protection and care for minors.[11]

2. Standards for the protection of minors – a new tool in building a system for the protection of children from harm

A step towards creating in Poland a system for the protection of children from violence and for responding to violent educational methods and other forms of harm inflicted on children by parents or people working with minors, as well as for the purpose of preventing violence and supporting children experiencing it, was the introduction in 2023 of significant legislative changes. The amending Act of 28 July 2023 on the amendment of the Family and Guardianship Code and certain other acts[12] modified the provisions of the Act of 13 May 2016 on counteracting the threat of sexual offences and protection of minors.[13] One of the key solutions of this amendment was the imposition on institutions and entities working with children of the obligation to develop and implement standards for the protection of minors, intended to ensure for them a safe and supportive environment which benefits full development. The amendment not only established the obligation to have standards of protection along with detailed regulations concerning their functioning but also

zabójstw, "Kortowski Przegląd Prawniczy" 2022, No. 2, pp. 65–77; N. Dera, W. Gruszczyński, *Problemy medyczne agresji i przemocy w rodzinie*, "Pediatria i Medycyna Rodzinna" 2011, No. 7, pp. 265–269.

[8] K. Osiak-Krynicka, *Komentarz do art. 22c Ustawy o przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym i ochronie małoletnich* [in:] *Ustawa o przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym i ochronie małoletnich. Komentarz*, ed. J. Kosowski, Warszawa 2025, Legalis/el.

[9] Introduction to the Declaration of the Rights of the Child adopted by the UN General Assembly on 20 November 1959; V. Kwiatkowska-Darul, *Przesłuchanie dziecka w polskiej procedurze karnej – zagadnienia ogólne*, "Dziecko Krzywdzone. Teoria, badania, praktyka" 2004, Vol. 3, No. 1, p. 14.

[10] The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 2009, No. 114, item 946), hereinafter: Constitution of the Republic of Poland.

[11] P. Pikora, *Interwencja kryzysowa wobec osób doświadczających przemocy domowej*, "Biuletyn Kryminologiczny" 2022, No. 29, pp. 97–100; K. Szwed, *Obowiązek wprowadzenia standardów ochrony małoletnich w świetle art. 72 ust. 1 Konstytucji RP*, "Studia Prawnoustrojowe" 2025, No. 67, pp. 383–397.

[12] Act of 28 July 2023 amending the Act – Family and Guardianship Code and certain other acts (Journal of Laws of 2023, item 1606).

[13] Act of 13 May 2016 on counteracting the threat of sexual offences and protection of minors (Journal of Laws of 2025, item 820), hereinafter: SomU.

changed its name from "the Act on counteracting sexual crime" to "the Act on counteracting threats of sexual crime and on the protection of minors." This change emphasises the extension of the scope of regulation and the priority significance of the issue of child protection.[14]

The introduced provisions constitute the legislator's response to the particularly drastic case of eight-year-old Kamil from Częstochowa, who died in May 2023 as a result of many months of severe injuries inflicted by his stepfather, with the passive attitude of his mother. The case shocked public opinion and led to charges against the parents, as well as to a discussion on the negligence of institutions responsible for the protection of children. Consequently, one of the key regulations became the imposition on numerous entities, both public and private, of the obligation to develop and implement standards for the protection of minors. These are to serve as a new legal instrument, the essential purpose of which is to ensure the safety of children and young people up to the age of 18. The lack of adequate and effective state reaction to dramatic events leading to the loss of health or life of minors therefore prompted the legislator to undertake broad legislative intervention. This solution should be perceived as a form of support for state authorities, which in some situations proved insufficiently effective in ensuring child protection.[15]

The standards for the protection of minors constitute an internal document defining rules and procedures aimed at minimising the risk of exposing children to threats to their safety. This document covers both preventive measures and procedures for action in situations where information is obtained that a child is experiencing or has experienced violence. The standards provide for the necessity of ensuring the child receives necessary assistance, notifying the competent institutions of suspected offences committed against the child, as well as regulations directed at creating a safe environment in relations between minors – both physically and emotionally.[16]

The main task of the standards for the protection of children is to prevent all forms of violence against minors, support victims of harm, and create an environment safe and conducive to child development. Additionally, the standards serve the function of increasing safety not only for the children themselves, but also for parents and the staff of care and educational institutions. They are intended to sensitise employees, co-workers (such as volunteers, trainees, or persons employed on civil law contracts) to the need for the protection of children, as well as to define precisely the responsibility of particular persons for the safety of children under their care. The standards set out the manner of undertaking intervention in cases of suspected violence against children or threats to their life and health, and indicate preventive, educational and intervention measures serving the building of the protection system. As a result, they create a comprehensive, effective and proactive mechanism of preventing harm to minors and ensuring appropriate conditions for their development.[17]

The obligation to develop and implement standards for the protection of minors has been

[14] Justification of the draft act amending the Act – Family and Guardianship Code and certain other acts, form No. 3309; K. Osiak-Krynicka, *Komentarz do art. 22c*…

[15] J. Kosowski, *Standardy ochrony małoletnich jako nowe narzędzie zapewnienia bezpieczeństwa małoletnich trenujących w klubach sportowych* [in:] *Współczesne trendy i wzywania przedsiębiorczości, bezpieczeństwa i logistyki*, eds. S. Skrzypek-Ahmed, T. Wołowiec, Lublin 2024, pp. 640–649; *idem*, *Obowiązki organizatorów w świetle standardów ochrony małoletnich – narzędzie zapobiegania przestępczości i zwiększenia bezpieczeństwa małoletnich*, "Prawo i Więź" 2025, No. 2, pp. 493–509.

[16] R. Gostkowska-Maczuga, *Standardy ochrony małoletnich. Wzory, procedury, przykłady*, Warszawa 2024, Legalis/el.

[17] Justification of the draft act amending the Act – Family and Guardianship Code and certain other acts, form No. 3309; K. Osiak-Krynicka, *Komentarz do art. 22c*…; R. Gostkowska-Maczuga, *Standardy ochrony*…; J. Kosowski, *Obowiązki organizatorów*…, pp. 493–509.

regulated in Art. 22b of the SomU and covers three groups of entities.[18] The first of these are institutions – bodies running units of the education system indicated in Art. 2 points 1–8 of the Act of 14 December 2016 – Education Law, as well as other educational, care, upbringing, resocialisation, religious, artistic, medical, recreational, sports or interest-developing establishments attended by, or where children stay or may stay. This group also includes organisational units of local government, including sports and recreation centres and cultural institutions. The second category are organisers of activities – entities other than institutions, which conduct activity of an educational, care, upbringing, resocialisation, religious, artistic, medical, recreational, sports or interest-developing nature for children and young people; these may include associations, foundations, companies, as well as people running a one-person business. The third group are entities from the hotel industry, including entrepreneurs providing hotel and tourist services and running other collective accommodation facilities, who are obliged to implement standards to the extent necessary to ensure the safety of children.[19]

In Art. 22c Act 1 of the SomU the legislator indicated the mandatory scope of the standards, providing that their content, adapted to the nature and type of establishment, shall in particular include: 1) rules ensuring safe relations between the minor and the staff of the establishment or organiser, in particular behaviours prohibited towards minors; 2) rules and procedures for intervention in situations of suspected harm or possession of information about harm to a minor; 3) procedures and people responsible for submitting notifications of suspected offences committed against a minor, notifying the guardianship court and, in the case of institutions having such powers, people responsible for initiating the "Blue Card" procedure; 4) rules for the review and updating of standards; 5) the scope of competence of the people responsible for preparing the staff of the establishment or organiser to apply the standards, the rules of preparing that staff to apply them, and the manner of documenting this activity; 6) ules and manner of making the standards available to parents or legal or factual guardians, as well as to minors, for familiarisation with them and their application; 7) people responsible for receiving reports of events threatening a minor and providing them with support; 8) the manner of documenting and rules of storing disclosed or reported incidents or events threatening the welfare of a minor.

Moreover, in the standards introduced in the establishment or place of activity referred to in Art. 22b of the Act, it is necessary also to define: 1) requirements concerning safe relations between minors, in particular behaviours prohibited; 2) rules for the use of electronic devices with Internet access; 3) procedures for protecting children from harmful content and threats on the Internet and in other forms of recording; 4) rules for establishing a support plan for a minor after disclosure of harm.

Entities providing hotel and tourist services, as well as running other collective accommodation facilities, in the standards specify in particular: 1) rules ensuring safe relations between the staff of the entity and the minor, in particular behaviours prohibited towards minors; 2) rules and procedures for identifying a minor staying in a hotel facility and their relationship to the adult with whom they are staying; 3) rules and procedures for reacting in cases of justified suspicion that the welfare of a minor staying in a hotel facility or using tourist services is threatened; 4) procedures and people responsible for submitting notifications of suspected offences committed against a minor and notifying the guardianship court; 5) the scope of competence of the person responsible for preparing the staff of the entity to apply the

[18] J. Kosowski, *Komentarz do art. 22b Ustawy o przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym i ochronie małoletnich* [in:] *Ustawa o przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym i ochronie małoletnich. Komentarz*, ed. J. Kosowski, Warszawa 2025, Legalis/el.

[19] J. Kosowski, *Obowiązki organizatorów*…, pp. 493–509; K. Osiak-Krynicka, *Komentarz do art. 22c*…

standards, the rules of preparing that staff to apply them, and the manner of documenting this activity. Irrespective of the above guidelines regarding content, according to Art. 22c sections 4 and 5 of the SomU, standards shall be drawn up with regard to the necessity of their being understandable to minors, and shall take into account the situation of disabled children and children with special educational needs.

It should be emphasised that the catalogue of elements indicated in Art. 22c of the SomU does not have a closed character. The legislator used in section 1 the expression "in particular," which indicates flexibility in shaping the content of the standards and the possibility of adapting them to the specificity of the establishment or type of activity conducted. The justification for such a solution lies in the fact that the entities obliged to have standards differ in their profile of activity, scope of competence and potential threats. Individual adjustment of the standards to the needs of a given institution constitutes a condition for their effectiveness and the realisation of the aim for which the obligation to apply them was introduced. This means the necessity of precisely defining the rules of functioning of the establishment and identifying its specific needs, and, if necessary, supplementing the standards with additional solutions not listed *expressis verbis* in the Act.[20]

The Act of 28 July 2023 amending the Family and Guardianship Code and other legal acts, which changes, among others, the Act of 13 May 2016 on counteracting threats of sexual crime and on the protection of minors, entered into force on 15 February 2024. The legislator, being aware that the implementation of the obligation to develop standards for the protection of children requires time – due to the necessity of preparing appropriate procedures, conducting training for staff and people with special tasks connected with the implementation of the standards, and, depending on the specificity of the establishment, training parents, guardians and the children themselves – established in Art. 10 of the amending Act a six-month transitional period. This deadline expired on 15 August 2024. From that day all entities mentioned in Art. 22b section 1 and Art. 22c section 3 of the SomU are obliged to apply the standards for the protection of minors. The fulfilment of this obligation is subject to control and assessment pursuant to Art. 22x and 23b of the SomU, and the lack of introduction of the required standards is treated as an offence.[21]

3. Problems related to the implementation of child protection standards

In the entities referred to in Art. 22b and 22c section 3 of the SomU, obliged to have child protection standards, which in 2024 faced the task of developing them, the process of creating the standards initially raised concerns, as it required careful planning, teamwork, and an in-depth analysis of needs and risks. This results from the fact that the effectiveness of the standards document depends on its adequacy to the conditions in which the institution operates, as well as on the degree to which it is understood by the minors themselves, which the legislator emphasised in Art. 22c section 1 and 22c section 5 of the SomU.

The development of standards should be based on universal and widely accepted principles, ensuring their comprehensibility and applicability in various organisational and cultural contexts.[22] Considering the aims and importance of child protection standards for the development of the child protection system in Poland, the failure of an entity to introduce

[20] R. Gostkowska-Maczuga, *Standardy ochrony…*; *Standardy ochrony dzieci w żłobkach i placówkach oświatowych*, ed. A. Sotomska, Warszawa 2023, pp. 4–7; K. Osiak-Krynicka, *Komentarz do art. 22c…*

[21] J. Kosowski, *Komentarz do art. 22b…*; *idem*, *Standardy ochrony…*, pp. 640–649; K. Szwed, *Obowiązek wprowadzenia…*, pp. 383–397.

[22] *Standardy ochrony dzieci w żłobkach i placówkach oświatowych*, ed. A. Sotomska, Warszawa 2023, pp. 4–7; Justification of the draft act amending the Act – Family and Guardianship Code and certain other acts, form No. 3309.

standards must be firmly recognised as a manifestation of ignoring the need to counteract the abuse of minors. Therefore, it is entirely justified that the legislator introduced, in Art. 22x and 23b of the SomU, supervision of entities in terms of fulfilling the obligations referred to in Art. 22b of the SomU, as well as the stipulation in Art. 23b of the SomU, of the failure to introduce child protection standards as an offence, punishable by a fine of up to 250 zł or a reprimand, and in the case of repeated failure to fulfil the obligation – a fine not lower than 1000 zł.[23]

The introduction of Child Protection Standards constitutes a significant step towards strengthening the child protection system in Poland and changing the previous philosophy of responding to violence against minors. The amendment to the Act on counteracting the threats of sexual crime and on the protection of minors shifted the focus from actions of a purely repressive nature against perpetrators of crimes towards preventive and intervention strategies aimed at the early identification and elimination of risks. The obligatory elements that must be included in the standards, such as intervention procedures undertaken when the institution's staff obtain information about a child being harmed, as well as the principles of safe relationships between the institution's staff and children, provide a real basis for stating that Child Protection Standards can be described as a new form of protecting children from violence. Furthermore, these solutions enable protective measures to be taken as soon as the first symptoms of abuse appear. Importantly, the obligation imposed on all institution staff to know and apply the standards makes these persons actual guardians of the safety of minors, responsible for responding immediately to any information about their abuse.

Despite this initially positive assessment of the introduction of Child Protection Standards, resulting from the above considerations, the analysis of the reasons and aims of creating this regulation leads to the question of whether Child Protection Standards are indeed a new effective form of protecting children from violence, or merely an unpleasant obligation for the entities referred to in Art. 22b and 22c section 3 of the SomU?

An attempt to answer this question should begin by pointing out that the aim of the standards is not, and never has been, to hinder the activities of the entities referred to in Art. 22b and 22c section 3 of the SomU. Their role was and is to support institutions in undertaking actions to protect children, as well as to provide protection against liability for the lack of reaction in risk situations, resulting for example from the lack of knowledge of intervention procedures. Moreover, thanks to the standards, responsibility for intervention does not rest solely on a single employee, but becomes the task of the entire institution. The standards indicate which behaviours towards children are acceptable and which are not, and they teach how to react when signs of violence are revealed. This is particularly important for individuals who do not deal with the law on a daily basis – these procedures give them confidence that they are taking the right steps, which strengthens their sense of competence and translates into higher quality of care. Clear rules also foster greater staff involvement in building a supportive and safe environment.[24]

Therefore, it might seem that the introduction of standards was, and is, perceived positively by the entities referred to in Art. 22b and 22c section 3 of the SomU. Unfortunately, from the author's experience (who not only developed Child Protection Standards for various groups of entities, but also conducted dozens of hours of training for institution staff in the field of child protection standards), it follows that in most cases Child Protection Standards were perceived as an unpleasant duty, compliance with which they would be accounted for and controlled.

[23] K. Osiak-Krynicka, *Komentarz do art. 22c…*

[24] R. Gostkowska-Maczuga, *Standardy ochrony…*; Justification of the draft act amending the Act – Family and Guardianship Code and certain other acts, form No. 3309.

Insufficient awareness regarding the standards led to their formalistic and superficial implementation, similarly to the application of GDPR provisions (RODO), which are often reduced to the routine signing of clauses and declarations, without a deeper understanding of their meaning. It must be emphasised that in the case of Child Protection Standards the issue of the safety of minors cannot be treated formally but requires genuine involvement and a conscious approach on the part of activity organisers. Therefore, before the obligation for entities to have Child Protection Standards in their institutions was introduced, a nationwide information campaign should have been carried out, concerning the obligations arising from the protection standards, financed for instance from the Justice Fund, whose aim is to support activities aimed at crime prevention.[25]

The negative attitude also stemmed from the potential penalty for the absence of standards, as well as from the fact that in most cases individuals conducting activities for children do not have legal education that would enable them to independently create a standards document and comprehensively and lawfully describe, among other things, intervention procedures in the event of receiving information about child abuse. Many people were terrified by how to create, implement, and develop standards in their institutions. The lack of information, lack of skills, and often misleading media messages, for example regarding the alleged absolute ban on touching a child, caused growing frustration, which participants discount during training sessions conducted by the author. For example, they loudly and vulgarly commented on the content presented during training. Angrily, they questioned the legitimacy of the standards themselves, as well as the inclusion of certain information in them, such as respecting the child's subjectivity by not addressing them by their surname or the number on their T-shirt, or the bans on touching a child or on communicating with children via social media messengers by those conducting, for example, sports activities.[26]

It can be assumed that the negative reaction of those participating in child protection standards training also resulted from the fact that during these training sessions they learnt that contrary to what had been said in the public and media debate on Child Protection Standards, their possession does not merely involve drafting and holding a single document, but is only one part of the issue, and that fulfilling the requirements arising from the Act on counteracting the threats of sexual crime and on the protection of minors includes short-term obligations (preparing and adopting child protection standards, publishing them (both at the entity's premises and on its website), training staff, and designating people responsible for specific areas related to the implementation and enforcement of the standards, training staff) and long-term obligations (including updating standards, training new staff members, conducting evaluation surveys) – which were imposed on them by the legislator without any support or preparation for their implementation.[27]

On 15 August 2025, one year passed since the obligation for entities referred to in Art. 22b and 22c section 3 of the SomU to have Child Protection Standards entered into force. The cooperation of the author of this article with entities engaged in activities for children, especially in the areas of treatment, upbringing, education, and sport, as well as the analysis of the activities of other entities carried out via the Internet, leads to the conclusion that this obligation has certainly not been fulfilled by all entities, and where it has in fact been fulfilled, the quality of these standards and the attitude of staff towards this matter vary greatly. Among the institutions that have fulfilled the obligation to implement standards, there are

[25] J. Kosowski, *Standardy ochrony*…, pp. 640–649; *idem*, *Obowiązki organizatorów*…, pp. 493–509.

[26] J. Kosowski, *Standardy ochrony*…, pp. 640–649.

[27] For more information on short- and long-term obligations arising from the introduction of the obligation to have standards for the protection of minors, see: J. Kosowski, *Obowiązki organizatorów*…, pp. 493–509.

those which approached the task with due diligence and, independently or with the help of specialist entities, developed a standards text fully tailored to the nature of the institution, including creating standards in a version for children using graphics or drawings, trained staff, parents, and children, and constantly ensure that the standards are observed. Unfortunately, however, there are also entities which merely copied standards developed by other institutions, disregarding the fact that they are not suited to the nature of their institution, and it can certainly be assumed that they are treated merely as an unpleasant obligation.

Conclusion

In conclusion, when considering the above reflections and attempting to answer the question posed in the title of this article, it must be stated with full conviction that it is not possible to choose only one option – namely, to recognise the standards for the protection of minors either solely as a new form of child protection against violence, or solely as an unpleasant obligation. This is due to the fact that the so-called Kamilka Act introduced truly revolutionary changes in the area of increasing the safety of children and adolescents, and these solutions are innovative on a European scale. However, on the other hand, by introducing such changes, the legislator did not adequately prepare the entities referred to in Art. 22b and 22c section 3 of the SomU, thereby shifting onto them the responsibility for implementing the standards, which they must carefully plan and execute – either independently or with the support of specialised entities – both in the short-term and in the long-term perspective. At the same time, these entities were deprived of sufficient informational and educational support, which may lead to discouragement among managers and weaken the substantive quality of the actions undertaken.

Abstrakt

Standardy ochrony małoletnich – nowa skuteczna forma ochrony dzieci przed przemocą, czy przykry obowiązek?

Słowa kluczowe: *standardy ochrony małoletnich; przemoc wobec dzieci; ochrona praw dziecka; lex Kamilek*

Artykuł poddaje analizie instytucję standardów ochrony małoletnich wprowadzoną nowelizacją ustawy z dnia 13 maja 2016 r. o przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym i ochronie małoletnich, której celem jest zbudowanie spójnego systemu prewencji i reagowania na przemoc wobec dzieci. Omówiono podstawy normatywne, zakres obowiązków adresatów regulacji oraz mechanizmy wdrażania standardów w podmiotach prowadzących działalność na rzecz dzieci. Analiza wskazuje na dwoisty charakter regulacji: z jednej strony stanowi ona innowacyjne i kompleksowe narzędzie ochrony praw dziecka, z drugiej zaś obciąża zobowiązane podmioty licznymi obowiązkami organizacyjnymi i szkoleniowymi, których realizacja odbywa się w warunkach niedostatecznego wsparcia informacyjnego i edukacyjnego. W konsekwencji standardy ochrony małoletnich jawią się jako instrument o potencjale skutecznej ochrony przed przemocą, który jednak w praktyce bywa postrzegany i implementowany w sposób formalistyczny, redukujący jego rzeczywistą funkcję prewencyjną.

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