



LEGAL FOUNDATIONS FOR THE PROTECTION OF CHILDREN'S RIGHTS IN INTERNATIONAL AND NATIONAL CONTEXTS

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Abstract: The protection of children's rights has long been a fundamental concern for societies around the world. The legal foundations for safeguarding children's rights are rooted both in international instruments and national legal frameworks, which together form a comprehensive system designed to ensure every child is provided with opportunities for healthy growth, protection, and participation in society. This essay will deeply explore the international and national legal underpinnings of children's rights, examining their evolution, applications, and significance in contemporary society.

Key words: children's rights, international law, national legislation, child protection, human rights, UN Convention, child welfare, legal guarantees, legislative reforms, social protection.

Аннотация: Защита прав детей уже давно является одной из главных задач для обществ во всем мире. Правовая основа защиты прав детей базируется как на международных документах, так и на национальных законодательных актах, которые вместе образуют всеобъемлющую систему, направленную на обеспечение здорового развития, защиты и участия каждого ребенка в жизни общества. В данной статье подробно рассматриваются международные и национальные правовые рамки защиты прав детей, анализируется их эволюция, применение и значение в современном обществе.

Ключевые слова: права детей, международное право, национальное законодательство, защита детей, права человека, Конвенция ООН, защита детей, правовые гарантии, законодательные реформы, социальная защита.



Annotatsiya: Bolalar huquqlarini himoya qilish uzoq vaqtdan beri butun dunyo jamiyatlari uchun asosiy g'amxo'rlik bo'lib kelgan. Bolalar huquqlarini himoya qilishning huquqiy asoslari xalqaro hujjatlarda ham, milliy qonunchilik bazalarida ham ildiz otgan bo'lib, ular birgalikda har bir bolaning sog'lom o'sishi, himoyalaniishi va jamiyat hayotida ishtirok etishi uchun imkoniyatlarni ta'minlashga qaratilgan kompleks tizimni tashkil etadi. Ushbu inshoda bolalar huquqlarining xalqaro va milliy huquqiy asoslari chuqur o'rganiladi, ularning evolyutsiyasi, qo'llanilishi va zamonaviy jamiyatdagi ahamiyati ko'rib chiqiladi.

Kalit so'zlar: bolalar huquqlari, xalqaro huquq, milliy qonunchilik, bolalarni himoya qilish, inson huquqlari, BMT konventsiyasi, bolalar farovonligi, huquqiy kafolatlar, qonunchilik islohotlari, ijtimoiy himoya.

INTRODUCTION

Children are universally recognized as vulnerable members of society who require special care and protection. Their rights are not only encompassed in basic human rights, but are also further specified in numerous dedicated documents and legal acts, reflecting the unique needs and circumstances of childhood. The understanding that children warrant additional safeguarding arose from the recognition that they cannot always defend their own interests or make fully informed decisions. Thus, the international community and individual states have established a body of laws and mechanisms that create both general and specialized protections for children. At the international level, the United Nations has played a pivotal role in shaping the modern approach to children's rights. One of the earliest and most significant milestones was the adoption of the Declaration of the Rights of the Child by the League of Nations in 1924, which was later updated and expanded by the United Nations in 1959. These declarations outlined fundamental principles for child welfare, education, health, and protection from abuse and exploitation. However, it was the United Nations Convention on the Rights of the Child (UNCRC), adopted in 1989, that became the most comprehensive and widely



ratified instrument concerning children's rights. The convention contains forty-one substantive articles that stipulate rights such as the right to life, development, education, protection from violence, the right to participate in social and cultural life, and to be heard in decisions affecting them.

MATERIALS AND METHODS

The UNCRC set forth four general principles: non-discrimination; the best interests of the child; the right to life, survival and development; and respect for the views of the child. These principles underpin all the other rights enshrined in the convention. Crucially, the UNCRC is the most widely ratified human rights treaty in history, reflecting a global consensus that children's rights should be at the forefront of law and policy. The convention obligates states parties to take all necessary legislative, administrative, and other measures to implement the rights contained therein. Beyond the UNCRC, numerous other international and regional instruments address specific aspects of children's rights. For instance, the International Labour Organization (ILO) has adopted conventions targeting child labor, including Minimum Age Convention (No. 138) and Worst Forms of Child Labour Convention (No. 182). The Hague Conventions regulate aspects such as international adoption and the abduction of children across borders. At the regional level, documents such as the African Charter on the Rights and Welfare of the Child, the European Convention on the Exercise of Children's Rights, and the American Convention on Human Rights (with its Additional Protocols) outline region-specific standards and norms relevant to children. International laws provide an essential common standard and a basis for advocacy and cooperation among nations, but the actual implementation of children's rights must take place predominantly within national legal systems. Each country is responsible for internalizing and enacting the rights enshrined in international agreements. This often requires the adaptation of national constitutions, laws, and administrative procedures to fully align with international standards. National laws should specify children's rights in areas such



as family life, education, healthcare, juvenile justice, protection from abuse and exploitation, and participation in social and cultural activities [1].

RESULTS AND DISCUSSION

Countries typically reflect children's rights in their constitutions and broader legal systems, using the UNCRC and other instruments as models or benchmarks. For example, constitutional provisions frequently highlight the protection of children from violence and neglect, provision of access to education and health, and respect for the child's opinions. Some states establish Child Ombudsman offices or Children's Rights Commissioners to monitor and promote the realization of children's rights at the national and local level. Education laws often specify the compulsory nature of primary and secondary education, as well as guarantees for free and equal access. Health laws may define children's entitlements to vaccination, nutrition, and medical treatment. Family and guardianship laws generally set forth the legal basis for parental responsibility, adoption, foster care, and intervention in cases of abuse or neglect. Child protection statutes outline procedures and penalties for violence, exploitation, or trafficking involving minors. Juvenile justice systems are designed to take into account the age and developmental needs of minors, ensuring fair trials, rehabilitation, and the use of detention only as a measure of last resort. An important aspect of national application is recognition of children's participation rights. Increasingly, states seek to provide avenues for children to express their views and be heard in matters affecting them, whether within family law proceedings, education policy, or local governance. Such measures reinforce the child's agency as a rights-holder rather than merely a passive recipient of adult protection [2].

The relationship between international and national legal frameworks for children's rights is dynamic and interdependent. International law provides both a standard for national legislation and a mechanism for accountability. Many countries periodically report to international bodies, such as the UN Committee on the Rights



of the Child, on their progress and challenges in implementing the UNCRC. Civil society organizations, children's advocacy groups, and the children themselves increasingly contribute to national and international monitoring, reporting, and policy development processes. Despite significant progress over the past decades, considerable challenges persist in the protection of children's rights. Issues such as poverty, discrimination, armed conflict, migration, digital dangers, and climate change present new and ongoing threats to the well-being of children worldwide. Legal frameworks must continue to evolve in response to these challenges, ensuring not only that rights are defined on paper, but that they are actively realized in practice [3].

Efforts to strengthen the legal protection of children often focus on closing gaps between law and implementation. This includes expanding access to justice for children, providing adequate resources for child protection systems, ensuring the participation of children and young people in decision-making, and regularly reviewing and updating laws to reflect emerging risks and rights. Education plays a fundamental role in promoting awareness and realization of children's rights. Both children and adults—parents, teachers, caregivers—should receive education on children's rights and responsibilities to foster a culture of respect and support within families, schools, and communities. Governments are encouraged to work with civil society, the private sector, international organizations, and, most importantly, children themselves, to develop holistic strategies that address complex and interconnected challenges. To summarize, the legal foundation for the protection of children's rights is rooted in a robust international legal architecture, notably the UNCRC, and complemented by a wide array of national laws and mechanisms [4].

CONCLUSION

Together, these frameworks seek to guarantee that every child can thrive in a safe, inclusive, and nurturing environment. The realization of children's rights depends on the ongoing commitment of governments, civil society, and the



international community to translate legal commitments into tangible actions and outcomes for all children, everywhere. The cause of children's rights stands at the intersection of law, society, and humanity. By maintaining strong legal protections and continually adapting to new realities, societies reaffirm their dedication to the welfare of children. Ensuring that the legal foundations for children's rights remain strong and effective is not only a matter of fulfilling international obligations; it is also a reflection of our shared values, our aspiration for justice, and our hope for the future.

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