



INTERNATIONAL LEGAL ASPECTS OF MINOR PROTECTION AND EXPERIENCE OF FOREIGN COUNTRIES

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-----ABSTRACT-----

This article describes the international legal aspects of juvenile health and the experience of foreign countries. It also provides feedback on the issue.

KEYWORDS: *Child health, health, protection, protection, international, law, physical, spiritual, holistic, convention.*

INTRODUCTION

Our country recognizes the priority of international law and the importance of international cooperation to improve the situation of children and protect their health. The legislation on youth in our country is based primarily on the national legal system and the universally recognized requirements of international law. Our country is a party to many international legal instruments directly aimed at ensuring the rights and freedoms of young people. In the 21st century, the international community pays special attention to guaranteeing human rights and freedoms. After all, human rights and freedoms are the highest value, as our President said. As a separate area of human rights, the issue of children's health, rights, and protection has been and continues to be the focus of the international community and international organizations. It is not in vain, of course, that while children are an important factor in the development of any society, their rights are often violated. Consequently, the inability of children to defend their rights independently also contributes to this. That is why various international organizations and special national institutions in some countries are working to protect the rights of the child.

The concept of the rights of the child logically stems from the basic ideas of the Universal Declaration of Human Rights. Its separate articles are dedicated to children. It states (Article 25), "Motherhood and childhood give the right to special guardianship and assistance. All children, whether married or unmarried, should enjoy the same social protection." Thus, while recognizing that children have equal rights over all the freedoms enshrined in the Declaration, the international community also recognizes the need for additional assistance and support for children.

MATERIALS AND METHODS

For a child to develop in personal harmony, he must be surrounded by love and kindness, in the family, around the people and loved ones he loves. The task of adults is to help the child to prepare for independent living, to become a full member of society, to create the necessary conditions for his physical and spiritual development. The development of the concept of human rights has led to the study of the rights of the child in a separate category. In the early twentieth century, child rights were, as a rule, derived from child labor, child trafficking, and juvenile prostitution.



In 1924, the League of Nations adopted the Geneva Declaration of the Rights of the Child. Thus, the international community has made several strong commitments to children, including guarantees of their survival, health, education, and protection [1].

The obligations of States to protect the health of minors are broadly and comprehensively reflected in the 1989 Convention on the Rights of the Child, adopted by the UN General Assembly. This Convention, which has been unparalleled in history, and its Non-Optional Documents provide a clear statement of the legal obligations of States to children. After the ratification of this Convention by all countries of the world in 1992, the protection of children became a moral and legal obligation.

Indeed, the need to strengthen the protection of the health of minors in legislation, the need to protect their rights, led to the adoption in 1924 of the Geneva Convention on the Rights of the Child. The next important step in this direction was the adoption of the Declaration of the Rights of the Child in 1959, which recognized the social and legal principles relating to the protection of children. It states that "a child needs special protection and care, taking into account his or her physical and mental development, including adequate legal protection before and after his or her birth." This international legal instrument consists of 10 rules (in the Declaration they are called principles), the recognition and observance of which will allow "to ensure a happy childhood for children."

The right to a decent standard of living envisages various forms of social support for the family, including the protection and support of the family, mothers, and children. According to Article 10 of the International Covenant on Economic, Social and Cultural Rights, protection and assistance to families, special measures to protect motherhood, special protection and assistance to children and adolescents, the prohibition of child labor in cases of harm to the child's physical or mental health or development enters. According to the Universal Declaration of Human Rights, all children born out of wedlock or out of wedlock must enjoy the same social protection.

The International Covenant on Economic, Social and Cultural Rights (December 19, 1966) further developed health standards, including Article 12:

1. States Parties to the present Covenant recognize the right of every human being to the highest level of physical and mental health.

2. The measures to be taken by States Parties to this Covenant for the full exercise of this right shall include the measures necessary for:

- a) Reduction of stillbirths and infant mortality and healthy development of the child;
- b) Improving all aspects of environmental hygiene and occupational hygiene in the industry;
- c) Prevention and treatment and control of epidemic, endemic, occupational and other diseases;
- (g) The creation of conditions conducive to the provision of medical care and medical treatment to all who are ill. "[3]

Some ILO conventions are related to health, healthy lifestyles, and the development of all. A worker could carry convention 127 on the maximum limit of cargo; Convention 115 on the Protection of Workers from Ionizing Radiation; Authoritative documents, such as Convention No. 148 on the Protection of Employees from Occupational Hazards Due to Air Pollution, Noise, and Vibration in Workplaces, are aimed at protecting the health of workers and employees.

Convention 115, for example, stipulates that all workers in radiation-related work undergo an appropriate medical examination at the time of employment. Workers and workplaces should be monitored to measure the level of exposure of workers to ionizing radiation of radioactive substances and to ensure compliance with established levels.

The International Labor Organization General Conference adopted Convention 148 on the Protection of Workers from Noise and Vibration in the Workplace on June 20, 1977, taking into account the 1953 Recommendations on Occupational Health, the 1959 Recommendations on Occupational Health Services and a number of conventions. It states that measures should be taken to prevent and limit occupational hazards caused by air pollution, noise, and vibration, as well as to protect against these hazards. Entrepreneurs are responsible for the non-implementation of prescribed measures. Article 2 of the Convention states: "The health status of workers who are or may be exposed to occupational hazards due to air pollution, noise or vibration in the workplace shall be monitored by the competent authorities during the relevant period. Such supervision shall include pre-employment medical examinations and periodic inspections in the manner prescribed by the competent authority."

The analysis of international legal practice allows us to conclude that in recent years, international cooperation to adequately support the quality of the environment is becoming increasingly important. Some forms of environmental impact, such as some types of pollution of the atmosphere and international rivers, pollution of the Pacific Ocean is global in nature and affect the interests and health of everyone wherever they live.



It should be noted that global organizations pay great attention to health because concern for the health of children also affects the political and economic life of society as a whole.

Special aspects of the principle of protection of motherhood and childhood, protection of the rights of adolescents are highlighted in a number of ILO conventions. ILO Convention No. 103 on the Protection of Motherhood provides for a minimum of 12 weeks of maternity leave, of which at least 6 weeks is for the postpartum period. An order dismissing a woman during maternity leave is illegal. In the ILO Convention 117 on the Main Goals and Standards of Social Policy and in a number of conventions on the minimum age limit for employment (№ 10, 15, 58, 59, 60, 112, 123, 137), the minimum age for employment is determined. For agriculture, it is 14 years, in other cases - 15 years. The 90th Convention on the Night Work of Adolescents in Industry prohibits the involvement of young people under the age of 18 in such activities.

The traditional approach to human rights states that human rights protect the individual from the state [4].

This doctrine was developed at a time when international business was not yet visible and international economic development was relatively weak. It is therefore desirable that international law improve and expand this traditional approach. The most important task is for states to fulfill their international human rights obligations, which are based on human dignity, and equality is calculated [5]. Such a historical approach of international law to the regulation of interstate relations has led to a tendency to transfer rights and obligations to international non-governmental organizations [6]. For example, the UN has the right to file an international lawsuit on behalf of an international agent who has been injured in the line of duty. Or military groups are prohibited from involving young children in corporations [7], and so on. [8]. In international law, a new type of such non-liability of entities arises in two ways. The first implies a curved liability arising from the horizontal application of international law, while the second implies a liability arising from the application of international norms that are indirectly related to non-governmental organizations.

According to Article 11 of the International Covenant on Economic, Social, and Cultural Rights, everyone must be provided with adequate food, clothing, and shelter, and his or her living conditions must be constantly improved. Emphasizing that "everyone has the fundamental right to freedom from hunger," the Covenant obliges the state to take the necessary measures to improve the methods of production and distribution of food and to make more efficient use of natural resources. ILO Convention 117 on the Basic Goals and Standards of Social Policy takes into account the basic needs of working families, such as food and their caloric content, housing, clothing, health care, and education, in determining the subsistence minimum [9].

RESULTS AND DISCUSSION

The right to an adequate standard of living and the right to improve living conditions also include the highest right to physical and mental health. States, in accordance with Article 12 of the International Covenant on Economic, Social and Cultural Rights, shall provide for them by preventing stillbirth and reducing child mortality; improving all aspects of the external environment and occupational hygiene, treatment, and control of epidemic, occupational and other diseases; providing medical care to all, creating conditions that provide medical treatment when sick.

The right to health care is guaranteed by the Constitution (which provides access to free medical care in state and municipal health facilities) and other regulations and federal programs.

The legislation defines the basic principles of public health. They are: 1) observance of human and civil rights in the field of health care; 2) prioritization of preventive measures; 3) universality of medical and social assistance; 4) social protection of citizens who have lost their health; 5) responsibility for failure to ensure the rights of public authorities, departments, enterprises, institutions and organizations, officials, regardless of the form of ownership, to protect the health of citizens, concealment of facts and circumstances threatening human life and health. The state provides citizens with protection from any form of discrimination due to the presence of any disease in them.

International protection of human and socio-economic rights and the goals and objectives of the United Nations (including improving living standards, full employment, economic and social development, addressing international economic, social and health issues), the Economic and Social Council (ECOSOC) has been established and is functioning to promote respect for and observance of human rights on a global scale.

In addition, in many countries around the world, the issue of child health protection is legally enshrined. In particular, in 2009 in the Russian Federation Amendments and additions were made to the Law on Basic Guarantees of the Rights of the Child, which stipulates the obligations of state bodies, local authorities and parents to bring up children in a healthy and spiritually mature manner, as well as, access to bars, Internet and computer halls, places of entertainment, restrictions on public transport and the introduction of administrative liability. The German Law on the Protection of Youth of 23 July 2002 also addresses issues related to the health of the child.

In some foreign countries (USA, France, Germany, etc.) the places of sale of alcoholic beverages that affect the health of the child are limited, and the entry of minors into places where alcoholic products are sold



and consumed is prohibited. In the UK, the sale of alcohol is allowed from 8 am to 9 pm. In Ireland, bars selling these drinks are banned from entering after 9 pm.

CONCLUSION

Analyzing the content of the above international legal documents, it is possible to distinguish the following basic and important rights of children related to health: 1) The child has the right to life and healthy development; 2) The child has the right to protection from physical and mental abuse, exploitation, insult, negligence or abuse, regardless of the form of the parent, legal guardian or any other person in the custody of the child; 3) A child separated from his family has the right to special protection and assistance provided by the state; 3) The child has the right to live at the standard of living necessary for his physical, mental, spiritual, moral and social development. Children with certain deficiencies in physical or mental relationships should live a full and dignified life with conditions that ensure their dignity, build their self-confidence, and facilitate their active participation in society; 4) The child has the right to health and social security, including social insurance; 5) The child has the right to protection from economic exploitation and from the performance of any work that may endanger his health or harm his physical, mental, spiritual, moral and social development; 6) The child has the right to protection from all forms of sexual exploitation and sexual misconduct; 7) States shall ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment; that no child shall be arbitrarily or unlawfully deprived of his liberty; ensure that every child deprived of his or her liberty receives legal and other appropriate assistance; 8) States must respect and respect international human rights in respect of children who have fallen into the hands of armed conflict. States shall take all necessary measures to ensure that children under the age of 15 do not engage in armed conflict.

In conclusion, today a number of positive achievements have been made in the protection of children's rights at the international level.

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