



THE LEGAL STATUS OF MINORS AND INTERNATIONAL LEGAL PROTECTION MECHANISMS

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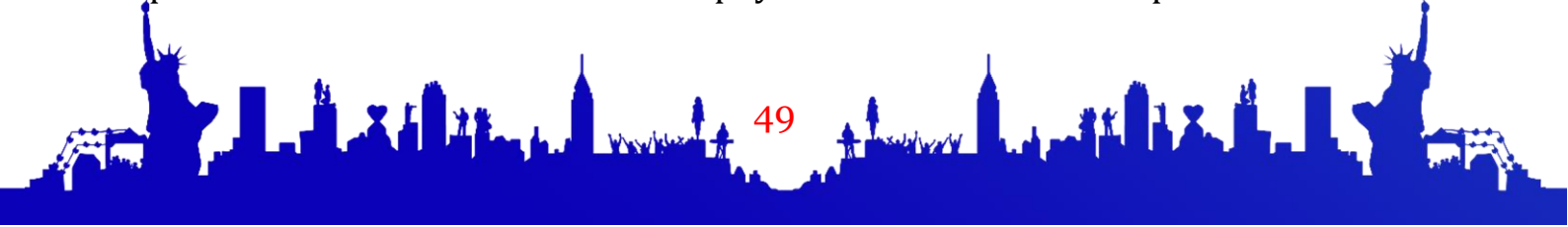
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Abstract: The article analyzes the system of international protection of the rights and interests of minors as an integral part of the field of human rights. The historical, social, and legal foundations of the development of the international legal institution of children's rights are clarified. The stages of the evolution of the international human rights protection system since 1945 are examined, particularly the 1948 Universal Declaration of Human Rights, the 1966 International Covenants, and their connection to children's rights. The processes of specification and specialization of international human rights instruments since the 1980s are analyzed, along with the content and significance of the 1989 Convention on the Rights of the Child, the 2000 Optional Protocol, and the 1993 Hague Convention. Furthermore, the role of institutional mechanisms in the international human rights protection system, their effectiveness, and the process of improvement are studied.

Keywords: International law, human rights, children's rights, convention, declaration, optional protocol, institutional mechanisms, international protection, minors.

Protection of the rights and interests of minors is one of the most relevant and priority areas in the field of human rights today. Considering their natural biological and psychological developmental stages, children need more social protection, care, and adapted legal mechanisms than adults. Therefore, in modern international legal practice, a comprehensive system of international legal norms aimed at ensuring the rights of minors has been formed, which is enshrined in relevant international conventions, declarations, optional protocols, and other regulatory legal acts.

These legal mechanisms are primarily aimed at creating conditions for the full and harmonious development of children as individuals, protecting them from any exploitation, violence, discrimination, and threats. In particular, the Declaration of the Rights of the Child, adopted by the UN General Assembly on November 20, 1959, recognizes that children need special care and special legal protection due to their insufficient physical and mental development. Based on





this principle, states implement coordinated measures both within the national legislative system and at the international level.

In this regard, the Convention on the Rights of the Child, adopted in 1989, occupies a special place. This Convention guarantees the rights of children to life, development, expression of opinions, education, health and protection from exploitation and obliges states to exercise these rights. At the same time, the 1993 Hague Convention on the Protection and Cooperation of Children in International Adoption is also one of the important legal foundations, ensuring the priority of the interests of the child in international adoption processes and preventing cases of illegal adoption.

The Optional Protocol[2], adopted in 2000 and supplementing the Convention on the Rights of the Child, also establishes international legal obligations to combat child trafficking, child prostitution, and child pornography. This document requires states not only to take strict measures against these types of crimes, but also to rehabilitate and provide comprehensive assistance to affected children.

It should be noted that the protection of children's rights is considered by the international community as one of the main principles of human development, and the international legal documents adopted in this direction serve to bring the domestic policy and legislative system of states into line with international standards.

Since 1945, the process of protecting human rights at the international level has been developing gradually, and this evolutionary process includes several historical stages. This classification was developed by Professor S.V. Chernichenko, who systematically outlined the main stages of the formation of international legal protection of human rights in his work "Theory of International Law"[3].

Since 1945, the evolution of the international protection of human rights has included several stages. This staging was developed by Professor S.V. Chernichenko, who systematically analyzed the process of formation of international legal protection of human rights in his scientific work "Theory of International Law."

In particular, the first stage covers the period from 1945 to the beginning of the 1980s. The main feature of this period is characterized by the collection of international human rights standards and their definition in the form of general principles. This process began with the adoption of the United Nations Charter in 1945. In the UN Charter, a special place is given to the principle of respect for





human rights, and paragraph 3 of Article 1 of the document defines one of the main goals of the organization as "implementation of international cooperation in promoting and developing respect for human rights and fundamental freedoms, regardless of race, gender, language, and religious beliefs."

These principles created the conceptual basis for the protection of human rights within the framework of international law. At this stage, the next important step towards the systematic legal strengthening of human rights is the Universal Declaration of Human Rights[4], adopted by the UN General Assembly in 1948. This declaration defined the list of fundamental human rights, their essence and content. Although this document has a non-binding legal character in its content, it has had a great influence on the formation of customary international law.

Subsequently, the 1966 International Covenant on Civil and Political Rights[5] and the International Covenant on Social, Economic and Cultural Rights[6] granted legal status to the rights outlined in this declaration. Thus, the above-mentioned three main documents: the 1948 Declaration, two international pacts of 1966 are recognized as a "Collection of Declarations of Human Rights" in the field of human rights and form the basis of the modern international human rights system.

The next stage of development at this stage is characterized by the process of further legal deepening and concretization of previously formed general principles in the field of human rights. In particular, by the 1980s, more than 80 international treaties covering current areas of international human rights application and specialized in this field were developed, which serves as one of the main features of this period. This clearly indicates the formation of a system of basic regulatory and legal standards for the protection of human rights in international law. Such a comprehensive package of documents has created a legal framework covering everything from civil and political, socio-economic and cultural rights to the rights of women, children, national minorities, persons with disabilities, refugees, and other social groups in need of special protection. In this regard, this stage, along with the legal formation of the universal, regional, and sectoral regulatory framework on human rights, has become an important turning point in their practical application and the formation of an international monitoring system.

Professor S.V. Chernichenko described this process as a stage in the international systematization of human rights, while L.V. Pavlova assessed it as a





qualitatively new stage within the framework of the modern evolution of international human rights protection[7].

We partially agree with the main conclusions put forward in this approach. Indeed, by the 1980s, the regulatory framework for the protection of human rights at the international level had significantly developed. In particular, the development and adoption of numerous international treaties comprehensively covering human rights have made it possible to concretize and adapt universal principles in this area. This, in turn, contributed to the formation of a system of standards regulating human rights within the framework of international law. It should also be noted that at this stage, special attention was paid to clarifying the legal status of women, children, refugees, persons with disabilities, minorities, and other social groups.

However, we are cautiously approaching the assessment of this period as a position expressing a firm conclusion that "the system of basic international human rights standards has been fully formed." Because the increase in the number of international documents does not automatically ensure their practical effectiveness and impact. The universality and degree of implementation of certain conventions, as well as the effectiveness of monitoring mechanisms, raise certain questions. In addition, the non-ratification of important international documents by some states or their adoption with restrictions also affects the consistency and real global coverage of this system.

Therefore, considering this stage as an important historical stage that served to strengthen the international legal protection of human rights, we consider it relatively conditional to consider it as a complete, final system.

At the stage of institutional development, institutional measures and mechanisms aimed at improving the system of international protection of human rights were intensively developed. In particular, the activities of specialized international organizations in the field of human rights, as well as contractual and non-contractual regulatory bodies, have been systematically expanded. The introduction of such mechanisms as international monitoring, reporting, expert evaluation, and consideration of individual complaints within the framework of these institutions has contributed to the real protection of human rights at the international level.

The formation of this institutional system played an important role in strengthening the theoretical and practical foundations of effective protection of human rights within the framework of international law. The intensification of the activities of such bodies as the UN Treaty Committees on Human Rights, the





European Court of Human Rights, and the American Commission on Human Rights is a clear manifestation of development trends in this area.

At the same time, this institutional evolution cannot be considered complete. Because modern global problems, regional conflicts, and the complication of human rights violations require constant improvement of the existing system. Therefore, the institutional foundations of mechanisms for the protection of human rights at the international level remain at the stage of active development to this day, and the efforts of the international community in this direction are consistently continuing.

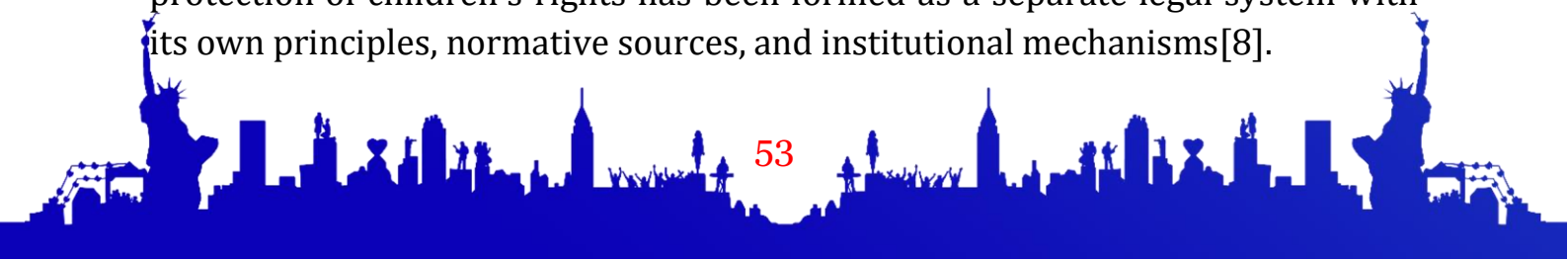
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The system of protection of children's rights at the international level is recognized as an integral part of the sphere of international protection of human rights. Therefore, the general principles and basic international legal norms of human rights protection will be fully applied to this area. However, the separation of children's rights into a separate independent sphere in the international human rights system is justified by a number of objective historical, social, and biogenetic factors.

First of all, historically, the social status of children was often underestimated compared to the rights of adults, and the legal status and social protection of children were often ignored. Therefore, the regulatory legal mechanisms adopted to strengthen children's rights at the international level are primarily aimed at recognizing them as equal people and ensuring equal opportunities with adults.

In addition, the physical and mental immaturity of children necessitates the introduction of special legal mechanisms that serve to protect them from social disadvantages. That is, children occupy a firm place in international law not only as subjects of universal human rights, but also as a special category with specific needs and opportunities. On this basis, additional guarantees for children, special protection mechanisms, and norms aimed at protecting them from exploitation, violence, and indifference have been developed.

This approach has found its scientific and legal basis in the theory and practice of international law, and leading researchers in this field consider the international protection of children's rights as an independent institution of international law. In particular, according to O.M. Starovoitov, the international protection of children's rights has been formed as a separate legal system with its own principles, normative sources, and institutional mechanisms[8].





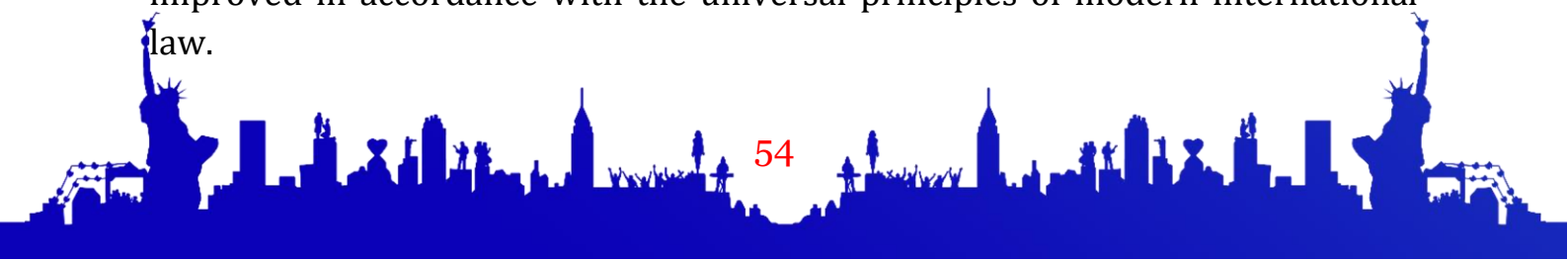
Indeed, the international protection of children's rights has already formed as an independent institution in the modern international legal system, which has its own set of principles, normative foundations, and institutional mechanisms. This approach is justified not only theoretically, but also practically, recognizing the need for a special legal approach to children.

Due to their physical and mental immaturity, children need special protective mechanisms to be on equal terms with adults. This led to the creation by the international community of special conventions, protocols, and monitoring systems aimed at ensuring their rights. In this context, we fully support the need to recognize children's rights as an integral part of the human rights system, based on general principles, as an independent legal institution adapted to their needs.

In particular, the opinion put forward by O.M. Starovoytov - the conclusion about the formation of children's rights as an independent institution in international law - is consistent with our point of view and is directly confirmed by the system of legal norms specific to this field, the activities of specialized international bodies, and the content of legal sources.

Thus, the international legal protection of children's rights has been formed as an important and independent institution in the modern system of international law, which, while being an integral part of the system of universal protection of human rights, has become a special sphere with its own regulatory framework, principles, and institutional mechanisms. Since 1945, the international regulation of human rights has been gradually improving, especially after the 1980s, the concretization of legal documents in this area has created a qualitatively new stage in this area.

The physical and psychological immaturity of children, their need for protection from exploitation and indifference, as well as the need to achieve social equality, have made the introduction of special international legal mechanisms for this category an objective necessity. While fully supporting the approach put forward by O.M. Starovoitov, it should be noted that the international protection of children's rights as an independent legal institution has been formed not only theoretically, but also practically, effectively functioning on the basis of existing conventions, optional protocols, monitoring mechanisms, and international cooperation. Thus, the measures taken by the international community to ensure the rights of children are being consistently improved in accordance with the universal principles of modern international law.





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