

ABOUT PROTECTING THE RIGHTS OF CHILDREN AND YOUNG PEOPLE IN THE LAWS OF DIFFERENT COUNTRIES

Elena PEVTSOVA, Prof., PhD, Vice-Rector,
Russian University of Cooperation
E-mail: pevtsova@bk.ru

JEL classification: K36, K33

Abstract

The article in the historical context discloses peculiarities of conception of protecting the rights of children and young people in Russia and other countries of the world. The author has drawn the conclusion that the present system of protecting the rights of children and youth should be designed in a new way: independent state function of cultivating sense of justice is very important, in the framework of which system activities of monitoring legal consciousness of society are necessary to reveal its flaws, to work out corrective action plan to eliminate them, to prevent from violations of children and young people rights and, if necessary, to ensure their most effective protection.

It is important to codify numerous law norms to protect the rights of children and youth, to strengthen measures of professional responsibility of persons involved in legal education. It is necessary to develop the law „On the organization of legal education and prevention of infringements of law among children and youth”, which is to consolidate measures on maintaining the legal activity of this category of persons, their socially significant initiatives. Persons enrolled in schools are in need of special protection. Development of normative legal acts relative to the law and aimed at protecting students is effective in case of consolidation in the State Basic Law of constitutional and legal status of a child of school age, and which is not identical to status of a capable citizen. Protecting the rights of children and youth will be effective only if there is a high level of legal awareness and legal culture of the society.

Keywords: *the rights of children and youth, legal status of a child, legislation concerning children and youth, legal education of children and youth, function of the state cultivating sense of justice.*

1. Introduction

Actuality of the topic is determined by the fact that, firstly, in the Russian legal science the problem of understanding and developing effective ways of protecting the rights of children and young people is not treated as an independent element of the legal system, there are no clear categories characteristic of it, which leads to the substitution of a conceptual approach by empiricism [4, 6, 11, 15, 18, 19]. It is often said either about children's rights or the rights of young people, violating the principle of continuity of the legal status of this category of persons. Meanwhile, the successful functioning of the state depends in many respects on the state of joint rights of children and young people, on developing effective mechanisms to ensure their protection, which requires up-to-date scientific justification for their apprehension on the part of legal science. Secondly, many of the new legal acts, the number of which has increased under legal reform and modernization of education, are difficult to implement due to the underdevelopment of certain acts aimed at supporting children and young people. There is decrease in the educational component of the legislation, though laws play an important educational function, and laws do not solely rely on state coercion but persuasion as well.

2. Degree of investigation of the problem at present

The rights of children and young people are an integral part of human rights recognized by Russian legal science for several centuries. Nowadays they are embodied in the normative legal acts regulating the most diverse spheres of life: education, culture, public health, labour, and many others. This proves that the legislation on children and youth in Russia is not associated with any one branch of the law and does not stand out as a branch of the legislation, it includes the norms of constitutional, civil, labor, criminal, criminal procedure and other areas of law.

From the standpoint of the theory legislation on children and young people can be viewed as a set of normative legal acts regulating the relations where one of the parties are children and youth (persons under 18 years of age, young citizens up to 25 years, youth and children's public organizations, business organizations with predominantly youth team of workers, young families, and so on). The study of the law protecting the rights of children and youth, as well as their practical implementation allows to conclude that the abovementioned normative legal acts must be comprehensively integrated, codified in order to ensure uniform and continuity approach to effective legal regulation of fundamentally important relationship between those who the Future of the state belongs to.

Legal practice shows that the rights of children and young people are more often applied to when their violation or infringements of law are stated, when the negative consequences of the offense manifested themselves.

Meanwhile, from our point of view, the rights of children and youth rights should be considered, with emphasis on the educational effect of law. This approach will allow the legislature to prevent the violation of the rights of children and youth, to implement the principle of mutual responsibility of the individual and the state.

The results of the educational process are not immediately obvious, but they create a strong foundation for the future development of the rule of law.

3. Methods and materials applied

Study of the identified problem was carried out by using the following methods: logical, comparative, historical, sociological and quantitative. The mentioned methods were used in the analysis of legislative and normative acts, national and international ones, regarding the protection of the rights of children and youth, synthesis of actual state of affairs in the field existing in the Russian Federation.

4. History of developing law on of children's and youth rights

Formation of the rights of children and young people is associated with the history of human rights in general. With certain reservations emergence of ideas about the specific rights of children and young people can be dated from the V-VI centuries BC. They have evolved in parallel with the theories of universal human equality, as reflected in the Magna Carta (1215), the Petition of Right (1628), Habeas Corpus Act (1679), the Bill of Rights (1689); Virginia Declaration of Rights (1776), the Declaration of Independence of the United States of America (1776), the US

Constitution (1787), the Bill of Rights (1789-1791); the French Declaration of the Rights of Man and Citizen (1789), the Universal Declaration of Human Rights (1948).

Initially, the rights of children and young people as an independent direction in the theory and practice of human rights was not singled out, their regulatory consolidation was carried out in a class-limited version. Decisive stage was the bourgeois-democratic revolutions in XVII-XVIII centuries, which resulted in recognizing the universal nature of the rights of children and young people from different social strata. The terms „child” and „young man” for a long time remained uncertain in the law and in need of protective measures and guarantees on the part of the law and the state [2].

In the early twentieth century, the rights of children tend to be viewed in the context of the problems of child labour, child trafficking. Up to 20-ies of the twentieth century different countries passed some legal acts aimed at the protection of minors in the sphere of Labour. Initially, concern for children and young people in European countries was realized as „one of the directions of the Christian assistance to the poor”. Eventually it came to be regarded as part of the state system of prevention of conflicts in society. Surveillance system for children and youth was also being developed. A number of law acts were aimed at reducing the scope of youth occupational injuries and preventing the growth of juvenile delinquency. Along with the development of legislation enforcement practice is formed (in the framework of the courts).

The need for legislation to protect the health of children, and their rights impelled the League of Nations to adopt the Geneva Declaration on the Rights of the Child in 1924.

Since the 20-ies of the twentieth century there have been two systems of state regulation of relations concerning children and youth, which were significantly different in concept and mechanisms. One of them was formed in Germany during the Weimar Republic. It is based on the ideas of social pedagogy- primarily on postulate of individual freedom of the child - and the rule of law. In 1922, the Weimar Republic enacted laws on youth welfare - a comprehensive legal act containing regulatory consolidation of state responsibilities for securing labour and other social rights of the young man. The law was repealed in the years of fascism and then revived in the jurisprudence of both emerged after World War II German states - East and West Germany: in 1949 West Germany renewed the Act 1922 with the adjustment of a number of provisions (subsequently amended versions of the Act on the welfare of young people were passed in 1953, 1977, 1986), in 1950 in East Germany there was passed the Law on Youth (subsequent laws on Youth were passed in 1964 and 1974). After the unification of Germany in 1990 a new law on assistance to children and young people was enacted. It covered the issues of employment, social security, family relations. Special rules began to regulate the state support of youth organizations.

In Soviet Russia, one could see a different approach to the development of legislation on children and youth. This process was influenced by the activities of Vladimir Lenin. For example, after the III Congress of RKSM (02/10/1920), the youth public organization - the Young Communist League (RKSM) acquired special powers to represent the interests of young people and became an important element of social and state system. Youth policy of the Communist Party was enshrined in legislation.

The next important step was the adoption in UN in 1959 of the Declaration of Rights of the Child, which proclaimed social and legal principles relating to the protection and welfare of children. It noted that „the child, by reason of his physical and mental immaturity, needs special safeguards

and care, including appropriate legal protection, before and after birth as well". The document consists of 10 provisions (principles, as they were called in the Declaration), the recognition and observance of which should allow „to provide children with a happy childhood".

The end of the twentieth century becomes crucial in the development of legislation on children and youth. For example laws on social protection of young people were passed in Austria, Afghanistan, Greece, India, Spain, Italy, China, the Netherlands, Turkey, Finland and Sweden. Many countries established public authorities for Youth, national programs were adopted. Measures for the development and passing of legislation on youth were deemed necessary at the intergovernmental level.

At present, the concepts of the legislation on youth differ on the role of the state in ensuring the rights of young people. The concept implemented in the US is based on the minimum participation of state structures in the socialization of young people. Social support for young people is concern of charitable private organizations. By contrast, the model, typical for Sweden, Finland and other countries, by contrast, is based on the special role of the state, strict regulation by law of measures to support young people and youth organizations. Between these models, there are many transitional options.

In Russia (USSR), the working out draft of Law on Youth (1987-1991) was conducted in conditions of acute ideological and political struggle in the Soviet society. The development team suggested that not special rights of young people should be consolidated in the law, but the State's obligation to support the young person through the adoption of special measures of economic, legal and organizational character. This provision is important both in social and in legal sense, as widely spread in society the idea of creating the Youth Act contradicted the prevailing sector structure of law and the firmly established hierarchy of normative legal acts. That is why, the task of improving the legislation on young people is not how to build a „code of human rights for the young man", but in the establishment of principles and guarantees for the realization of state youth policy in the country. The existing problems showed that some declarative principles were not enough [5, 7, 8, 13, 14, 17]. It was necessary to have documents, in which measures and ways of protecting children's rights were fixed on the basis of legal norms. To this end, in 1974, the Declaration on the Protection of Women and Children in Emergency and Armed Conflicts was adopted, in 1986 there was adopted the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Fostering Placement and Adoption on national (host family - compatriots) and international (host family - foreigners) levels.

For 10 years (from 1979 to 1989), experts from many countries participating in the UN Commission on Human Rights, had been developing the text of the new provisions on the rights of the child, which would be the best to take into account all aspects of the child's life in society. This document is called the Convention on the Rights of the Child, and was adopted by the UN General Assembly on November 20, 1989.

Under the Convention, the basic principle of the protection of children's rights is the recognition of the priority of children's interests. The most prominent is the requirement of special public concern about the socially vulnerable groups of children: orphans, the disabled, refugees, etc.

In accordance with these principles: the child has the right to life and development; the child has the right to preserve his or her identity, including nationality, name and family relations; the child has the right to liberty, freedom of thought, conscience and religion. This right includes the

freedom to express their opinions orally, in writing or in print, in the form of art, or through any other media of the child's choice; child has the right to protection from all forms of physical or mental violence, exploitation, abuse, neglect or ill-treatment on the part of parents and legal guardians or any other person who has the care of the child; the child deprived of a family environment is entitled to special protection and assistance provided by the state; the child has the right to a standard of living adequate for physical, mental, spiritual, moral and social development. Mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in society. The child has the right to health and social security, including social insurance. The child has the right to education, which should be directed to the development of the personality, talents and mental and physical abilities to their fullest potential, moral and social development. States undertake to respect and abide by international humanitarian law concerning children in armed conflict zone. States shall take all feasible measures to ensure that persons under the age of 15 years do not take direct part in hostilities. Recognizing the child a separate legal entity, the Convention sets States the task of preparing the child for an individual life in society, educating him in „a spirit of peace, dignity, tolerance, freedom, equality and solidarity”.

In contrast to the Declaration of the Rights of the Child, which simply proclaimed certain principles, the Convention has established minimum standards for moralities and law. These rules are binding on all countries which ratified the Convention. The Convention is the first international instrument in which the rights of children are most fully set forth: not only economic, social and cultural, but civil and political rights as well. Another important feature of the Convention is that for the first time the rights of children acquired the force of international law.

Dialogue between international expert community, national and international organizations to protect the rights of children and young people was carried on outside the UN - on special international meetings. Thus in 1990, the World Declaration on the Survival, Protection and Development of Children was adopted in 1990-s. In addition, a plan of actions for the implementation of this document was produced. It included practical measures aimed at:

- Improving the lives of children and increasing their chances of survival by way of bigger access to health care for women and children;
- Reducing the spread of preventable diseases;
- Creating more opportunities for education;
- Solving the food problem; protection of children in emergency zones.

For example, one of the main goals of the World Declaration of 1990 was to reduce by 2000 the death rate of children under 5 years by one-third. Globally, this ratio was reduced by only 14%, but more than 60 countries reached the desired result. The number of reported cases of child malnutrition in developing countries was reduced by 17%. The situation with drinking water was improved: from 1990 to 2000 another 816 million children got the opportunity to use high-quality drinking water. Significant progress was made in the field of education: the number of pupils in primary schools was increased, many countries extended the period of basic schooling, and the longer is the duration of compulsory education, the higher is the minimum age at which children are allowed to work.

USSR Law „On general principles of the state youth policy in the USSR” (1991) showed a fundamentally new approach. At the end of the 90s of the twentieth century there arose a need to consolidate the following priorities for young people: the observance of the rights of young

people; guarantees for young people in the sphere of labour and employment; promotion of youth entrepreneurship; state support for young families; guaranteed provision of social services; support of talented youth; creation of conditions aimed at physical and spiritual development of young people; support of youth and children's associations; promotion of international youth exchanges.

The Federal Law of 24 July 1998 N 124-FZ „On Basic Guarantees of Child Rights in the Russian Federation”, in which there are significant changes [20], reflects the thesis of the modern concept of the state youth policy in the most consistent way, but only for those young people who have not come of age. Attempts (since 1997) to adopt the Federal Law „On State Youth Policy of the Russian Federation” ended in failure (the new membership of the State Duma in 2000 could not overcome the presidential veto on the law, adopted in 1999).

Important in the process of institutionalization of the rights of young people in our country and ensuring the conditions for its development were targeted federal programs, such as „Youth of Russia”.

At the level of the Russian Federation legislation on youth represented by the laws of the youth of the state youth policy of the state support of youth and children's organizations, and others. Such regulations adopted in more than 40 regions of Russia (in the republics of Bashkortostan, Tatarstan, Tuva, in the Khanty-Mansi Autonomous District, Volgograd, Moscow, Orenburg, Saratov, Sverdlovsk and others).

However, the most important problems in the field of children's rights are still unresolved. Every year more than 10 million children die, although in most cases they could be prevented; up to now 100 million children (60% of them – girls) do not have the opportunity to attend school; 150 million children suffer from malnutrition; AIDS virus spreads among children with catastrophic speed. There is persistent poverty and discrimination; social services are underfinanced. Millions of children are still suffering from the exploitation of their labor, child trafficking and other forms of abuse and violence.

To successfully solve these issues the General Assembly of the United Nations in May 2002 adopted a declaration World Fit for Children, which defines the basic principles for further developing the system of children's rights protection around the world, as well as an action plan for its implementation.

The main provisions of the declaration can be divided into three groups:

- Creating the most favorable conditions at the initial stage of life for all children (this includes issues of child mortality, nutrition, health care, development of social services, etc.). Particular attention is given to HIV-infected children and to prevention of the spread of the virus among children and youth;
- Provision of quality basic education for all children;
- Ensuring that all children, especially adolescents have opportunities for active participation in the life of their communities (opportunities for active participation in society of children with disabilities, the creation of state systems and programs which allow them to get education, profession, to go to public places, to participate in cultural and social life of society).

In Russia, in accordance with international documents foundations for national legislation to protect the interests of children have been created. For example, the Federal Law of 24 July 1998 N 124-FZ „On Basic Guarantees of the Rights of the Child in the Russian Federation” was passed; there were developed the basic directions of the state social policy to improve conditions for

children in the Russian Federation until 2000 (National Action Plan for children), approved by presidential decree of September 14, 1995 N, and the Action Plan for improving conditions for children in the Russian Federation for 1998-2000, approved by the decree of the Government of the Russian Federation of December 18, 1997 N 1565.

Along with the applied federal laws, special acts, defining the rights of the child have been enacted. In particular, the National Action Strategy for Children for 2012 – 2017 was adopted in accordance with the Decree of the President of the Russian Federation dated June 1, 2012 N 761. This document provides a detailed analysis of the situation of children in the country and identifies tasks that require immediate solution. In particular, it stresses that the Constitution of the Russian Federation guarantees state support for family, motherhood and childhood. Having signed the Convention on the Rights of the Child and other international acts in the field of ensuring children's rights, the Russian Federation expressed its commitment to participate in the efforts of the international community to foster an environment comfortable and benevolent for children.

The main goal of the National Strategy is to identify the main directions and tasks of the state policy in the interests of children and the key instruments for its implementation, based on the universally recognized principles and norms of international law.

For the last decade, providing a safe and secure childhood has become one of the major national priorities in Russia. The instructions of the President to the Federal Assembly of the Russian Federation set targets for the development of a modern and efficient state policy in the field of childhood. Childhood problems and the ways of their solution are reflected in the Concept of Long-Term Socio-Economic Development of the Russian Federation for the period until 2020 and in the Concepts of Demographic Policy of the Russian Federation for the period up to 2025. However, it should be recognized that the legislation on youth is exposed to considerable criticism in the sociological and law literature. As part of the current debates on the state youth policy and legislation on youth the most significant are: arising the question of the systematization of legislative work in this area at a specific conceptual framework, the development of ideas about public youth policy, the promotion of a new concept of „young people's rights”. The peculiarities of the situation with young people increasingly demand to consider their rights not as a collection of individual positions, but as an expression of group properties defined by social status and by the projected life trajectories of children and youth.

5. The essence of the rights of children and youth

The rights of children and young people differ in the time of their origin (in terms of generations of human rights), in spheres of life activities (politics, economy, culture, etc.). They are considered from the point of view of existing classifications, paying special attention to personal, political, economic, social and cultural rights. In this case, the basis for them are individual rights aimed at protecting health of the new generation, at providing a safe environment during service in the army, measures to prevent crime.

The modern literature identifies a number of values of children and youth rights [1, 9, 10]. They are considered as:

- 1) the inherent properties of the individual, his/her freedom recorded in the norms of national and international law that provide the most significant opportunities for the development of above mentioned persons, and the protection of their interests as well;

2) (in the objective sense) the totality of the specific rights inherent to the obligations enforced by the state; (in the subjective sense) provided or not prohibited by law the opportunity for young people to act in a certain way, to commit or not to commit any actions.

Children and young people in the Russian Federation have a special constitutional and legal status. Its specific character, on the one hand, depends on the possibility of full and independent exercise of the rights, freedoms and responsibilities by subject on reaching a certain age, and on the other hand on the need to secure conditions and guarantees by the government for using them in full by this category of people.

You can find the constitutional rights and obligations of children and young people which have a one-time implementation, and are mainly used in a particular age. This is the right to receive basic general education, the right to replace military service with alternative civilian service, the obligation for doing of military service, the right to freely choose language of training and education.

It should be recognized that the state provides for special protection of children's and youth rights. In Russia, for example, there is a ban on the death penalty for people under 18 years of age; there are restrictions with regard to lifting weights, to working at night, according to labour law benefits are provided for those studying and working at the same time; compulsory educational measures are imposed on juvenile offenders, including transfer under supervision of parents.

State policy priority is: to involve children and young people in social practice and make them aware of the potential for development in Russia; to develop creative activity of children and youth; to integrate persons who find themselves in difficult situations in the life of society.

Extremely important is to support the activities and to appreciate achievements of children and young people especially in the socio-economic, socio-political, artistic and sports spheres; to involve into real life young people who are experiencing problems in the process of integration into the society. These primarily include the disabled, graduates of orphanages and correctional institutions, educational institutions of closed type, victims of violence, warfare, disaster, emigrants and migrants, persons released from prison, young people and families who find themselves in social risk position, the unemployed, people living with HIV and young people dependent on the use of psychoactive substances

Nowadays issues of institutionalizing juvenile law and juvenile justice, aimed at protecting young people, primarily children have become very important. Although even here both supporters and opponents of the separate allocation of special children's or youth legislation do not cease debate.

At present, there sprung a problem to support complex efforts to affect social relationships with participation of young people on legal grounds. These relationships are governed by different branches of Russian law: constitutional, civil, family, labor, administrative, criminal, penitentiary, civil procedure, criminal procedure, and others [3, 12, 16].

Thus, due to the fact that the youth belongs to the category of persons who much more often suffer from negative effects on the part of society, it needs special protection of their rights and legitimate interests. At the same time, special attention should exactly be paid to minors, those who still do not have enough life experience, and therefore socially vulnerable in a real complex legal surrounding.

Unfortunately, in most cases, legal acts, which are being adopted, have only declarative character, since there are no instruments for their implementation at both the federal and the regional levels.

In legal literature rights of the child are dealt with separately as the rights and freedoms that every child (a child is every person under 18 years) should have, regardless of any differences in race, sex, language, religion, place of birth, national or social origin, property, birth or other status.

Definition of the rights of the child logically follows the basic ideas of the Universal Declaration of Human Rights. Its separate article is devoted to children. It states that „Motherhood and childhood are entitled to special care and aid”. Thus, recognizing the equal right of children to all freedoms set forth in the Declaration, the international community recognizes the need for additional assistance and support to children.

Currently, at the level of legislation and policy documents, it is stipulated in Russia that for the harmonious development of the individual the child should be brought up in the family, among friends and loving people in the atmosphere of love and kindness. The task of adults is to help their child to be prepared for an independent life, to become a full member of society, to create conditions for child for normal physical and intellectual development.

Practical tool for solving many problems in childhood became the implementation of priority national projects „Health” and „Education”, federal target programs. A number of important laws aimed at preventing the most serious threats to children's rights were passed. New state and public institutions were established: the post of Commissioner of the President of the Russian Federation for Children's Rights, the institution of Commissioner for Children's Rights in a number of subjects of the Russian Federation, the Foundation for Support of children in difficult situations. Financing of social spending from the federal budget and the budgets of the subjects of the Russian Federation were increased, new measures of social support for families with children were taken. For the first time in Russia a large-scale nationwide information campaign to combat cruel child treatment was carried out, a single number confidential helpline was put into practice.

As a result of certain measures positive trends have taken shape: birth rate has increased, child mortality has decreased, the socio-economic status of families with children has been improved, access to education and health care for children have become more available, the number of children (children deprived of parents' care) adopted in families has increased.

However, the problems associated with creating a comfortable and friendly environment for children, retain their sharpness and are far from the final settlement. The number of children is decreasing. A large part of pre-school children and students in general educational establishments have a variety of diseases and functional abnormalities.

According to the Prosecutor General of the Russian Federation, the number of exposed violations of children's rights does not decrease. In 2013, more than 93 thousand children were crime victims. There is low rate of reducing the number of disabled children, orphans and children left without parental care. There are acute problems of teenage alcoholism, drug addiction and toxicomania: almost a quarter of the crimes are committed by minors while intoxicated.

The development of high-tech, country's openness to the world community and access to unlawful content in information and telecommunications network „Internet” (hereinafter - the network „Internet”) have led to vulnerability of children, aggravated the problems associated with child trafficking, child pornography and prostitution. According to the Russian Interior Ministry, the number of sites containing child pornography has been increased by almost a third, while the number of Internet materials themselves - 25 times. A significant number of sites dedicated to suicide, is available for teenagers at any time.

According to Rosstat data, in 2014 the share of poor among children under the age of 16 years exceeded the average poverty rate. Children between the ages of one and a half to three years, children from large and single-parent families and children of unemployed parents are the most vulnerable group.

The scale and severity of the problems in the sphere of childhood, new challenges, the country's future and its security should require from the authorities of the Russian Federation, local administration, and civil society to take urgent measures to improve children's conditions and their protection.

The main problems in the sphere of childhood include the following:

- The existing tools for ensuring and protecting the rights and interests of children are not effective enough, the failure to execute international standards in the field of children's rights.
- High Risk of poverty at the birth of children, especially in large families and single-parent families.
- Prevalence of Family trouble, severe treatment of children and all forms of violence against children.
- Low Efficiency of preventive work with vulnerable families and children, the prevalence of the practice of depriving of parental rights and prevalence of social orphanhood.
- Inequality between the subjects of the Russian Federation in relation to the volume and quality of services available for children and their families.
- Social exclusion of vulnerable children (orphans and children left without parental care, children with disabilities and children who are in social risk group).
- Increasing new risks associated with the spread of information that is dangerous for children.
- Lack of effective instruments to ensure the participation of children in public life, in deciding matters that affect them directly.

At present the key principles of the National Strategy are defined:

- 1) Implementation of the fundamental right of every child to grow up in a family.
- 2) Protection of the rights of every child.
- 3) Maximum development of each child development.
- 4) Securing health of each child.
- 5) Technologies of assistance focused on the development of internal resources of the family, the satisfaction of needs of the child with the support of the state.
- 6) Special attention to vulnerable children.
- 7) Ensuring professionalism and skill while working with each child and his family.
- 8) Partnership in the name of child.

In the Russian Federation childhood policies should be based on the technology of social partnership, social and professional expertise, implemented with the participation of the business community, through the involvement of non-governmental organizations and international partners to solving current problems related to securing and protecting the rights and interests of children. It is necessary to take measures aimed at creating a free market of social services, a system of social control in the sphere of provision and protection of children's rights.

National Strategy is developed for the period up to 2017 and is designed to ensure the implementation of the existing international standards in the field of children's rights, the formation of a unified approach by the government of the Russian Federation, local authorities,

civil society and citizens in the definition of goals, objectives, activities and priority measures to address the most pressing problems of childhood.

Nowadays, the Russian Federation requires designing an effective system of child protection, standards of ensuring protection of the rights of the child, the mechanism of the planned execution of the Convention on the Rights of the Child and the concluding remarks of the UN Committee on the Rights of the Child at the interdepartmental level. The federal coordinating executive body for working out and implementing the state children policies. Activities of the guardianship authorities to protect the rights and interests of children are in need of improvement.

6. Findings

The rights of children and young people should be considered as a single set of rights having priority for the development of the future state. The state is to ensure maintenance and protection of these rights by creating conditions for the development of standards. In its turn, the latter should provide a high level of legal education of the younger generation. They will be the basis for observance of and respect for human rights in general in the state.

Development of a democratic, legal and social state is impossible without independent function of cultivating sense of justice due to the close relationship of state and law. It is aimed at ensuring a high level of legal awareness and legal culture. Its important component in the implementation is activities on legal education of children and youth that will have a significant impact on the observance and protection of the rights of this category.

While working out regulations affecting the rights of children and young people, it is necessary to take into account a constructive approach to the sense of justice of children and youth we propose. It implies a systematic monitoring of the state of legal consciousness, which is understood as a set of quantitative and qualitative assessments of the sphere of directions, experience and motivation of justice. This will enable more clearly to work out and consolidate in rule-making ways and means of crime prevention, maintenance of lawful behavior of children and young people, protection of their rights.

The leading components in sphere of directions are relatively independent blocks: logical and normative, emotional and employing images and essentially volitional. Their condition first of all determines the level of legal awareness and legal culture. Under the transitional nature of the legal system these components of legal awareness may contradict each other, which determines the instability of legal behavior and requires systematic work on legal education.

Protection of the rights of children and young people depends on the legal culture of society. In the framework of this culture it is necessary to consider legal culture of children and youth separately. Unlike definitions of legal culture, cited in legal literature legal culture of children and youth (specific character of legal personality is taken into account) is defined as a type of legal culture of society, representing a degree of learning and practical application of legal values, perceived as succession of legal training and education.

In the development of systems of law complex institutions play important role of legal education with special requirements to those engaged in teaching and legal activities, and which generate appropriate conditions for legal regulating the process of developing sense of justice, which is the

most effective in educational legal relationship. Taking into account the specific character of educational legal competence of children which differs from the conventional understanding of legal capacity and legal competence in theory of law.

Improvement of legislation affecting the rights of children and young people, naturally implies a normative expression of the above theoretical model of justice and ways to implement it in the federal law „On the organization of legal education and prevention law infringements among children and youth”, securing measures to maintain the legal activity of this category of persons, their socially significant initiatives, legal activities within the framework of legal personality.

In order to systematize the legislation it is advisable to codify it taking into account that we have worked out standards of legal education institution, on basis of international standards for the protection of the rights of children and youth. It becomes absolutely necessary in this connection to have code „Children and young people”. Development of subordinate legal acts aimed at the development of legal consciousness of students will be effective in the case of consolidation in the Basic Law of the State of constitutional and legal status of children of school age, which is not identical to the status of a competent citizen.

Condition for the effective protection of children and young people is their socio-legal activity as a property of lawful behavior and activities in the field of law, which determines not only law abiding but law consistent behavior and activities of the individual. Its principal difference is the legal activity, respect for rights and law, objectively expressing the internal needs of the individual. Priority for the Russian government is to develop and implement a single integrated national program for improving the legal culture of children and youth on the basis of continuity and accumulated experience.

Such categories of people as the disabled, students of orphanage and correctional establishments, educational institutions of closed type, children of immigrants and migrants, persons released from prison, addicts, children, victims of violence or warfare, accidents, etc require special legal support. They need suitable targeted programs to involve them into active legal life and to prevent crime.

To solve the problems of protecting the rights of children and young people we need: new laws, a system of measures for their implementation and ensuring their efficiency, creating a system of monitoring the process of legal education and enlisting services of the general public.

Systematically organized implementation of the educational function of the state will allow for the prevention of violations of the rights of children and young people, to protect these categories of population and to create conditions for their successful legitimate activities in the future.

The issues raised in this article need further comprehensive development. Special attention should be paid to the study of constitutional and legal status of school youth, and to prevention of juvenile delinquency. To increase the legal culture the further expansion of research of the level of legal knowledge, skills, values, legal attitudes of adolescents becomes very important. The study of their legal psychology is of particular relevance. Among the issues to be further investigated we can mention such as the educational function of educational legislation; regulatory support of public organizations activities on legal education of citizens; formation of professional sense of justice in law schools.

REFERENCES

1. AFANASIEV, V. G. Consistency and society. - M.: 1980, p. 131.
2. BELSKY, K. T. Formation and development of socialist sense of justice. - M.: 1982.
3. BELSKY, K. T. Structure and function of legal sense of justice. - M.: 1996.
4. BORAX, N. A. Functions of public sense of justice. - Kiev: 1986.
5. BORAX, N. A. Public function of legal sense. - Kiev: 1986.
6. BUEVA, L. P. The social environment and the consciousness of the individual. - M.: 1968.
7. CHEFRANOV, V. A. Legal sense as a kind of social reflection. Kiev: 1976.
8. FARBER, I. E. Sense of justice as a form of social consciousness. - M.: 1963.
9. LEVANSKY, V. A. Modeling in socio-legal studies. - M.: 1986.
10. LUKASHEV, E. A. Socialist sense of justice and legality. - M.: 1973, pp. 105-106.
11. NAZARENKO, E. V. Socialistic sense of justice and socialist law-making. Dissertation, Dr. (Law Sciences). - Kiev: 1970.
12. PEVTSOVA, E. A. The rights of children and young people: current problems of legal regulation of relations with the participation of young people Yaroslavl-Moscow: Publishing House "Chancellor". 2013. 296 p.
13. POKROVSKY, I. F. Formation of personal sense of justice. Abstract of thesis Dr. (Law sciences). - L.: 1961.
14. RADKO, T. N. Concept and types of functions of the socialist law. In the book Problems in the theory of state and law. - Saratov: 1971.
15. RATINOV, A. R. The structure of legal sense and some methods of its investigation. Methodology and methods of social psychology. - M.: 1977.
16. SCHEGORTSOV, V. A. Sociology of sense of justice. - M.: 1981, pp. 31-34.
17. SHCHEGORTSOV, V. A. Sense of justice as an object of socialistic study. - M.: 1976.
18. SOKOLOV, N. Y. Lawyers' professional identity. - M.: 1988.
19. SOKOLOV, N. Y., LEVANSKY, V. A. Experience of specific sociological study of legal awareness and legal culture. LeksRusika, 2006, № 1.
20. The Federal Law of 24.07.1998 N 124-FZ "On Basic Guarantees of the Rights of the Child in the Russian Federation" (ed. by 06.29.2013). "Collection of the legislation of the Russian Federation", 03.08.1998, N 31, art. 3802.

Rezumat

În articol, prin context istoric, sunt descrise particularitățile conștientizării fenomenului protecției drepturilor copiilor și a tineretului în Federația Rusă, precum și în alte țări ale lumii. Autorul a conchis că actualmente protejarea drepturilor copiilor și tinerilor ar trebui să fie concepută într-un mod nou: este foarte importantă, în acest sens, independența funcției juridice educaționale a statului, în care e nevoie de încadrat activități complexe, de sistem, de monitorizare a conștiinței juridice a societății, ce va identifica defectele acesteia, va determina planul măsurilor de înlăturare a ultimelor, preîntâmpinare a încălcării drepturilor copiilor și tinerilor și, dacă este necesar, să asigure cea mai eficientă protecție a lor.

Sunt necesare: codificarea multiplelor norme juridice în domeniul protejării drepturilor copiilor și tineretului, consolidarea măsurilor responsabilității profesionale ale persoanelor implicate în educația juridică. Necesită elaborare Legea „Cu privire la organizarea educației juridice și prevenirea criminalității în rîndul copiilor și tineretului”, ce va asigura sprijinirea activității categoriilor de persoane nominalizate, inițiativelor lor sociale importante. Protecție specială necesită școlarii. Elaborarea actelor legislative subordonatoare, aferente protecției tineretului studios, poate fi eficientă în cazul fixării în Legea fundamentală a statului a statutului constituțional-juridic al copilului de vîrstă școlară, care diferențiază de statutul unui cetățean cu capacitate de exercițiu. Protecția drepturilor copiilor și tineretului va fi eficace doar în cazul existenței unui grad sporit de conștientizare juridică și prezenței unei culturi juridice a societății.

Cuvinte-cheie: *drepturile copiilor și tinerilor, statutul juridic al copilului, legislația aferentă copiilor și tineretului, educația juridică a copiilor și tineretului, funcția juridică educațională a statului.*

Аннотация

В статье в историческом контексте раскрыты особенности понимания защиты прав детей и молодежи в России и других странах мира. Автором сделаны выводы о том, что современная защита прав детей и молодежи должна выстраиваться по-новому: важна самостоятельность правовоспитательной функции государства, в рамках которой необходимы системные мероприятия по мониторингу правового сознания общества, что позволит выявить его дефекты, определить план корректирующих действий по их устранению, предотвратить нарушения прав детей и молодежи и обеспечить при необходимости наиболее эффективную их защиту.

Важно провести кодификацию многочисленных норм права в области защиты прав детей и молодежи, ужесточить меры профессиональной ответственности лиц, занимающихся правовым воспитанием. Необходима разработка закона «Об организации правового воспитания и профилактике правонарушений среди детей и молодежи», закрепляющего меры по поддержанию правовой активности указанной категории лиц, их общественно-значимых инициатив. В особой защите нуждаются лица, обучающиеся в школе. Разработка подзаконных нормативных правовых актов, направленных на защиту учащейся молодежи, эффективна в случае закрепления в Основном законе государства конституционно-правового статуса ребенка школьного возраста, который не тождественен статусу дееспособного гражданина. Защита прав детей и молодежи будет эффективна только при наличии высокого уровня правосознания и правовой культуры общества.

Ключевые слова: *права детей и молодежи, правовой статус ребенка, законодательство о детях и молодежи, правовое воспитание детей и молодежи, правовоспитательная функция государства.*