ORIGINAL ARTICLE

INTERNATIONAL JOURNAL OF ARTIFICIAL INTELLIGENCE

ISSN: 2692-515-x, Impact Factor: 9.23

American Academic publishers, volume 6, issue 01,2026

Journal: https://www.academicpublishers.org/journals/index.php/ijai

LEGAL AND NORMATIVE REQUIREMENTS FOR THE PROTECTION OF THE INTERESTS OF THE CHILD

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Abstract

The article is aimed at a comprehensive analysis of the international legal and national legal framework of the rights of the child, which deeply studies the UN Convention on the Rights of the Child, optional protocols, as well as the current regulatory and legal framework of the Republic of Uzbekistan. The study assessed the institutional mechanisms for ensuring the rights of the child, functional cooperation between state bodies, monitoring systems and their practical effectiveness based on scientific and methodological approaches. Statistical data, scientific and legal sources and comparative analysis methods were used in the analysis.The article identifies the main socio-legal factors leading to the violation of children's rights, and their impact on the development of society, the priority of children's interests and the level of legal culture is deeply revealed. Also, the current state of the national system is compared with international standards, scientifically based proposals and recommendations are developed to eliminate existing shortcomings and improve legal mechanisms. The results of the study include theoretical and practical conclusions that serve to form a stable, consistent and effective system of protection of children's rights.

Keywords

Children's rights, Human rights, Children's interests, Children's honor and dignity, Non-discrimination, Equality, Child protection, Child care, Parental responsibility, State guarantees, Right to education, Right to health, Right to life, Right to freedom of thought, Freedom of speech, Freedom of belief, Inviolability of priv

INTRODUCTION

During the years of independence, Uzbekistan has acceded to more than 70 major international human rights instruments and is a party to six major international treaties adopted by the UN in this area. Another international legal document that the Republic of Uzbekistan acceded to in the early years of independence, namely on December 9, 1992, is the Convention on the Rights of the Child, and the state consistently applies all measures to implement the rights recognized in this Convention. Over the past period, our country has been regularly submitting National Reports on the implementation of the Convention's requirements to the UN Committee on the Rights of the Child in due order. As part of the promotion of children's rights, this Convention and other relevant international legal documents have been published in the state language, as well as in the form of separate books and widely distributed.

This publication, which is brought to the attention of the reader, also contains the main international treaties and national legislation in the field of children's rights. This publication is intended for students and specialists, as well as a wide readership.

The fact that the five-pronged program was approved in the Decree of our President Islam Karimov **On the Program of Events Dedicated to the 60th Anniversary of the Universal Declaration of Human Rights*, published on May 1, 2008, and is currently being consistently

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implemented, clearly demonstrates that our country is focused on the formation of a democratic legal state and civil society, ensuring the priority of the rights and interests of citizens, especially young people. The initial parts of the program are devoted to further improving the legislation on human rights and freedoms.

Main part

Children's rights are the rights and freedoms that every child (a person under the age of 18 is considered a child) should have without any restrictions. Children and young people have the same human rights as adults and this is recognized by all.

The definition of children's rights logically follows from the main 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 assistance." Thus, recognizing the equal right of children to all the freedoms proclaimed in the Declaration, the international community recognizes the need for additional assistance and support for children. That is, children have additional rights due to their special needs, as well as their vulnerability to exploitation and abuse.

For 10 years (from 1979 to 1989), experts from many countries of the world participating in the UN Commission on Human Rights developed the text of a new document on the rights of the child, which takes into account all aspects of the child's life in society to the maximum extent. On November 20, 1989, the United Nations Convention on the Rights of the Child was adopted by the UN General Assembly. With this, all countries made a historic commitment to children around the world. It became the most ratified human rights treaty in history and helped transform the lives of children around the world. The Republic of Uzbekistan acceded to this Convention on December 9, 1992.

The Republic of Uzbekistan ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on December 11, 2008, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on December 12, 2008.

The Republic of Uzbekistan submitted its initial reports on the implementation of the provisions of the Convention on the Rights of the Child in 1999, its second periodic reports in 2005, its third and fourth periodic reports in 2010, and its fifth periodic reports in 2019 to the UN Committee on the Rights of the Child.

The Convention recognizes the fundamental human dignity of all children and the importance of ensuring their well-being and development. According to the Convention, the main principle of protecting children's rights is the primacy of the best interests of the child.

Every child has the right to grow up in a caring, loving and adequate family environment, where the basic needs of the child are met, such as food, primary health care and formal education, play and recreation. In addition, every child has the right to protection from neglect and violence.

Chapter XIV of the Constitution of the Republic of Uzbekistan is entitled “Family, Children and Youth”. In particular, Article 78 of the Constitution contains the following norm:

“Children are equal before the law, regardless of the lineage and civil status of their parents.

The state is obliged to ensure and protect the rights, freedoms and legitimate interests of the child, to create the best conditions for his full physical, mental and cultural development.

Motherhood, fatherhood and childhood are protected by the state.”In recent years, Uzbekistan has been implementing a state policy aimed at the interests of children, adhering to the principle that “no child will be left behind.”

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Also, as part of the constitutional reforms carried out in accordance with the idea of "For the sake of human dignity" and the principle of "leaving no one behind," new progressive norms aimed at strengthening guarantees for the rights and interests of the child have been introduced into the Basic Law of our country, and national legislation is being fully harmonized with international norms on the rights of the child.

In particular, the updated Constitution of Uzbekistan has strengthened guarantees for ensuring and protecting the rights, freedoms and legitimate interests of the child, creating the best conditions for his full physical, mental and cultural development, and expanded the state's obligations in this regard.

More than 40 laws and by-laws have been adopted in our country to ensure the rights of children, and these regulatory legal acts are aimed at implementing the principle of the "Best Interests of the Child".

According to the Law "On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan in connection with further improving the system for ensuring guarantees of the rights of the child" dated December 7, 2021, criminal liability for persons who have reached the age of 13 has been abolished. Criminal liability has been established from the age of 14. It has been established that a psychologist, along with a teacher, will participate in the interrogation of a minor witness or victim.

On April 12, 2023, amendments were made to the legislation, which stipulated that humanitarian acts in the form of early parole or commutation of punishment would not be applied to persons who committed sexual violence against minors, and penalties for such crimes were further aggravated. Considering that the need for special care for the child is set forth in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the United Nations General Assembly on 20 November 1959, and that this need is also recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (in particular articles 23 and 24), the International Covenant on Economic, Social and Cultural Rights (in particular article 10), and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Remembering that the Declaration of the Rights of the Child states that the child "by reason of his physical and mental immaturity requires special safeguards and care, including appropriate legal protection, before as well as after birth" Recalling the Declaration on Social and Legal Principles for the Protection and Welfare of the Child, with Special Attention to Children in Domestic and International Placement (Adoption and Foster Care); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that children in all countries of the world live in exceptionally difficult circumstances and that such children need special attention and care, Considering that the traditions and cultural values of each people are of great importance for the protection of the child and his or her harmonious development, Recognizing the importance of international cooperation in improving the living conditions of children, particularly in developing countries, Have agreed as follows: Regrettably, all the rights of children are systematically violated or violated. It can even begin at birth. For example, an estimated 290 million children worldwide are unregistered, meaning they have no legal identity or documentation to prove their existence. This means they are virtually unable to claim their rights throughout their lives – meaning they may not be able to go to school, receive healthcare or find work when they grow up. Girls in low-income countries, on the other hand, have only a 50/50 chance of being legally registered

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and of having access to their rights and services. More than 61 million children worldwide do not attend primary school at all. An estimated 150 million girls and 73 million boys are subjected to sexual violence each year. In some countries, girls as young as nine are forced into marriage, while children as young as six are tried as adults in criminal courts. More than 330,000 children are held in immigration detention centres in at least 80 countries every year simply because they are migrants or refugees. Many children are forcibly separated from their parents and families.

In 2019, one in six children lived in extreme poverty. This situation puts children at greater risk of domestic violence, child labor, sexual exploitation, early pregnancy, and child marriage. This number has increased dramatically during the Covid-19 pandemic.

In 2020, almost 820 million children did not have access to basic handwashing facilities at school. This violates their right to health and increases the risk of contracting and transmitting infections to others. 7.3. Universal international mechanisms for the protection of children's rights

As an international universal organization, the role and importance of the United Nations in protecting children's rights is unparalleled.

The UN system consists of a very complex set of international organizations, funds, bodies, committees, commissions and other structures, among which a system of bodies dealing with children's rights has been formed. This system includes, first of all, the UN General Assembly, its main organs such as ECOSOC, its special funds such as UNICEF, treaty bodies such as the Committee on the Rights of the Child, and specialized organizations such as UNESCO and ILO. Both the main organs of the UN and its subsidiary bodies are involved, to one degree or another, in issues related to the protection of human rights, including the rights of the child.

The study and research of children's rights issues are usually carried out by the Economic and Social Council and its subsidiary bodies, the specialized agencies and the Secretary-General of the United Nations, on the instructions of the General Assembly.

The General Assembly has the authority to establish various subsidiary bodies, as necessary, in accordance with Article 22 of the Charter of the United Nations, to carry out its functions in the field of human rights.

The Third Committee of the General Assembly, which is responsible for social and humanitarian questions and cultural issues, and some other committees, are also engaged in children's rights issues. The decisions adopted by them must be discussed and approved by the plenary sessions of the General Assembly.

Conclusion

To conclude the article on children's rights, you can use the following broader conclusion:

Children's rights are not just rules written in legal documents, but also a criterion that indicates the spiritual level of each society. If a child grows up in an environment where he feels safe, valued and listened to, he will mature into a responsible, conscious and kind person in the future. Therefore, the state, parents, educational institutions and the whole society must work together to ensure the rights of the child.

The UN Convention on the Rights of the Child and national legislation create a solid legal foundation for the comprehensive protection of the child. However, in order for these rights to work not only on paper, but also in real life, each of us must start with ourselves, treat children with respect, justice and kindness. The issue of children's rights is one of the urgent topics that should be of concern not only to lawyers or educators, but also to the whole society. Because a child is a person in need of protection today, but tomorrow is a conscious citizen, a mature

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specialist and a pillar of society. If his rights are ignored today, tomorrow society itself will inevitably suffer from this.

It is not for nothing that the UN Convention on the Rights of the Child, as well as the Constitution of our country, the Family Code and other regulatory legal acts are aimed at protecting the interests of children. These documents guarantee the child many rights, such as education, healthcare, recreation, access to information, expression of opinion, protection from violence and discrimination. However, the existence of laws is not enough in itself - their full implementation in practice is the most important task.

From this perspective, it is wrong to think that protecting children's rights is the responsibility of only state bodies or schools. In this process, the role of parents, teachers, neighborhoods, media, social media activists and every citizen in general is invaluable. Treating a child with respect, listening to him, paying attention to his opinion, supporting his talents and interests is one of the simplest but very important ways to ensure rights.

In addition, it should not be forgotten that the violation of children's rights is not limited to physical violence or coercion. Mental pressure, neglect, insults, withholding love and attention, and intimidating a child from expressing his opinion also lead to a violation of rights. Therefore, parents and educators must deeply feel that they have not only a legal responsibility, but also a moral one.

In short, ensuring the rights of the child means ensuring the future. A child whose rights are respected, who grows up with a sense of justice and love, will grow up to be a mature person who respects the rights of others and contributes to the prosperity of the homeland. So, if each of us strives to create a safer, more just, and more loving environment for children today, tomorrow will be more prosperous.

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