

Aims of state policy, main ways and organizational foundations of child rights' provision

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Abstract. Laws protecting adolescents' rights is a key theme in developed society. Adolescents, side by side with old people, disabled, pregnant women and people with mental deceases belong to the category which most often negatively treated by society, that is why they need special protection of their rights and legal interests. Protection of child rights today is one of the up-to-date problems of modern civil society in Russia which as it is established by Federal law of 24.07.98 N124-FL "About main guarantees of child rights in Russian Federation" with changes and amendments.

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Introduction

Institute of motherhood and children is guarded by the country. Regulatory acts issued in the Russian Federation provide realization of private, socio-economic, housing, spiritual and culture rights of adolescents.

Before we consider the issues of legislative protection of adolescents we have to define this category of population taking into account that it is rather vague.

Home legislature and international acts use the term "adolescent" (child, youth) in broad sense.

UN Convention about children rights of 1989, Article 1, says about adolescent as a man under age of 18 if he has not reached this age earlier by laws applied to him.

In most countries adolescence starts in 18. Minimum age of a. is set in Faeroes - 14; in Cuba - 16, and in China - 17. In Russia adolescence starts in 18.

The lowest marriage age in Russia, and adolescence accordingly, starts in 14 in Chechen Republic, Republic of Adygeia, Moscow, Tyumen, Tula, Kaluga, Vologda, Nizhny Novgorod, Orel, Tambov regions, Jewish Autonomous region, Khanty-Mansyisk Autonomous territory. In Chelyabinsk, Ryzan, Murmansk regions - marriage age is 15. The order and conditions of getting permission for marriage for persons above 16 are set by local authorities, under 16 - by regional authorities.

In European countries in accordance with historically formed conditions of formation of law system the age of responsibility for crimes varies.

Minimum age of crime responsibility is in Ireland - 7 years, in Scotland - 8, in Britain - 10, in France - 13, in Germany - 14 and in Finland - 15.

These regions of Europe have most strict rules in regard to crime responsibility of adolescents.

UN Convention on child rights of 1989 establishes adolescence age at 18 [1].

In Russia marriage age is 18. But law allows to marry under this age - in 16 and even earlier. Order and conditions when it is possible to marry due to special conditions can be set by law of constituent entities of the Russian Federation. Article 13 of Family Code of the Russian Federation says that if there are serious reasons the bodies of local self-government at the places of living of the persons willing to marry are entitled under request of such persons to permit marriage at the age of 16.

UN rules adopted in 1990 in regard to protection of adolescents' rights, who are in prison, do not specify any age of adolescence. Minimum standard rules of UN adopted in 1985 regarding court procedures in regard to adolescents [2] do not mention their age however they point out to that adolescent is a child or a young man who in the framework of existing law system can be considered responsible in the forms different from forms applied to grown-ups.

We assume that if in international documents there is no mentioning of the age after which a person is considered adolescent then choice (from available in international practice standards) in its definition must be done in favour of upper age limit. In most cases, the age of adolescence must be defined by UN Convention of 1989.

Legislative protection of adolescents should be understood as a system of regulatory acts establishing legal status of adolescents as participants of public legislative relations which determines combination of rights, obligations and the guarantees of protection of these rights and obligations), besides that, the main provisions of the

organization of activity of bodies involved in work with adolescents.

Protecting laws must cover all spheres of living activity of adolescents: education, medical service, employment, social support etc.

The first international document in the sphere of rights protection is Declaration of child rights (Genève Declaration) adopted in September 26, 1924 by Fifth Assembly of Nations League [3]. It formulated 5 principles which later became foundation of protection of child rights and were developed. Genève Declaration representing all men and women of the world, emphasized the issues which must be worked out in regard to children and in such a way it declared a child an object of its protection.

Next step was adoption in 1959 by UN General Assembly of Child rights declaration [4]. We would like to accentuate the fact that it was Declaration where such notions as "right", "to have a right" were given legal status. So, Declaration is not only develops principles of Genève Convention but legalize individual rights of a child.

There are issues related to protection of rights and freedoms of adolescents which are defined in law acts of today. The most important are the following regulation acts: Decree of the President of the Russian Federation # 404(revision of 29.12.2012) "About establishing of Fund for supporting children in difficult life conditions" of 26.03.2008 [5], Decree of the President of the Russian Federation # 761 "About national strategy of actions in children's interests for 2012-2017" of 01.06.2012 [6], Resolution of the Government of the Russian Federation #275 "About approval of rules of transfer children to adopting parents and performing control over their life conditions and upbringing of children in adopting families on the territory of the Russian Federation and the Rules of registering by Consul offices of children which were adopted by foreign citizens or persons without citizenship" of 29.03.2000 [7].

The aims of state policy, main ways and organizational foundations intended for protection of child rights were formulated in Federal law "About main guarantees of child rights in the Russian Federation". The Law also specifies the authorities of state bodies of different level in this sphere. The Law establishes main principles of state policy in children's interests: legislative provision of child's rights; support of a family with the purpose of provision children's rights; responsibility of officials and citizens for violation of rights and legal interests of a child; support of public associations and other organizations performing activity on protection of rights and legal interests of child.

Resolution of the Government of the Russian Federation of 23.08.93 approved new document "About realization of UN Convention about child rights and World Declaration about provision of survival capacity, protection and development of children" [8].

Today, at the current stage of social development, adolescent is considered as active participant of social relations [9-18], as a bearer of rights and therefore as one having opportunity for their protection. Russian legislature in the sphere of protection of child rights is being built on the base and with the purpose of realization of international law acts, in particular, UN Convention on child rights. It was ratification of this treaty which allowed to introduce into Russian legislature the notion "adolescents' rights" which appeared in Family Code of the Russian Federation. However, main issues regarding protection of children's rights are concentrated in the law "About main guarantees of child's rights in the Russian Federation" [19], which, in its contents, corresponds to the Convention and develops its provisions. Besides that, in Russia there are many laws and acts which to some extent relate to protection of adolescents. All this allows to argue that now sphere of children rights protection is regulated in a proper way.

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