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**THE CONCEPT OF THE RIGHTS OF THE CHILD AND THEIR REGULATORY
FIXING IN THE REPUBLIC OF BELARUS**

The article is devoted to the consideration of the concept of the rights of the child, as well as to the analysis of the content of legislative acts of the Republic of Belarus with a view to search fixing the rights of the child in them. A correlation is made between the provisions

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of the Law of the Republic of Belarus "On the Rights of the Child" and the provisions of the United Nations Convention on the Rights of the Child. It is concluded that there is no single concept of the rights of the child in the theory of law, and about the need to bring the Law of the Republic of Belarus "On the Rights of the Child" in line with the Convention.

The problem of realizing the rights of the child is one of the most important problems of our time. Children belong to the socially unprotected stratum of the population, which causes their special protection from the state. The protection of the rights of childhood and the improvement of the situation of children of the present and future generations is the most important social task not only for our state, but for the whole world community.

The concept of the rights of the child is currently being developed. Despite a lot of literature on this topic, the researchers (S.S. Buben, V. Gaisenok, L.I Smagina, and others) do not give a specific definition of this term.

Let's consider the rights of the child from the standpoint of the universal, the particular, the individual.

At the level of the universal, the rights of the child are rights which are inherent in the human nature, without which it can not exist as a full human being. In general, they represent a set of rights and freedoms essential for characterizing the legal status of the individual. They are granted to individuals by states through their internal law.

At the level of the special, the rights of the child are viewed as the rights of children, a special socio-demographic group that has its own interests and needs, but it is not possible to implement and protect them because of its age. Due to this peculiarity, all rights are added to rights, the presence of which is necessary only for this group: the right to reside in the family, the right to primary education, the right to play, etc. The necessity of elaborating special norms regulating international cooperation in this field is conditioned by the necessity, peculiarity of the situation of children, primarily because they do not possess all the rights that adults have, and in addition, in some cases possess or should have specific rights related with their age, position in the family.

At the level of a single child's rights are the rights of a particular child who lives in a particular state, which guarantees the creation of conditions for the normal development of this particular child through national legislation.

A.Ya. Azarov defines the rights of the child as "established and guaranteed by the state opportunities, powers, the potential of the child's actions in the sphere specified by law". In contrast to the concept of "freedom", the "rights" fix a specific sphere, the direction of the individual's activity. The state undertakes to ensure and protect the child's actions in the area specified by law. There is no longer any possibility of choice, a variant of the action within this right. This right can be used, implemented, or not, because the right is not an obligation "[1, p. 136].

According to this researcher, "the rights and freedoms are identical in the international legal norms" [1, p. 137].

Based on the foregoing, it can be concluded that there is no specific definition of the notion of child rights in science. This is due to the fact that identifying the meaning of the concept of the rights of the child, each scientist focuses on some particular feature of this concept. This issue is of interest to science and practice and can be investigated by scientists.

So, the rights of the child are the opportunities established and guaranteed by the state, the powers of a person who has not reached the age of majority.

In the Republic of Belarus the rights of the child receive their legislative support in the Constitution of the Republic of Belarus, the codes of the Republic of Belarus, and the laws of the Republic of Belarus. The fundamental international legal instrument in this area is the United Nations Convention on the Rights of the Child. In the Republic of Belarus the Law of the Republic of Belarus "On the Rights of the Child" plays an important part in regulating the rights of the child.

The Code of the Republic of Belarus on Marriage and Family plays an important part in regulating the legal status of the child. For example, Article 65 of this Code establishes that the family is obliged to promote the realization of the rights and legitimate interests of family members, it is responsible for the upbringing and maintenance of children, their protection. Article 66 of this Code says that the family is the natural environment of the child, and the upbringing of children in the family is protected and encouraged by the state. Moreover, the Marriage and Family Code contains a section on the protection of childhood, which fixes general provisions on the rights of the child, as well as regulates the material and social rights of children [2]. Hence it can be concluded that the child is an integral part of the family, and his rights are protected by the state and are reflected in the legislation.

An important legislative act in the sphere of regulation of the legal status of the child is the Code of the Republic of Belarus on Education, since most of the life the child is studying. This Code regulates the constitutionally fixed right to education, fixes state guarantees in the sphere of education, and regulates the basic rights of students.

The need for special regulation of the rights of children is confirmed in the Labor Code of the Republic of Belarus, in which there is a chapter containing features of youth labor regulation. Most of the articles in this chapter deal with the rights of minors in the field of work and guarantees of the realization of these rights [3]. The peculiarities of the regulation of the work of minors are due to their physical and mental immaturity and the resulting inability to compete in the labor market on an equal footing with adults.

The Civil Code of the Republic of Belarus also regulates the rights of minors. Articles 25-28 of this legislative act establish the boundaries of the legal capacity of minors (up to 14 years), as well as minors aged 14 to 18; regulate the right to dispose of bank deposits in the name of minors, and also fix the conditions for recognizing the minor as fully capable [4]. Features of legal regulation of property rights of minors are related to their mental immaturity and inability to adequately dispose of property and make transactions. This is the reason for the differentiation of the amount of legal capacity of minors, depending on their age.

The existence of the Article 25 in the Law of the Republic of Belarus "On Health", which fixes the specifics of rendering medical care to minors in stationary conditions witness on the special situation of children [5].

Guarantees in connection with the upbringing of children are provided by the Law of the Republic of Belarus "On State Benefits for Families Raising Children". The Decree of the President of the Republic of Belarus No. 580 of 22.09.2006 "On the payment of pensions to orphans and children left without parental care in guardianship and foster families" is evidence of the social support of orphans.

The body that implements the policy of the Republic of Belarus in the field of child rights is the National Commission for the Protection of the Rights of the Child. It was established in 1996 as the main body that accumulates activities for children. The commission consisted of representatives of official structures and public associations, its decisions were declared binding for the government bodies at all levels. The Regulation on the Committee on the Rights of the Child was approved by the Ukase of the President of the Republic of Belarus of November 16, 2006, No. 675. In accordance with this provision, the National Commission on the Rights of the Child is established to implement and improve the state policy to protect the rights and legitimate interests of children in accordance with the Convention on the rights of the child [6].

The powers that the National Commission on the Rights of the Child have today contain a number of powers that are inherent in the ombudsman for children in other countries.

As for the international acts on the rights of the child, ratified by the Republic of Belarus, the United Nations Convention on the Rights of the Child plays an important part here.

Ratification of the Convention on the Rights of the Child entailed the need to adopt a national law in this area in the Republic of Belarus. On November 19, 1993 the Law of the Republic of Belarus "On the Rights of the Child" was adopted.

However, to date, the conformity of the provisions of the Law on the Rights of the Child with the UN Convention on the Rights of the Child is problematic.

First of all, it should be noted that the law does not fully reflect the principle of the best interests of the child, as set out in article 3 of the Convention. It also lacks such rights enshrined in the Convention as the right to preserve child's individuality, the right to physical and psychological recovery and social reintegration, the rights of a child belonging to ethnic, religious, linguistic minorities or indigenous people. On the other hand, the Law provides for the protection of the rights of children affected by natural disasters and accidents, which is not in the Convention. However, this is not a violation, since article 41 of the Convention states that it does not affect any provisions that are more conducive to the realization of the rights of the child and are contained in the law of the State party.

Moreover, the content of some articles of the Law allows us to talk about the need to develop them in order to more fully comply with the international legal norms enshrined in the Convention. So, in our opinion, Article 5 of the Law on the right to protection and improvement of health needs to be supplemented by the provision on the right of a child placed by the competent authorities to care for him, his protection or physical or mental treatment, for a periodic evaluation of such treatment, as provided for in Article 25 of the Convention. The law does not directly grant the child the right to social security, as recorded in the Convention, but instead speaks of the social protection of the family by the state. In our opinion, it is necessary to fix this right of the child as a subject of legal relations in this area.

So, it is necessary to bring the provisions of the Law on the Rights of the Child into full conformity with the Convention and to supplement it with a number of rights (for example, the right to preserve child's individuality, the right to physical and psychological recovery and social reintegration), and to clarify some of the rights: the right to protection and improvement of health and the right to social security [7, p. 4, 5].

Based on the foregoing, it can be concluded that the child in the Republic of Belarus is under reliable state protection. There are provisions that fix the specifics of the realization of the rights of children in a number of legislative acts. The need for special legal protection for minors is due, first of all, to their physical and mental immaturity and the consequent need for protection and care, ensuring conditions for normal development and education.

Literature

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