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## INTERNATIONAL AND NATIONAL NORMATIVE LEGAL ACTS AIMED AT PROTECTING THE RIGHTS OF MIGRANT CHILDREN AND THEIR SPECIFICS

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### ABSTRACT

This article analyzes the international and domestic regulations of states regulating the migration process of minors. Cases of violations of the rights of the child by a person occurring during the migration of children at the present time are also be disclosed, and a number of proposals aimed at preventing it are be proposed.

### KEYWORDS

Child migration, Vulnerability, Illegal child migration, Human rights.

### INTRODUCTION

Migration is a global phenomenon that affects millions of people around the world, including children. Children migrate for various reasons, including in search of a better life, reuniting with relatives, fleeing conflicts and getting an education or employment. However, migration can also expose children to various risks, including exploitation, trafficking, abuse and discrimination.

The legal aspects of migration are regulated by international and national laws and regulations. International law recognizes that children are a vulnerable group that needs special protection. But

what is meant by the word vulnerability. This term is used in various sciences and fields, therefore it is understood differently depending on where it is used. For example, according to the Convention on the Rights of the Child of November 20, 1989, adopted by UN General Assembly resolution 44/25, vulnerability emphasizes the vulnerability of underage girls, who are mostly subjected to sexual violence. When, as in the Convention “On the Protection of the Rights of All Migrant Workers and Members of Their Families”, a vulnerable situation means “a vulnerable situation in which migrant workers and members of their families often find themselves due, in particular, to the fact that

they are not in the State of origin”. Based on this, it can be said that no international legal document gives the exact meaning of this term. As a result, E.S. Alisieievich in his article “Promotion and protection of the rights of vulnerable groups in international law” gave the following definition of the term “vulnerability”: “Vulnerability of an individual or a population group means, first of all, a higher risk than others due to objective external factors and (or) existing physical or psychological characteristics to become a victim of violations of human rights and freedoms, including being limited in the ability to exercise the rights and freedoms guaranteed to everyone.” Therefore, we can say that the significance of vulnerability can be understood on the basis of external factors, as a result of which vulnerability arose. As for the vulnerability of children, this is due to their physical and mental development, which is why they cannot defend and defend their rights and interests.

## **MATERIALS AND METHODS**

This research was conducted using literature review and publication research, comparative analysis and empirical study, and other techniques, including historical, qualitative, and quantitative research.

## **RESULTS**

The most pressing legal problems of child migration in modern times, as well as the International and national documents that regulate it, are discussed in detail. As a result of this, problems arising in the process of child migration are studied and proposals for its prevention are developed.

## **DISCUSSION**

The currently existing regulatory legal acts, the basis of which was formed after the end of the Second World

War, provide comprehensive regulation of international migration. And affect the protection of the rights of all categories of people, including women and children. The totality of which form the basis of migration policy and practice at the international and national levels.

The issue of protecting the rights of children in conditions of forced migration is relevant for many countries of the world. In this regard, international and national documents play an important role in protecting the rights of children in conditions of forced migration.

Some of the key legal issues related to migration include:

- Refugee law is a branch of international law that regulates the protection of the rights of refugees forced to leave their homes due to persecution, war or other serious human rights violations. The 1951 Refugee Convention and its 1967 Protocol are key international legal instruments that protect the rights of refugees and define their rights and obligations.
- Immigration legislation - regulates the entry, stay and deportation of citizens of a foreign state in the country. Immigration laws vary from country to country, and they often reflect the political and economic interests of the host countries.
- Human rights law provides a framework for the protection of human rights, including the rights of migrants and refugees. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are key documents that define the rights and obligations of individuals and Governments.

Given the fact that the social status of children is lower than that of adults, and due to the immaturity of the child, migrant children face a number of problems and risks, including exploitation, abuse and discrimination, and therefore they need special rights and additional protection. International and national legal acts have been developed to protect the rights of migrant children and ensure their well-being. One of which is the Universal Declaration of the Rights of the Child and the UN Convention on the Rights of the Child. The Convention on the Rights of the Child is the most comprehensive international legal document ratified by 196 countries, including all UN member States, with the exception of the United States of America. This Convention provides a comprehensive framework for the protection of children's rights, including the rights of migrant children. It also recognizes that all children have the right to protection from discrimination, and it sets out specific provisions concerning the protection of migrant children. Article 10 of the aforementioned Convention states that children who seek refugee status or are considered refugees must receive adequate protection and assistance to exercise their human rights.

Article 22, in turn, provides that children who do not live with their parents have the right to special protection and assistance, including alternative forms of care. The Convention recognizes the right of every child to a family, to protection from violence, abuse and neglect, and also recognizes the right of every child to seek, receive and disseminate information and participate in cultural and artistic activities. In addition, the UN Convention obliges States parties to respect and promote the best interests of the child, ensure their survival and development, and protect against all forms of discrimination, exploitation and abuse. The UN Convention also contains specific provisions on the protection of children in the context of migration.

Article 3 requires States to ensure that the best interests of the child are taken into account first in all actions concerning children, including those related to migration. Article 22 recognizes the right of refugee or asylum-seeking children to adequate protection and humanitarian assistance. Article 37 states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and article 39 obliges States parties to take appropriate measures to facilitate the physical and psychological recovery and social reintegration of a child who has been a victim of any form of neglect, exploitation or abuse.

In addition, the UN Millennium Declaration of September 8, 2000 was adopted, which emphasizes the protection of the vulnerable. The category of which includes women, children, the disabled, refugees, migrants and other categories of the population. Provide children with the right to protection from illegal child migration, as well as the right to access education, health care and other social services.

In particular, chapter VI of the UN Millennium Declaration noted as follows:

“We will make every effort to ensure that children, as well as the entire civilian population, who are experiencing the greatest suffering as a result of natural disasters, genocide, armed conflicts and other humanitarian emergencies, are provided with all possible assistance and protection in order to return to normal life as soon as possible.”

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides a comprehensive framework for the protection of the rights of migrant workers and their families, including the rights of migrant children. This Convention recognizes that migrant children are

particularly vulnerable to exploitation, abuse and discrimination, and establishes specific provisions concerning the protection of their rights. Article 16 of the Convention stipulates that migrant children should receive adequate assistance, including access to education, health care and other social services.

In order to resolve the problem with the protection of the rights of migrant children, the International Community of States in the XX century divided the settlement of the protection of children's rights into three categories:

- on the fight against slavery – as a result of which the Slavery Convention of 1926 was created;
- against trafficking in women and children – which is regulated by the Convention “On Combating Trafficking in Women and Children” of 1921;
- as well as regarding the work of minors – on the basis of the Convention of the International Labor Organization “On the minimum age (Non-Industrial Employment)” of 06/22/1933.
- National documents can also provide additional protection for the rights of children in conditions of forced migration. For example. In some countries, laws may be adopted that provide additional rights to children in conditions of forced migration, including the right to access social services.
- For an example of national legislation, it would be advisable to cite as an example the national legislation of the Russian Federation. Since, according to data only in 2017, the number of registered migrants amounted to more than 15 million, most of whom came with their children. In this connection, the country occupies one of the leading places in accepting migrants, refugees and other categories of the population. Consequently, the authorities of this country have developed a

number of laws to protect the rights of children.  
Eg:

- Federal Law No. 159-FZ of December 21, 1996 “On additional guarantees for the social support of orphans and children left without parental care”;
- The Law of Georgia “On the legal status of aliens and stateless persons” of 2014;

Such actions to protect the rights of children in conditions of forced migration were taken not only in the Russian Federation and Georgia, but also in other countries of the world, based on their state and national values.

In the USA, in turn, laws have also been adopted to protect the rights of migrants. One of which is the Law “On Immigration and Nationality” Act of 1952. This Law is a key national legal document in the United States that regulates immigration and naturalization. It also establishes specific provisions concerning the protection of the rights of migrant children, including the right to access education, health care and other social services. They envisage the establishment of a Refugee Resettlement Office, which is responsible for the care and custody of unaccompanied migrant children.

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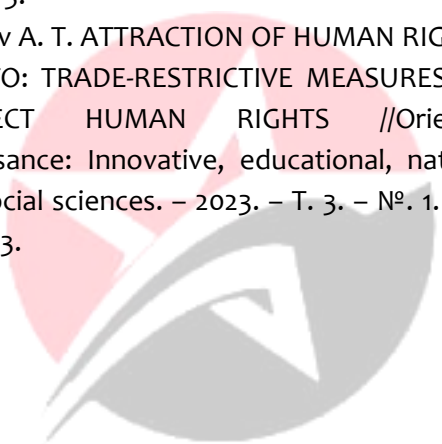
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