



# **MECHANISMS FOR MONITORING AND IMPLEMENTING THE RIGHTS OF THE CHILD IN INTERNATIONAL LAW: THE ROLE OF THE UN COMMITTEE AND REGIONAL SYSTEMS**

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<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> 28 <sup>th</sup> July 2025 <b>Accepted:</b> 26 <sup>th</sup> August 2025	This article examines the legal status of children in the national and international legal systems. Particular attention is paid to the analysis of international documents, primarily the UN Convention on the Rights of the Child, and their influence on the formation of national legislation. The author examines the peculiarities of legal regulation of children's rights in various jurisdictions, identifies problems in the implementation of international standards at the national level, and assesses the effectiveness of existing protection mechanisms. The article emphasizes that ensuring children's rights requires not only legislative consolidation, but also the effective functioning of institutions capable of guaranteeing the observance of these rights. The conclusion is made about the need to strengthen cooperation between international and national structures in order to improve the level of legal protection of children.

**Keywords:** Children's rights, international law, national legislation, UN Convention on the Rights of the Child, legal protection, implementation.

The rights of the child as an independent category of human rights have taken an important place in the modern legal system, both at the national and international levels. A child is not only an object of protection but also a subject of law, possessing special, guaranteed norms of protection and development. The relevance of studying children's rights is due not only to their vulnerability but also to the need to create effective mechanisms for their provision in the context of globalization, migration processes, armed conflicts, and social upheavals.

Modern international law, primarily the 1989 UN Convention on the Rights of the Child, has established universal standards recognized by the majority of the world's states. These standards are reflected in national legislations, which are obliged to adapt their internal norms in accordance with international obligations. However, despite the development of international and regional protection mechanisms, compliance with children's rights remains a complex task requiring a comprehensive approach, interstate cooperation, and political will.

Children's rights are now considered an independent and universal legal phenomenon, inextricably linked to the general system of human rights. The modern approach to children's rights is based on the recognition of the child as a subject of law, possessing personal autonomy and interests requiring special

protection. Historically, children's rights were not perceived as a separate legal institution for a long time. Only since the 20th century, especially after the Second World War, have children's rights received due attention in international law. Their systemic legal protection has become an integral element of the global human rights architecture.

The international legal system for the protection of the rights of the child is a set of universal and regional legal norms, principles, and mechanisms aimed at recognizing, ensuring, and protecting the rights and freedoms of the child throughout the world. This system was formed during the 20th century in response to the recognition of the particular vulnerability of children and the need for their legal protection at the global level.

The key document that laid the foundations for the international legal regulation of the rights of the child is the UN Convention on the Rights of the Child (1989), which is rightly called the "universal Constitution of childhood"[1]. This international treaty enshrines a wide range of rights: civil, political, economic, social, and cultural, including the right to life, a name, nationality, education, medical care, protection from violence, participation in society, and freedom of expression.

For the first time in the history of international law, the Convention not only codified children's rights in a



single document but also established the obligations of States Parties to implement them. According to Art. 4 of the Convention, States undertake to take all appropriate legislative, administrative, and other measures to implement the rights recognized therein.[2; Art.4] A feature of the document is also that it created the Committee on the Rights of the Child—an international monitoring body that monitors the fulfillment of obligations by participating countries. In addition to the Convention, the international system for the protection of children's rights includes other legal acts, such as:

- \* Optional Protocols to the Convention (on the involvement of children in armed conflict, on the sale of children, child prostitution, and pornography);
- \* The Universal Declaration of Human Rights (1948), which enshrines the principle of equality and non-discrimination;
- \* ILO Convention No. 138 on the Minimum Age for Admission to Employment and No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- \* The Geneva Declaration of the Rights of the Child (1924) and the UN Declaration of the Rights of the Child (1959), which preceded the adoption of the 1989 Convention.

International legal protection is also carried out at the regional level. For example, within:

- \* The European system—the European Convention on Human Rights and the EU Charter of Fundamental Rights;
- \* The African system—the African Charter on the Rights and Welfare of the Child (1990);
- \* The American system—the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights.

Thus, the international legal system for the protection of the rights of the child has a complex, multi-level character, combining universal norms and regional approaches. Despite the universality of the recognized principles, the effectiveness of the protection of the rights of the child depends on the political will of states, the level of legal culture, and the ability of national systems to adapt international obligations within their internal jurisdiction.

International mechanisms for monitoring and implementing the rights of the child play a crucial role in ensuring that states comply with their obligations under international law. These mechanisms are aimed at systematically assessing the implementation of the norms enshrined in key international acts, primarily the 1989 UN Convention on the Rights of the Child, as well as its Optional Protocols.

The central institution of international control over the implementation of the rights of the child is the Committee on the Rights of the Child—an independent body established in accordance with Article 43 of the Convention. The Committee consists of 18 experts elected in their personal capacity by the States Parties and oversees the implementation of the Convention's provisions by states. Its main functions are:

- \* consideration of periodic reports that states are obliged to submit every five years, with information on measures taken to implement the rights of the child;
- \* formulation of concluding observations and recommendations aimed at improving national policies in the field of childhood;
- \* in case of adoption of the corresponding 2011 Optional Protocol—consideration of individual complaints (communications) received from children or their legal representatives in case of violation of rights provided for by the Convention and protocols[3].

The Committee on the Rights of the Child does not have direct sanctioning powers, but its recommendations carry significant moral and legal weight and help draw attention to systemic violations of children's rights in individual countries. It also cooperates with other UN bodies, including the Office of the UN High Commissioner for Human Rights (OHCHR), UNICEF, and specialized agencies, which play a supporting and coordinating role in matters of implementing the rights of the child.

Furthermore, important elements of international monitoring are:

- \* The Universal Periodic Review (UPR) of the UN Human Rights Council, which assesses the observance of all human rights, including children's rights, by all UN member states;
- \* UN Special Rapporteurs, for example on the sale of children, child prostitution and child pornography, as well as on the right to education, who prepare thematic and country reports;
- \* International judicial and quasi-judicial bodies, such as the European Court of Human Rights, which, within their jurisdiction, can consider cases concerning violations of the rights of the child;
- \* UNICEF (the UN Children's Fund), which actively participates in monitoring and implementing projects to protect children's rights on the ground, providing analytical data, expertise, and resources.

Thus, international implementation and monitoring mechanisms ensure not only control over the fulfillment of obligations but also contribute to the development of standards, exchange of experience, technical assistance, and legal education in the field of protection of the rights of the child. However, the



effectiveness of these mechanisms largely depends on cooperation with states, the degree of transparency, the participation of civil society, and the presence of political will at the national level.

**Constitution of the Republic of Uzbekistan (Article 50).** The protection of the rights of the child at the national level begins with the constitutional recognition of his or her rights and freedoms. In this context, the Constitution of the Republic of Uzbekistan (in the new version of 2023) plays a key role in forming the regulatory framework governing the status of the child as a subject of law. Article 50 of the Basic Law of the state expressly states:

"The state ensures the development of a continuous system of education, its various types and forms, state and non-state educational organizations.

The state creates conditions for the development of preschool education and upbringing.

The state guarantees the receipt of free general secondary and primary vocational education. General secondary education is compulsory.

Preschool education and upbringing, general secondary education are under the supervision of the state.

For children with special educational needs, inclusive education and upbringing are provided in educational organizations"[4].

This provision has not only a political and legal but also a moral and ethical character, as it places joint responsibility on the state and the family for the well-being and development of the child. Thus, in the constitutional system of Uzbekistan, the child is considered a priority object of legal protection, and his or her interests are the highest value in the development and application of legislation.

In addition to Article 50, other norms of the Constitution also affect the rights of the child:

\* article 26 guarantees the inviolability of the person and protection from violence;

\* article 43 proclaims the duty of the state to protect human and civil rights and freedoms, including minors;

\* article 50 affirms the right of everyone to education, which is directly related to ensuring the child's right to access quality education.

The legislative system of Uzbekistan also provides for sectoral laws aimed at detailed regulation of the rights of the child, including:

\* Law "On Education" (2020);

\* Law "On Guarantees of the Rights of the Child" (2008);

\* Family Code of the Republic of Uzbekistan (1998);

\* Code of Public Health (1996).

These regulations form a systematic approach to the protection of childhood in the spheres of education, healthcare, social support, labor relations, and juvenile justice. It is especially important to note that Uzbekistan has been a party to the UN Convention on the Rights of the Child since 1994, which means it has undertaken the obligation to harmonize domestic legislation with international standards.

Institutional mechanisms created in the country, such as the institution of the Commissioner for Children's Rights under the Oliy Majlis (Ombudsman for Children)[5], as well as state programs ("Yillar — bolalar manfaati uchun" [Years for Children's Interests], "Barkamol Avlod" [Well-rounded Generation]) are aimed at strengthening the practical implementation of constitutional guarantees.

Thus, the national legal system of Uzbekistan, headed by the Constitution, creates a solid foundation for the protection of the rights of the child, but further development requires effective implementation of norms, strengthening of monitoring mechanisms, and participation of civil society in protecting the interests of minors.

**Comparative Legal Analysis: International Standards and National Realities.** International standards in the field of the rights of the child, formulated primarily in the UN Convention on the Rights of the Child (1989), establish universal principles, such as: the best interests of the child, the right to life and development, non-discrimination, and respect for the views of the child. These principles are the basis for national legislations; however, in practice, their implementation varies significantly from country to country, depending on political, legal, cultural, and socio-economic conditions.

**Uzbekistan: Adaptation and Challenges.** Since its accession to the Convention (1994), Uzbekistan has taken significant steps to bring national legislation into line with international norms. Key laws have been adopted, institutional structures have been created (e.g., the Commissioner for Children's Rights), and programs for the protection of motherhood and childhood are being implemented. Nevertheless, challenges remain in a number of areas, such as:

\* limited access to justice for children;

\* insufficient coverage of inclusive education;

\* cases of domestic violence and economic exploitation of children, especially in rural areas.

Furthermore, more systematic work is needed to improve legal literacy among minors and their parents, as well as to increase the independence of the judicial system when considering cases affecting the interests of the child.



European Union: An Example of Integration and Monitoring. In the countries of the European Union, the protection of the rights of the child is comprehensive and integrative. The EU Charter of Fundamental Rights (2000), as well as current legislation within the common area of freedom, security, and justice, provide both a legal basis and monitoring tools, in particular through the European Court of Human Rights[6]. In EU countries, the emphasis is on:

- \* development of juvenile justice focused on restoration, not punishment;
- \* ensuring broad access to free and quality education;
- \* active participation of children in decision-making through school and municipal councils.

A comparative analysis shows that, despite the recognition of universal standards, national realities shape different degrees of effectiveness in the implementation of children's rights[7]. The main differences lie in:

- \* institutional maturity;
- \* level of independence of the judicial system;
- \* volume of resources allocated to social programs;
- \* degree of participation of civil society.

Consequently, the role of international standards is not only to formulate ideal norms but also to stimulate national legal systems towards their practical implementation through reforms, training, control, and cooperation.

In conclusion, it can be said that the rights of the child are an integral part of the general system of human rights, which requires a comprehensive approach to their protection and implementation. International legal norms, enshrined in the UN Convention on the Rights of the Child and other acts, play a system-forming role and set universal standards. However, their effectiveness largely depends on the readiness and ability of national legal systems to adapt, apply, and develop these standards, taking into account their own conditions.

The analysis showed that active work is underway in Uzbekistan to institutionalize and legislatively strengthen the rights of the child. Nevertheless, challenges remain related to practical implementation, digital security, equality of access, and the participation of children in decision-making. Prospects for development are associated with strengthening legal mechanisms, digitalization of rights protection, international cooperation, and enhancing the role of the child himself as a subject of law.

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