Organization Level of the Protection System and Protection of Children's Rights in the Russian Federation

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Abstract. The article analyzes the organization of protection of children's rights at different levels of state and educational structures. It is concluded that the main stage of informing about their rights and getting skills to use them is secondary school. However, it is this level that is least involved in the work. Recommendations on possible improvement of activity in this direction are offered.

1. Introduction

The protection of children's rights in the modern world, as well as in Russia, is one of the most important, basic factors of economical, social and cultural development. The period 2018-2027 is declared as the Decade of Childhood in the Russian Federation - ensuring and protecting children’s rights has been declared as one of the leading areas of social country’ policies in the current decade.

A comprehensive analysis and revision of legislative acts in the field of protection of the family, motherhood and childhood shows that the essence of protecting children’s rights is to provide support and assistance with the help of organizational, legal, financial - economical, socio-psychological and pedagogical means, forms and methods to support a child in order to meet their needs and interests. In other words, the protection of children's rights is understood as a single, multi-level system, which includes all the institutions of the socialization process of a child’s personality and largely determines the effectiveness of this process.

2. Text

The organization of children's rights protection can conditionally be considered in two directions—social and legal protection, which includes the formation of legal frameworks, and the creation of a system of cultural, educational and social organizations and the psychological and pedagogical direction, based on the formation of favorable conditions for the development of the child.

While considering the social and legal protection of children as a system, the authors suggest that it is advisable to proceed from its understanding as an integrated set of basic directions and principles, subjects and objects, forms, methods and material base of social protection of children.

Organizational structures of the system for protecting a child’s rights are defined by the Federal Law from July 24, 1998 No. 124-FL “About Basic Guarantees of the Child’s Rights in the Russian Federation”. According to this normative act, guarantees of the child’s rights are called upon to be provided by federal bodies of state power, bodies of state power of the constituent entities of the Russian Federation, bodies of local self-government carrying out activities to protect the rights and legitimate interests of children, as well as public associations (organizations) and other non-profit organizations of citizens carrying out activities to protect the rights and legitimate interests of children.
The powers of state authorities of the Russian Federation to implement guarantees of the child’s rights in the Russian Federation include:

— establishment of the foundations of federal policy for children;
— selection of priority areas for ensuring rights and legitimate interests of a child, protecting his health and morality;
— the formation and implementation of federal targeted programs for the protection of the child’s rights and support childhood and the determination of the authorities, institutions and organizations responsible for the implementation of such programs;
— the establishment of judicial protection and judicial protection of the rights and legitimate interests of the child;
— fulfillment of the international obligations of the Russian Federation and representation of interests of the Russian Federation in international organizations on the protection of the child’s rights.

The competence of federal executive bodies (one of the types of government bodies of the Russian Federation), which implement guarantees of the child’s rights, implement state policy in the interests of children, including carrying out activities in the field of education and upbringing, health protection, social protection, social services, and social adaptation and social rehabilitation of children, ensuring their employment and labor protection, prevention of neglect and legal violations, organization of children's and family vacations, state support of public associations (organizations), other non-profit organizations and in other areas in accordance with Russian law, established by the President of the Russian Federation and the Government of the Russian Federation.

The powers of state authorities of the constituent entities of the Russian Federation to implement guarantees of children's rights in the Russian Federation include the implementation of state policy in the interests of children, the solution of issues of social support and social services for orphans and children left without parental care (with the exception of children studying in federal educational institutions), street children, disabled children.

The competence of executive authorities of the constituent entities of the Russian Federation, which carry out measures to implement state policy in the interests of children, is regulated by the legislation of the constituent entities of the Russian Federation.

In accordance to their subject matter, local governments can make decisions about the implementation of measures to protect the rights and legitimate interests of children, coordinate their actions with the actions of state authorities in terms of supporting federal, regional, local programs to protect the rights and legitimate interests of children, and supporting childhood, as well as other activities carried out in this area.

Local self-government bodies, in accordance to the legislation of the subject of the Russian Federation and legal acts of local self-government bodies, carry out measures to develop and implement local targeted programs, to protect the rights and legitimate interests of children, support and social protection of childhood.

Financing of federal measures to implement state policy in the interests of children is carried out at the expense of the federal budget, extra-budgetary sources, as well as at the expense of the budgets of the constituent entities of the Russian Federation in accordance with the legislation of the constituent entities of the Russian Federation [4].

The functional purpose of the activities of state and municipal bodies and institutions designed to protect the rights and freedoms of the child is to implement state policy, to establish a certain order of interaction between bodies and institutions, interagency relationships aimed at supporting minors, united by a common goal - to ensure the basic needs of minors in personal safety, housing, education, healthcare, creating the necessary conditions for the process to effectively oh socialization of the child.

From this point of view, the system of protecting children’s rights acts as a kind of guarantor of the process of effective socialization of a person in modern conditions with the direct participation of all its subjects. However, the direct function of protecting the rights and freedoms of each child is performed...
by the competent authorities, committees, commissions, organizations, institutions and departments endowed with the relevant powers.

The system of protection of children’s rights includes the following state and municipal bodies protecting the child’s rights:

— bodies of the prosecutor’s office of the Russian Federation
— commissions on the affairs of minors and the protection of their rights, formed in the manner prescribed by the legislation of the Russian Federation and the legislation of the constituent entities of the Russian Federation;
— management bodies for social protection of the population;
— education management bodies;
— guardianship and trusteeship bodies;
— youth affairs bodies;
— health authorities;
— employment service bodies;
— internal affairs bodies;
— other bodies and institutions, public associations.

Over the past decades, an additional mechanism has been developed in the world practice that allows to support targeted and priority protection of the child’s rights: both each specific child in violation of his rights, and children in general. Such a mechanism is the institution of the Commissioner for the Child’s Rights [3].

The Commissioner for Human Rights in the Russian Federation has determined the protection of the children’s rights as one of the most important, priority tasks for himself. For this purpose, a specialized Office for the Child’s Rights was created in the office of the Commissioner. The work of the department is focused on resolving issues related to the observance and protection of the rights, freedoms and legitimate interests of the child, to help improve legislation on the rights of the child and bring it into line with the Constitution of the Russian Federation, generally recognized principles and norms of international law.

Despite the existence of such an extensive system for protecting and ensuring the child’s rights, the target group itself, minors and their legal representatives (parents) are poorly informed about their rights and the possibilities of protecting them. Studies show that this lack of awareness provokes regular violations of children's rights, especially regarding educational and social opportunities.

The peculiarities of the legal development of children of middle and senior school age were determined on the basis of the several secondary school’s in the Kemerovo region. To identify the initial level of legal development, a number of diagnostic methods were used: a survey of children, teachers and parents. As well as individual conversations with students.

The authors identified as criteria: the presence of knowledge of the rights and obligations of schoolchildren and their legal representatives, awareness of the need for this knowledge, as well as the operation of legal knowledge in personal behavior and in the implementation of various activities.

One of the main components of the legal culture of an individual is the attitude to law as the main regulator of social relations. It is believed that the Russian mentality is characterized by a certain contradiction between the rule of law and justice. This was confirmed by the survey results. To the question “Do laws always have to be observed?” Only about 14% of the children surveyed, 70% of the parents surveyed and 18.2% of teachers answered “Under all circumstances”, and more than 18% of children, 20% of parents and 81.8% of teachers answered "When the law is fair." About a quarter of children and parents replied that the law should be implemented only in those cases, "when they can be punished for non-compliance."

The most important element of the legal culture of an individual is knowledge of law. An indicator of the attitude to law and, at the same time, awareness of it is the answers to the question: “Are you familiar with documents ensuring the protection and protection of children's rights?”
The first thing needed to note is that respondents are much less familiar with local laws than with international and federal ones, but the need for their knowledge as the answers showed is quite high. “First heard” during the survey on the existence of the Kemerovo Region Law “On the Commissioner for the Child’s Rights under the Governor”, almost a third of the respondents, the Law “On Education in the Kemerovo Region” and the Federal Law “On Basic Guarantees of the Child’s Rights”—a quarter of the respondents. The highest demand is for acquaintance with the Law "On the Commissioner for the Child’s Rights under the Governor of the Kemerovo Region"—13% of respondents are parents, the Federal Law "On Basic Guarantees of the Child’s Rights in the Russian Federation"—10.1% of respondents and the Law "On Education in Kemerovo region "— 8.9% of respondents.

The most well-known, “hearing” documents—the Universal Declaration of Human Rights—almost half heard about it, a third—are familiar in general terms, and 40% of parents have heard about it, almost a quarter are familiar in general terms, but a fifth of the parents surveyed for the first time hear about her; The federal law “On basic guarantees of the child’s rights”—more than a third have heard about it, a fifth are familiar in general terms, and almost a quarter of the respondents heard about it for the first time.

The Law of the Russian Federation “On Education” is the most thoroughly studied—every seventh respondent knows it in detail. The most superficial acquaintance among parental respondents is the Federal Law “On Basic Guarantees of the Child’s Rights”, the Universal Declaration of Human Rights and the Law “On the Commissioner for the Child’s Rights under the Governor of the Kemerovo Region”.

Further, the notions of observance/violation of the rights of the child in the education system were studied. Teenagers are a special part of the population. Psychologically, they are in an intermediate position between childhood and adulthood; at this time, the formation of an internal system of beliefs and values of the personality is completed, its legal consciousness. Almost a quarter of adolescents surveyed believe that they need special rights that adults do not have; 30% of respondents denied the need for this, and almost 33% were undecided on this issue.

Almost half of the respondents (44.5%) believe that adolescents have certain duties and prohibitions that adults do not have; almost a quarter (23.9%) does not notice this. At the same time, those who believe that adolescents have features in their rights and responsibilities most often note the following:

- adults always have more rights and obligations;
- these are age restrictions, responsibilities to parents and schooling;
- it is a duty to go to school, bans on smoking, alcohol, some films;
- restrictions on the time spent on the street, the use of alcohol, the purchase of cigarettes, etc.

In general, this group of features of rights and obligations can be called natural, related to age and accepted by children as normal. And there is a fairly noticeable group of children who directly say that there are no serious differences, and if so, they are legitimate.

Thus, the majority of respondents stand for “equal rights” in relations with adults; however, in fact, they note that this equality is not respected. On the one hand, this is normal, it speaks of the healthy attitude of adolescents to their legal status; on the other hand, the presence of additional duties and prohibitions causes them some dissatisfaction with their legal status.

The school is the first public institution that the child faces, and which forms the basic system of legal and moral representations. Therefore, the respondents' assessment of their legal status in school, the normative regulation of school life, and the ability to influence the management of their own lives and school affairs themselves is of particular importance [1].

According to our survey, it turned out that less than half of the respondents (47.9%) are familiar with the school charter.

While asking about the observance of the rights of the child in school, almost half of the respondents (48.6%) answered that the rights of adolescents in their school are mainly respected; 15%—adolescent
rights are rarely respected, 3.7%—rights are never respected or almost never. 24.8% of respondents said that adolescents have no special rights at their school, and 8.4% found it difficult to answer this question. Thus, it turns out that every seventh child believes that his personal rights are violated at school.

To the question “What needs have to be done so that your rights are considered more?” the following answers were received. About a quarter of respondents believe that they need to know their rights, so that in case of violation of their rights to protect them. About a tenth of the respondents consider that it is necessary “to assert their rights”. Some respondents suggest a specific form of protection of children's rights—to create a public organization that would protect the rights of children. There is also a concrete proposal to the authorities—"to listen to the opinion of every citizen, and draw conclusions from this."

Answering the question “What can a child do if his rights are violated?” teachers highlight various options: simply the possible consequences—the child may be offended, lose faith in justice, become isolated or behave provocatively. His possible actions in protecting his rights are to inform parents, seek help from teachers, the director, other adults, ask them for advice; demand that his rights would be restored; seek protection from a court or school board of directors.

Almost a quarter of the students surveyed rely only on themselves. A fairly high percentage believes that they can contact the School Governing Council. This suggests that the Governing Councils are indeed the governing bodies. As for the parents, 27% do not know what the child can do in this case. This suggests the need for legal education of parents.

The ideas of parents about their possible actions to protect the children’s rights are quite diverse from finding out why they are violated; to understand the situation, talk with the teacher - apply to the governing bodies, administration, take all necessary measures, apply to whatever instances you can, court, demand that his rights be restored. Quite a high percentage of answers is "Nothing."

Thus, the study showed that “teachers, parents, children are poorly acquainted with the basic rights of students, and also have different ideas about the nature and content of the basic rights of children.” An analysis of the results of the work allows us to note that with students and also with their legal representatives, it is necessary to carry out additional educational work on legal development. Otherwise, all the activities of the system for protecting and protecting the rights of children are destabilized, since the main object of protection is either completely ignorant of their capabilities and this system or informed superficially.

Based on the fact that the school "fulfills the most important historical mission, which can be described as "humanization of man." Today, society faces completely new threats, probably requiring education, as well as science and culture, mobilizing forces to search for new solutions and answers to the “challenges” of our time.

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Legal education is a prerequisite for the success of all activities to protect the child’s rights, since it is aimed, first of all, at changing attitudes towards oneself as a bearer of law and other subjects of law. It is necessary both for the students themselves to understand human rights in general, to realize their own rights, and in the future, to realize the rights of their own children in accordance to the adopted norms, and adults (teachers and parents) to adequately perceive the principle of childhood priority, respect for the child’s rights. The content of the work on legal education of students involves the use of various, including interactive, forms of training, since knowledge should be personally significant, tested in practice.

Work at the primary level of interaction, according to the author, should include three groups of events:

In relation to teachers:
1. Legal training of school teachers, constantly informing them about changes in legislation on education and the protection of children's rights.

2. Creating conditions for improving the cultural level of teachers: the work of pedagogical clubs in the community (using the resources of cultural institutions), the organization of trips to theaters, concerts.

3. Creation of conditions for productive leisure for teachers—provision of sanatorium-resort treatment, rest, development of local tourism, including educational tourism.

In relation to parents:

1. Organization of parental legal education, the constant acquaintance of parents with the legislation on the basics of the rights of the family and children in modern society;

2. Deployment of work to ensure closer inclusion of parents in the work of the school;

3. Enhancing the participation of parents in the work of the Governing Councils of schools;

4. Wider use of modern technology to inform parents about the state of affairs (school sites), for consultation.

In relation to children:

1. The work of children's public organizations, building the legal space of the school, the work of the Commissioners for the Childs’ Rights at school, other forms of activating the public to protect the children’s rights;

2. Work of children's public receptions.

The integrated implementation of the proposed measures will allow introducing educational institutions into the system of protecting the children’s rights, expanding the basic awareness of the immediate object and, on the whole, correcting the existing deficiencies in the process of legal education.

References

[1] Borisova N. E. Constitutional preconditions of protection of the rights of the child//Protection of the rights of the child in modern Russia-M., 2014.p. 16.

[2] Ivanov M. S., Yanitsky M. S. Education in postmodern society: problems and prospects//Siberian pedagogical journal-No. 9, 2012. pp. 78-84.

[3] Child rights protection. Social and legal aspects.—Moscow: Russian charitable Foundation "No to alcoholism and drug addiction" (NAS), 2009.

[4] Trapeznikova I. S. Analysis of the observance of children’s rights in general secondary education (on the example of the Kemerovo region)//International journal of experimental education. 2016. No. 2. pp. 98.

[5] UN Convention on the rights of the child and the legislation of the Russian Federation: Handbook.—Moscow: family research Institute, 1998. 217 p.