



REVISTA INCLUSIONES

INVESTIGANDO EN TIEMPOS DE CAMBIOS

Revista de Humanidades y Ciencias Sociales

Volumen 7 . Número Especial

Julio / Septiembre

2020

ISSN 0719-4706

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**REGULATORY FEATURES OF CHILD AND YOUTH TOURISM REGULATION:
NATIONAL AND INTERNATIONAL EXPERIENCE**

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Fecha de Recepción: 08 de febrero de 2020 – **Fecha Revisión:** 16 de marzo de 2020

Fecha de Aceptación: 26 de junio de 2020 – **Fecha de Publicación:** 01 de julio de 2020

Abstract

The article defines the features of legal regulation of relations in the field of child and youth tourism in the countries of the world. Child tourism is one of the most important directions of the tourism industry, as well as one of the priorities of the state policy in the field of education of future generations. The development of child tourism is hindered by insufficient legal regulation, and the problems of its accessibility and ensuring proper security remain unresolved. The purpose of this work is to develop and present options for improving the current legislation to regulate child tourism, which is adequate to the current situation and contributes to solving existing problems.

Keywords

Child tourism – Legal regulation – Legal system – Safety – Education

Para Citar este Artículo:

Tsokur, Elena F.; Stepanova, Diana Igorevna; Neymyshev, Alexey Viktorovich; Allanina, Liliya Mansurovna y Dyakonov, Mikhail Yu. Regulatory features of child and youth tourism regulation: national and international experience. Revista Inclusiones Vol: 7 num Especial (2020): 164-174.

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Introduction

The upbringing of the younger generation is a crucial function of the state and civil society. Care for children and respect for their rights determine the level of social and legal, as well as economic, development of any state. In this regard, one of the most stable segments of the domestic tourism market has always been child tourism. Since the 1920s, child tourism and recreation in the Russian Federation have had a social status and have been funded in whole or in part from budgetary funds. Today, child and youth tourism is a priority area of state policy, an effective and affordable means of physical and spiritual education and health improvement, as well as social adaptation of children, adolescents, and youth, the establishment of a healthy lifestyle, professional orientation, and an effective system of continuing education and personal development. In an economic sense, child and youth tourism is a large undervalued segment of the tourism market, which can bring significant income to its organizers and many related industries, such as the transport, hotel, etc. sectors. Therefore, the maintenance and development of child and youth tourism are extremely important in social and economic terms. In a social sense, child and youth tourism contributes to the preservation and harmonization of relations, the development of traditions, and the patriotic education of the younger generation. In an economic sense, the receipt of additional funds from child and youth tourism will have a beneficial impact on the economic development of the country and the formation of a new tourist infrastructure¹. As a priority area of state policy, the development of child tourism is hindered by a whole complex of socio-economic, organizational, and legal problems. Attempts to suggest ways to solve these problems are presented in the research works by many scholars, such as D.E. Udalov², T.A. Sorvina³, E.L. Kdlyan⁴, and some others⁵. Given that several existing problems have not yet been resolved in legal acts and practice, new research in this area is very much in demand. Thus, the relevance of this article lies in the high social significance of child tourism and recreation for modern Russian society and the corresponding importance of the need for high-quality sources and tools for the legal regulation of this sphere of public relations in the Russian Federation.

¹ A. V. Demenev, "Infographic Modeling: Technology and Development of Automated Management Systems In Tourism", *Journal of Critical Reviews* Vol: 7 num 5 (2020): 666-670 y E. Y. Nikolskaya; M. M. Romanova; O. V. Pasko; M. E. Uspenskaya y T. A. Saadulaeva, "Formulation of Development Strategy for Tourism and Hospitality Industry", *International Journal of Management* Vol: 11 num 3 (2020): 467-474.

² D. E. Udalov, "Klassifikatsiya zakonodatelnykh aktov, reguliruyushchikh prava detei v sfere turizma", *Tendentsii razvitiya nauki i obrazovaniya* num 35-1 (2018): 60-63.

³ S. Putrik y T. A. Sorvina, "Analiz zakonodatelstva gosudarstv — uchastnikov SNG, evropeiskikh gosudarstv i norm mezhdunarodnogo prava v sfere detskogo i yunosheskogo turizma", *Dialog: politika, pravo, ekonomika* Vol: 2 num 9 (2018): 15-20.

⁴ E. L. Kdlyan y G. A. Magdesyan, *Detskii turizm: perspektivy i problemy pravovoi reglamentatsii. V sbornike: Olimpiiskoe nasledie i krupnomasshtabnye meropriyatiya: vliyaniye na ekonomiku, ekologiyu i sotsio-kulturnuyu sferu prinyimayushchikh destinatsii. (Materialy X Mezhdunarodnyi nauchno-prakticheskoi konferentsii, 2018).*

⁵ D. V. Fedyunin; V. V. Bezpalo; S. A. Lochan; V. V. Golovina y N. D. Karpova, "Methods of Implementing PR Campaigns for Children's Recreation and Tourism at the Federal and Regional Levels", *Journal of Environmental Management and Tourism* Vol: 9 num 8 (2019): 1745-1750; D. V. Fedyunin; V. V. Bezpalo; S. A. Lochan; V. V. Golovina y A. V. Ivanov, "Information Support Model for the Children's Leisure and Tourism Industry within the Annual Planning Cycle", *Journal of Environmental Management and Tourism* Vol: 9 num 6 (2019): 1256-1262 y A. V. Kramarenko; K. L. Manaenkov; A. V. Melnichuk; S. A. Makushkin y M. V. Vinichenko, "Sustainable development of construction in the context of mitigating environmental pollution", *Revista Inclusiones* Vol: 7 num Especial (2020): 579-590.

Methods

The presented work uses various research methods, the main of which was the dialectical method of cognition of reality. The statistical method used in combination with it allowed showing the importance of the studied direction of tourist activity and the historical method – identifying the stages of its formation. The formal-legal method helped to identify the necessary terminology to determine the legal essence of child tourism, the method of transition from general to special was used to present the features of the regulation of certain aspects of child tourism. The comparative legal method allowed identifying positive aspects of the regulation of child tourism in the international legal field and determining the possibility of their continuity for the Russian legislation.

Results

The priority of development of child and youth tourism based on state support and regulation was connected with the implementation of the concept of patriotic education, promotion of a healthy lifestyle, the need to improve the level of education and culture of the younger generation, and the formation of conditions that ensure the full development of the individual. The specifics of the legal regulation of relations in the field of child and youth tourism were primarily due to the following aspects: — the subject of relations are often minors who act as direct consumers of the tourism product; — the customer of the tourism product is the person ordering the tourism product on behalf of the tourist and (or) representing their legitimate interests. Most often, this status of a minor citizen is defined as follows: a person who has not reached a certain age, with the reaching of which the law binds their full legal capacity. Thus, the features of implementation and protection of the rights and freedoms of minors due to several factors, including a) physiological and socio-psychological helplessness of minors; b) full or partial personal, psychological, economic, and legal dependence on parents (legal representatives, guardians); c) insufficient provision of the current sectoral legislation with mechanisms for the realization of the rights and freedoms of minors. This specificity should be reflected in the legal acts of special industry regulation (basic laws) in the field of tourism.

Child tourism as a sphere of public relations is regulated by the norms of various branches of law, such as legislation on consumer protection, medical, insurance, etc. At the same time, some legislative acts regulate exclusively the sphere of child tourism. One of the first legal acts aimed at ensuring the rights and interests of the child was the Federal Law "On basic guarantees of children's rights in the Russian Federation" No. 124-FL dated July 24, 1998⁶, which contains a separate article on the protection of children's rights to rest and recreation, also establishes the basis for state regulation of child recreation and measures taken by executive authorities. An important role in the development of child tourism was played by the Decree of the President of the Russian Federation dated June 1, 2012 No. 761 "On the national strategy of action for children for 2012-2017"⁷. The decree considers various measures to create a favorable environment for children, which are aimed at solving problems in the field of child tourism. First of all, it is necessary to create safe conditions for

⁶ Federal Law No. 124-FL "On Basic Guarantees of the Rights of the Child in the Russian Federation", July 24, 1998. Collected Legislation of the Russian Federation num 31 (1998) Article 3802.

⁷ Decree of the President of the Russian Federation No. 761 "On the National Strategy of Actions for Children for 2012-2017", June 1, 2012. Collection of legislation of the Russian Federation num 23 (June 4, 2012) Article 2994.

children, care and attention, organization of their food, transfer to places of recreation and back, etc. Following the Government Resolution of November 4, 2014 No. 1163, the "Coordinating Council for the Development of Child Tourism in Russia"⁸ was established, the main purpose of which is to ensure coordination of federal executive bodies, executive bodies of the Russian Federation, public, scientific, and other organizations aimed at the development of child tourism. Another federal law that also regulates child tourism is the Federal Law of December 28, 2016, No. 465-FL "On amendments to certain legislative acts of the Russian Federation in terms of improving state regulation of recreation and health of children"⁹. This law has been amended in many documents, such as the introduction of a new concept of "tourist route", which is considered "the route of tourists or excursionists, including the visit and use of tourist resources". In addition, amendments were made to Federal Law No. 159-FL "On additional guarantees for social support of orphaned children and children left without parental care"¹⁰, which establishes the right of this category of children to pay for state permits and travel to and from health resort organizations. The powers of the federal executive authorities have been expanded to improve the organization of recreation and health of children. In particular, from January 1, 2018, the Ministry of Education and Science is empowered to develop state policy in the field of child tourism, including ensuring the safety of children's lives and health. In the Russian Federation, the introduction of the concept of "child tourism" in the legislative field since 2015 can be considered a significant step. It is defined as tourism of an organized group of underage tourists accompanied by a header who is their legal representative¹¹. There is no definition of youth tourism in the current legislation of the Russian Federation, but it is used in several regulations at the subordinate level. Thus, since 2012, the national standard of the Russian Federation GOST R 54605-2011 "Services for child and youth tourism" (Tourist services. Services for child and youth tourism. General requirements) has been in force¹². Analyzing the current legislation in the field of organization and conduct of child tourism, it is possible to draw an important conclusion: the main principle of organizing child recreation is to ensure the safety of the child during the trip. Several subordinate legal acts are regulating these relations. These include relations arising from the transportation of organized groups of children, for example, the Russian Federation Government Decree of December 17, 2013 No. 1177 "On approval of the Rules of organized transportation of groups of children by bus"¹³, as well as "Memo to organizers of transportation of groups of children by bus" approved by the Ministry of Internal Affairs of the Russian Federation¹⁴. These regulations

⁸ Decree of the Government of the Russian Federation No. 1163 "On the Coordinating Council for the Development of Child tourism in the Russian Federation", April 11, 2014. Collection of legislation of the Russian Federation num 46 (November 17, 2014) Article 6360.

⁹ Federal Law No. 465-FL "On amending certain legislative acts of the Russian Federation regarding improving the state regulation of the organization of leisure and health for children". December 28, 2016. Retrieved from: <https://rg.ru/2016/12/30/izmeneniya-dok.html>

¹⁰ Federal Law No. 159-FL (as amended on March 7, 2018) "On Additional Guarantees for the Social Support of Orphans and Children Left Without Parental Care" December 21, 1996. Rossiyskaya Gazeta num 248 (December 27) 1996.

¹¹ Federal Law No. 49-FL "On the Basics of Tourism in the Russian Federation". March 2, 2016. Retrieved from: <http://kremlin.ru/acts/bank/40571>

¹² GOST R 54605-2011 "Tourist services. Children and youth tourism services. General requirements". Moscow: Standartinform. 2012.

¹³ Decree of the Government of the Russian Federation No. 1177 "On the approval of the Rules for the organized transportation of groups of children by buses". December 17, 2013. Retrieved from: <https://rg.ru/2013/12/24/perevozki-site-dok.html>

¹⁴ Memo to the organizers of transportation of groups of children by buses approved by the Ministry of Internal Affairs of the Russian Federation on March 22, 2014. Official documents in education num 31 (2014).

establish the legal regime for the organized transportation of children and fix the time frame allowed for the transportation of an organized group of children and other relationships arising from the placement of organized groups of children. For example, Resolution of the Chief State Sanitary Physician of the Russian Federation of May 14, 2013 No. 25 "On approval of SanPiN 2.4.4.3048-13" requirements to the arrangement and the organization of work of children's camps of tent type ", defining that the main activity of the camps is aimed at providing children with recreation, healing and strengthening their health, developing the creative potential of children, acquiring practical skills in environmental conditions, physical education, sports, and tourism¹⁵. Some normative legal acts contain prescriptions containing additional duties on participants in legal relations, for example, when a minor citizen of the Russian Federation departs without accompaniment, Article 20 of the Federal Law of August 15, 1996 No. 114-FL "On the Procedure for Departure from the Russian Federation and Entry into the Russian Federation"¹⁶. Based on the analysis of legal norms that determine the organization of activities in the field of child and youth tourism, it can be concluded that none of the current federal laws considers social child tourism as an independent direction of tourist activity. Federal legislation does not contain a clear list of individuals and organizations responsible for this measure of social protection of the population. At the moment, social child tourism in the Russian Federation is mainly regulated by regional legislative acts and countless different regulations, many of which are not only in contradiction with each other but also directly violate the provisions of higher legal acts.

It follows from the above that it is necessary to systematize the legislation in this area. Legal regulation of the sphere of child and youth tourism should be implemented in line with the improvement of general legislation in the tourism and hospitality industry but considering the rights and obligations of the main participants in these relations. At the same time, it is important to consider that the care for children and youth is one of the main tasks of the state and civil society.

Discussion

It should be noted that in the world practice, child and youth tourism plays an important role in fulfilling the mission to improve the quality of life of the population and is often implemented within the framework of social tourism programs, which has resulted in extensive international experience in the legal regulation of various forms of child and youth tourism. The Convention on the Rights of the Child (adopted by UN General Assembly Resolution 44/25 of 20 November 1989) defines the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development (Article 27), as well as the right of the child to rest and leisure (Article 31, paragraph 1). It also states that states shall take legislative, administrative, social, and educational measures to ensure the implementation of the present article (Article 31)¹⁷.

¹⁵ Decree of the Chief State Sanitary Doctor of the Russian Federation No. 25 "On approval of SanPiN 2.4.4.3048-13" Sanitary and epidemiological requirements for the design and organization of work of tent camps". May 14, 2013. Retrieved from: <https://rg.ru/2013/06/05/trebovania-dok.html>

¹⁶ Federal Law No. 114-FL "On the Procedure for Departure from the Russian Federation and entry into the Russian Federation". August 15, 1996. Collected Legislation of the Russian Federation num 34 (1996) Article 4029.

¹⁷ Convention on the Rights of the Child. November 20, 1989. Retrieved from: https://www.un.org/ru/documents/decl_conv/conventions/childcon.shtml

Activities in the field of tourism have been and remain most important for the inter-parliamentary Assembly of the Commonwealth of Independent States. In 1993, the governments of the CIS member states entered into an agreement on cooperation in the field of tourism, where the parties committed themselves to contribute to the formation of a common tourist space, the convergence of regulatory documents on tourism, and the introduction of a unified international classification system of accommodation facilities and tourist services, a unified information network¹⁸.

The legal regulation of child and youth tourism in the CIS member states is also an object of close attention. The Strategy for the Development of Cooperation of the CIS Member States in the Field of Tourism until 2020, approved by the Decision of the Council of Heads of Government of the Commonwealth of Independent States of November 20, 2013, defines the expediency of the development and subsequent use of generally accepted terminology in the regulatory legal documents of the CIS member states in the field of tourism. It is also emphasized that the CIS Member States strive to intensify tourist flows, primarily on the domestic (CIS countries) and international markets, increase joint projects and programs in the field of tourism, which are designed to ensure their national interests and develop interstate cooperation¹⁹. From the perspective of the global concept of sustainable development and harmonization of relations, child and youth tourism is presented as a means of developing global thinking among the younger generation, because it can be used to form a correct attitude to the history, environment, and culture of the CIS countries. Nevertheless, the introduction of general principles of legal regulation of relations in the field of child and youth tourism is particularly relevant for the formation of a unified tourist space of the CIS Member States and the harmonization of legislation in the field of tourism.

To this end, it appears that in 2004, at the 24th plenary session of the Interparliamentary Assembly of the CIS Member States, a model law "On Child and Youth Tourism" was adopted (Resolution No. 24-12 of December 4, 2004)²⁰. The law establishes the basis for the development and implementation of national policy in the field of children and youth tourism and is intended to contribute to the creation of conditions in the CIS Member States for the comprehensive development of children and youth tourism as an effective means of education, training, rehabilitation, professional orientation, and social adaptation of students and the establishment of a healthy lifestyle and an effective system of continuing education and personal development. The basic concepts were adopted for the model law: autonomy of institutions of additional education, state regional and local tourism bodies, child and youth tourism, additional (extracurricular) education, additional educational services, educational institutions, tourist and local history activities, public associations, institutions of additional education of tourist and local history profile. The model law also considers the principles of state policy in the field of child and youth tourism and management of the system of child and youth tourism. It is noted that the legislation on child

¹⁸ Agreement on cooperation in the field of tourism. Unified Register of Legal and Other Documents of the Commonwealth of Independent States. December 23, 1993. Retrieved from: <http://cis.minsk.by/reestr/ru/index.html#reestr/view/text?doc=270>

¹⁹ The strategy for the development of cooperation between the member states of the Commonwealth of Independent States in the field of tourism for the period up to 2020 was approved by the Decision of the Council of Heads of Government of the Commonwealth of Independent States. Unified Register of Legal and Other Documents of the Commonwealth of Independent States. November 20, 2013. Retrieved from: <http://cis.minsk.by/reestr/ru/index.html#reestr/view/text?doc=4070>

²⁰ Model Law "On Children and Youth Tourism". Newsletter of the Interparliamentary Assembly of CIS Member States num 35 (2005).

and youth tourism defines a set of legal relations between individuals (children, boys and girls), institutions and organizations involved in the functioning and development of this sphere, and the organization of healthy leisure. The principles of management are proposed, and the functions of regional state authorities and local self-government bodies are indicated. Proposals are made on the structure of tourism, including the creation of public associations and instructional and pedagogical work with children and youth. The issues of organizing medical support, forming a system of tourist and sports titles and categories are considered. Sources and procedures for the financing of children and youth tourism in educational institutions and institutions of additional education, production and commercial activities and the logistics of bases for children and youth tourism, property relations — consolidation of the right to the operational management of buildings, equipment, as well as other necessary property of tourist, sports, social, cultural, and other purposes are specifically described. The issues of international relations and foreign economic activity are considered. Given the above circumstances, new proposals (wording) of the model law have been developed to harmonize the legal space governing this type of activity in tourism. In this regard, the development of legal regulation of relations in the field of child and youth tourism will contribute to creating conditions for increasing tourist exchange between the CIS Member States and harmonizing relations in the long term²¹.

Considering the international experience of regulating issues related to certain types of tourism, including child and youth tourism, it should be noted that the main activity is observed in resolving issues of regulation at the level of regulatory departmental documents (standards, regulations, recommendations, decisions of departments) or the level of local government. National laws regulating child and youth tourism are not often adopted. However, there is a positive experience of state support and regulation of relations in several countries between subjects of child and youth tourism. For example, Switzerland believes that the development of child and youth tourism should be carried out through a common strategy to increase the international tourist attractiveness of the Confederation by improving the framework conditions and infrastructure, expanding the supply, and implementing, as far as possible, an attractive pricing policy. For example, annual trips (lasting 1-2 weeks) for secondary school students to winter and summer camps in the country are organized, and such trips are usually a mandatory element of the school curriculum²². Since the entry into force in 2012 of the Federal Law "On the Support of Innovation, Cooperation and the Accumulation of Knowledge in the Field of Tourism", the InnoTour state program has implemented projects aimed at supporting the development of tourism for children and youth: 1) Swiss Snowsports has developed methodological and didactic standards for the development of winter sports tourism for children, which made it possible to combine winter travel with the acquisition of skills in the field of winter sports; 2) Swiss "Union of Winter Sports Initiatives" (Schneesportinitiative Schweiz) has created a special platform offering a variety of youth-oriented winter sports tourism products for schools²³. Special attention is

²¹ Putrik, S.; Sorvina y T. A. "Analiz zakonodatelstva gosudarstv — uchastnikov SNG, evropeiskikh gosudarstv i norm mezhdunarodnogo prava v sfere detskogo i yunosheskogo turizma", Dialog: politika, pravo, ekonomika Vol: 2 num 9 (2018): 15-20.

²² Analytical Bulletin of the Council of the Federation of the Federal Assembly of the Russian Federation No. 32 (585). Series: Main Problems of Social Development – 148. Foreign experience in the field of tourism regulation. Council of the Federation of the Federal Assembly of the Russian Federation. Retrieved from: <http://www.council.gov.ru/media/files/41d5a042de670efa9482.pdf>

²³ Analytical Bulletin of the Council of the Federation of the Federal Assembly of the Russian Federation No. 32 (585). Series: Main Problems of Social Development – 148. Foreign experience in the field of tourism regulation. Council of the Federation of the Federal Assembly of the Russian Federation. Retrieved from: <http://www.council.gov.ru/media/files/41d5a042de670efa9482.pdf>

paid to the development of child and youth tourism in China. The provision for children and youth tourism is contained in the law of the people's Republic of China "On tourism" of April 25, 2013: "minors enjoy the benefits and privileges defined by the current laws and regulations" (Article 11). The plan of tourism development in China defines the main directions and activities to support and develop child and youth tourism. This is the organization of educational and excursion classes for schoolchildren and young people, summer and winter camps, and other activities that should be included in the program of daily moral, aesthetic, and physical education of primary and secondary school students and considered as the basis for the education of young people²⁴.

Similar programs of state support for children and youth tourism are implemented in other countries of the world. However, the regulation of child tourism is not observed in all states at the highest state level, as noted above. In the United States, where child and youth summer camps are very popular, such regulation is carried out at the state level and is controlled by the health departments of these states. Before starting operations, each organized summer camp must obtain a state license, meet the requirements, including sanitary and epidemiological safety, established by the ACA (American Camp Association). The basic requirements and standards developed by this organization are adopted and supplemented in each state in the form of a law that considers local characteristics²⁵. This practice is also used in Russia. As a successful example, it is possible to cite the Law of the Krasnodar Krai No. 849-KZ dated March 29, 2005. "On ensuring the rights of children on recreation and improvement in Krasnodar Krai"²⁶, in addition to the issues of state support of child tourism at the regional level, this law regulates several organizational issues, such as detailed information on all camps; development of standard form contract on rendering services on organization of recreation of children and their improvement, which will be a children's camp or sanatorium with the child's family; rules monitoring the safety of tourist routes; information on recommended routes on their degree of complexity and range. At the local level, this will make it possible to provide both remote control over groups of children and the ability to quickly come to their aid in case of any unexpected circumstances.

Conclusion

The research conducted in this work shows that the Russian Federation clearly defines the priority areas of state regulation of tourism activities in the Russian Federation, which include: support and development of domestic tourism, inbound tourism, social tourism, child tourism, amateur tourism, and agricultural tourism. Russian legislation contains a large array of legal norms at various levels of regulation, ranging from higher-level legal acts to subordinate legal acts and regional legislation regulating child and youth tourism. However, this set of norms is not systematic, individual norms of various regulatory sources regulating child tourism are not coordinated and often contradict each other, which does not contribute to the development of child tourism, and the main principle of legal regulation in this area is often violated – the safety of travel and recreation of underage

²⁴ Analytical Bulletin of the Council of the Federation of the Federal Assembly of the Russian Federation No. 32 (585). Series: Main Problems of Social Development – 148. Foreign experience in the field of tourism regulation. Council of the Federation of the Federal Assembly of the Russian Federation. Retrieved from: <http://www.council.gov.ru/media/files/41d5a042de670efa9482.pdf>

²⁵ American Camp Association: State Laws & Regulations. Retrieved from: <https://www.acacamps.org/resource-library/state-laws-regulations>

²⁶ The law of the Krasnodar Territory No. 849-KZ "On ensuring the rights of children to rest and improve in the Krasnodar Territory" (adopted by the LA of KT on March 23, 2005). March 29, 2005. Kuban News num 47 (April 2, 2005).

tourists. It seems that the main direction of improving the legislation regulating public relations in the field of child tourism should be to bring it into a systematic form, with the presence of a basic law that ensures the harmonization of the norms of other legal acts in this sphere of regulation. Such a law can be developed on the basis and considering the main provisions of the CIS Model Law "On Child Tourism" of 2004, adjusted for today's realities, especially concerning the safety of children's travel and leisure.

Child tourism, as one of these priority areas, affects the mind, soul, and body of the younger generation and contributes to the formation of a harmonious and comprehensively developed personality, able to love and protect the Homeland, preserve and multiply the heritage of the native land. It requires special attention, including to its legal regulation. In this area, legal conflicts naturally arise due to changes in the realities of society. Considering the current state of legislation, the legislator will have to make a lot of efforts to bring the legal regulation of child tourism to a state that meets the requirements of the time. First of all, this should concern the safety of children throughout the tour.

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