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Secção I

Investigação Científica*

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International legal regulation of the protection of children's rights in armed conflicts: Declarations and reality

Regulamentação jurídica internacional da proteção dos direitos das crianças nos conflitos armados: Declarações e realidade

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ABSTRACT: The relevance of the research is driven by the fact that children belong to the most vulnerable groups of the population during armed conflicts and often become victims of violence, cruel treatment, forced displacement, and deprivation of access to education, medical care, and other basic needs. These risks have significantly increased with the full-scale invasion of the Russian Federation into the territory of Ukraine. Considering this, the aim of this scientific research is the necessity to investigate the effectiveness of international legal acts as a means of protecting children's rights in times of war. The methods used in the study include statistical analysis, legal hermeneutics, analysis, and induction. The main results consist of clarifying the lawful and guaranteed rights of the child, which are provided for by both international conventions and Ukrainian legislation. The regulatory framework is detailed, including an analysis of the Convention on the Rights of the Child, the Geneva Conventions, the Law of Ukraine "On the Protection of Childhood," and so on. It is indicated that the norms of the analysed acts prove to be insufficiently effective in the conditions of modern armed conflicts, which is confirmed by statistics. For example, approximately 2,000 children have been recorded as affected in the territory of Ukraine, and according to the United Nations, 468 million children live in regions of heightened danger. Children in such regions may suffer from various forms of violence, recruitment into armed formations, become victims of abductions, and deportations. Attention is focused on the necessity of reforming the modern child protection system in times of war by updating international conventions and creating specialized institutions aimed at providing medical and psychological rehabilitation for children who are victims of military aggression. The results of the scientific research can be used by lawyers and sociologists as a basis for improving Ukrainian legislation regarding the protection of children, as well as for international approaches to formulating security measures for minors in times of war.

KEYWORDS: genocide; recruitment; deportation; full scale invasion; rehabilitation; combat operations.

RESUMO: A relevância da investigação deve-se ao facto de as crianças pertencerem aos grupos mais vulneráveis da população durante os conflitos armados e serem frequentemente vítimas de violência, tratamento cruel, deslocação forçada e privação de acesso à educação, cuidados médicos e outras necessidades básicas. Estes riscos

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umentaram significativamente com a invasão em grande escala da Federação Russa no território da Ucrânia. Tendo isto em conta, o objetivo desta investigação científica é a necessidade de investigar a eficácia dos actos jurídicos internacionais como meio de proteger os direitos das crianças em tempo de guerra. Os métodos utilizados no estudo incluem a análise estatística, a hermenêutica jurídica, a análise e a indução. Os principais resultados consistem na clarificação dos direitos legais e garantidos da criança, previstos tanto nas convenções internacionais como na legislação ucraniana. O quadro regulamentar é pormenorizado, incluindo uma análise da Convenção sobre os Direitos da Criança, das Convenções de Genebra, da Lei da Ucrânia “Sobre a Proteção da Infância”, etc. É indicado que as normas dos actos analisados se revelam insuficientemente eficazes nas condições dos conflitos armados modernos, o que é confirmado pelas estatísticas. Por exemplo, foram registadas cerca de 2 000 crianças afectadas no território da Ucrânia e, de acordo com as Nações Unidas, 468 milhões de crianças vivem em regiões de elevado perigo. As crianças nessas regiões podem ser vítimas de várias formas de violência, de recrutamento para formações armadas, de raptos e de deportações. A atenção está centrada na necessidade de reformar o sistema moderno de proteção das crianças em tempo de guerra, actualizando as convenções internacionais e criando instituições especializadas destinadas a proporcionar reabilitação médica e psicológica às crianças vítimas de agressão militar. Os resultados da investigação científica podem ser utilizados por juristas e sociólogos como base para melhorar a legislação ucraniana em matéria de proteção das crianças, bem como para as abordagens internacionais relativas à formulação de medidas de segurança para os menores em tempo de guerra.

PALAVRAS-CHAVE: genocídio; recrutamento; deportação; invasão em grande escala; reabilitação; operações de combate.

1. Introduction

Military conflicts affect all spheres of the country’s socio-political life, and children emerge as the most vulnerable segment of society, thus the protection of their rights requires a comprehensive and effective approach. The international legal basis for such protection includes a range of treaties and conventions, however, the nature of armed conflicts is variable due to the introduction of new technologies, thus expanding the boundaries of possible negative impacts on children’s rights. In the conditions of the Russian-Ukrainian war, as well as armed conflicts in other states, the urgent issue is not only the legal regulation of child rights protection but also how the norms and provisions of legal acts are implemented and whether they are effective. The issue of this work arises from the limited access to data collection regarding potential violations of children’s rights in areas of heightened combat activity. However, insufficient attention to this issue can lead to a range of negative consequences, including an increase in the number of instances of children’s rights violations, worsening psychological and physical well-being, increased risks of involvement of minors in armed conflicts, and so on.

The legal guarantees in the sphere of child rights protection were examined by I. Svitlak and K. Podzharenko.¹ The norms regarding children's rights related to health protection in armed conflict conditions are present both in national legislation and in international legal acts. The authors analysed the statutes of the World Health Organization, which states that the physical well-being of the child is a fundamental factor for harmonious development, and in times of war, this factor is under threat.

The Ukrainian system for the protection of children's rights was studied by O. Korniyenko.² The author emphasizes that children are a vulnerable category, and in times of war, vulnerability increases, as does the need for careful supervision and legal regulation to ensure that children's rights and freedoms are properly upheld. With the full-scale invasion of the Russian Federation (RF) into Ukrainian territory, the authorities adopted an important document confirming the establishment of a coordination headquarters for the protection of children's rights in wartime. Additionally, as the researcher points out, considering the acute needs and challenges, the practical and effective solution of the Ukrainian government was the creation of the "Child Is Not Alone" resource.

The issue of children's right to education during wartime was investigated by A. Artemenko,³ who defines this right as one that must be ensured even in conditions of military confrontation. Specifically, the student status for a child in certain territories may be grounds for avoiding conscription, and the educational process becomes an important factor in restoration and ensuring normal psychoemotional development. The researcher notes that to guarantee such a right to a child, comprehensive work, and participation of both national and international bodies for monitoring children's rights are necessary.

International law provides the basis for protecting children during armed conflicts, as M. Padalka⁴ points out, including general humanitarian treaties,

¹ SVITLAK, I.I. and PODZHARENKO, K.E. legal guarantees for ensuring and protecting the right of a child to mental health in times of war. *Analytical and Comparative Law*, 2023, vol. 1, pp. 185-194. doi: 10.24144/2788-6018.2023.01.28.

² KORNIYENKO, O.O. legal regulation of the protection of children's rights in Ukraine. *Legal Bulletin*, 2023, vol. 7, pp. 32-39. doi: 10.31732/2708-33X-2023-07-32-39.

³ ARTEMENKO, A. the right to education and other rights of children in Ukraine during the war. *Scientific Collection "InterConf"*, 2023, vol. 156, pp. 262-269. <https://archive.interconf.center/index.php/conference-proceeding/article/view/3483>.

⁴ PADALKA, M. international legal protection of the civil population in armed conflicts. *Problems of Modern Transformations. Series: Law, Public Management and Administration*, 2022, vol. 6. doi: 10.54929/2786-5746-2022-6-01-10.

human rights conventions (global and regional), and international customary law. However, despite the development of the normative legal framework, its practical application and effectiveness in conditions of actual military actions raise concerns.

A country in a state of war not only operates under special conditions, as noted by O. Turchenko and I. Pylypyshyna,⁵ but also must ensure effective protection of vulnerable segments of the population; this category includes children. The normative legal framework for this sphere is formed both at the national and international levels, through declarations and multilateral agreements, however, as the authors note, the problem of the approach to protecting children's rights and interests lies in not considering them as subjects of relations. Additionally, the researchers emphasize that most norms are declarative in nature, which prevents their successful practical application.

The analysed works allow for the discussion that the theoretical aspect of normative provision for protecting children's rights in armed conflicts is actively researched by the authors, while little attention is paid to the application of these norms in practice. Thus, the aim of this scientific work is to clarify issues regarding the effectiveness and practical value of normative legal acts and provisions regulating children's rights in times of war.

2. Materials and Methods

The research was conducted using a variety of methods of scientific inquiry. Primarily, it was necessary to employ the method of legal hermeneutics, which proved useful in interpreting and understanding the legal aspects of children's rights protection. Thus, the objects of the study, based on this method, included both international and national normative acts, including the Geneva Convention Relative to the Protection of Civilian Persons in Time of War,⁶ Convention on the Rights of the Child,⁷ Optional Protocol to the Convention on the Rights of the

⁵ TURCHENKO, O.G. and PYLYPYSHYNA, I.I. ensuring children's rights in the context of armed conflict in Ukraine. *Analytical and Comparative Jurisprudence*, 2022, vol. 2, pp. 64-69. doi: 10.24144/2788-6018.2022.02.11

⁶ GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR. 1949. https://zakon.rada.gov.ua/laws/show/995_154#top

⁷ CONVENTION ON THE RIGHTS OF THE CHILD. 1989. https://zakon.rada.gov.ua/laws/show/995_021#top

Child on the involvement of children in armed conflict,⁸ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182,⁹ Rome Statute of the International Criminal Court,¹⁰ Law of Ukraine No. 2402-III "On the Protection of Childhood",¹¹ and Resolution of the Cabinet of Ministers of Ukraine No. 841 "On Approval of the Procedure for Evacuation in Case of Threat or Occurrence of Emergency Situations".¹²

Additionally, a statistical method, based on the collection and interpretation of statistical data, was useful in assessing the effectiveness and practical value of declarative provisions regarding children's protection in times of war and emergencies. Specifically, the research examined the number of child casualties resulting from the Russian full-scale invasion of Ukraine, as well as the number of potential affected children based on specific indicators in various conflict regions worldwide. The Office of the Prosecutor General of Ukraine served as a source of current data.¹³

It is worth mentioning that alongside the statistical method, an analytical method was employed, allowing for the examination of the features of international and national regulation of child protection in times of war, identifying children's fundamental rights and actions that may lead to their violations. This method helped investigate major infringements on children's rights during war, not only in Ukraine but also in regions like Palestine, Yemen, Israel. It also identified key deficiencies in conventional regulation of the researched area and explored the inefficiency of existing norms. The analysis method was instrumental in identifying reasons why provisions of international normative acts

⁸ OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT. 2000. https://zakon.rada.gov.ua/laws/show/995_795#Text

⁹ CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR NO. 182. 1999. https://zakon.rada.gov.ua/laws/show/993_166#Text

¹⁰ ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT. 1998. https://zakon.rada.gov.ua/laws/show/995_588#Text

¹¹ LAW OF UKRAINE NO. 2402-III "ON THE PROTECTION OF CHILDHOOD". 2001. <https://zakon.rada.gov.ua/laws/show/2402-14#Text>

¹² RESOLUTION OF THE CABINET OF MINISTERS OF UKRAINE NO. 841 "ON APPROVAL OF THE PROCEDURE FOR EVACUATION IN CASE OF THREAT OR OCCURRENCE OF EMERGENCY SITUATIONS". 2013. <https://zakon.rada.gov.ua/laws/show/841-2013-%D0%BF#top>

¹³ JUVENILE PROSECUTORS: 535 children died in Ukraine as a result of Russian armed aggression. 2024. <https://gp.gov.ua/ua/posts/yuvenalni-prokurori-535-ditei-zaginuli-v-ukrayini-vaslidok-zbroinoyi-agresiyi-rf-3>

cannot be considered current and why national legislation requires amendment. It also highlighted issues in the process of data calculation regarding infringements on children's rights. Ultimately, the analysis method helped formulate a series of recommendations and avenues for improving both national and international approaches to protecting children's rights in armed conflicts, based on identified deficiencies in the existing approach.

Alongside the analysis method, a systemic-structural approach was employed, allowing for the examination of the structure and organization of the Ukrainian approach to minimizing the impact of war on children's legal status. Initiatives and successful decisions of the Ukrainian government in this field were outlined. The activities and involvement of authorized entities in this process, as well as peculiarities and innovations aimed at creating a favourable environment for the recovery and rehabilitation of affected children, were examined, along with deficiencies and ways to improve them. Furthermore, the method of induction was utilized, enabling the exploration of various authors' and scholars' reasoning regarding general provisions of children's rights protection in crisis and hazardous situations, upon which a conclusion regarding scientific research was formulated.

3. Results

Children's rights are a fundamental and established component of international law overall. Some key children's rights include the right to life, development, education, protection from violence, healthcare, and leisure activities, as well as protection from economic exploitation. Ensuring children's rights primarily involves guaranteeing a safe environment, quality education, medical care, adequate nutrition, and opportunities for play and leisure. In the context of armed conflicts, the right to life and health becomes of particular importance. International humanitarian law, as an institution, requires all parties to a conflict, including armed groups, to prioritize the protection of civilians, including children, from mutilation, killing, recruitment and use in hostilities, abduction, sexual violence, and more. These requirements are part of the normative legal provisions of both the international and national protection systems.

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War,¹⁴ in Article 24, stipulates that warring parties must prioritize the welfare of orphaned children or children under the age of 15 who have been left without parents. These children should not be left unprotected, and regardless of circumstances, their basic needs, including care, religious rituals, and education, must be met. When possible, their education should be provided by individuals from their own culture. The Geneva Convention focuses on the civilian population as a whole and its protection during wartime. More specialized and focused on children's rights is the Convention on the Rights of the Child,¹⁵ which emerged as a logical consequence and a desire to improve and protect children's rights during war. It aimed to unify provisions regarding this category of civilian population in one document. In general, governments are obligated to ensure all rights outlined in the agreement to every indigenous child residing within their borders. This guarantee equally extends to all children, regardless of factors such as race, ethnicity, language, religion, or socioeconomic status. All children have a fundamental right to life. Efforts by countries should be directed towards preventing unauthorized or forced child crossings across borders. Regarding children's rights in times of war, the Convention states that governments must ensure that children under 15 do not take part in military activities. Criticism has been directed at this provision, which defines a child as a person under 15, leading to the adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.¹⁶ This protocol aims to enhance child protection by raising the minimum age for military service and participation in hostilities. Governments must take all possible measures to ensure that no one under 18 directly participates in armed conflict. Recruitment of persons under 18 into the armed forces is prohibited. Armed groups or formations are prohibited from recruiting or using persons under 18 in hostilities. Thus, this Protocol recognizes that a child is a person under the age of 18, expanding the scope of protection established by the Convention.

¹⁴ GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR. 1949. https://zakon.rada.gov.ua/laws/show/995_154#top

¹⁵ CONVENTION ON THE RIGHTS OF THE CHILD. 1989. https://zakon.rada.gov.ua/laws/show/995_021#top

¹⁶ OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT. 2000. https://zakon.rada.gov.ua/laws/show/995_795#Text

Considering the possibility of recruiting children not only for military but also for labour purposes, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182¹⁷ was adopted. Countries must prevent children from being engaged in the worst forms of child labour, such as hazardous or exploitative work, and identify and assist children who find themselves in particularly difficult situations. Furthermore, significant are the provisions of the Rome Statute of the International Criminal Court,¹⁸ which qualify the forcible transfer of minors and young persons from one group to another as genocide. However, while an analysis of the international legal framework allows concluding its complexity and recognition of armed conflicts as barriers to protecting children's rights, statistical data on children affected by war indicates some inefficiency of existing norms (Figure 1).

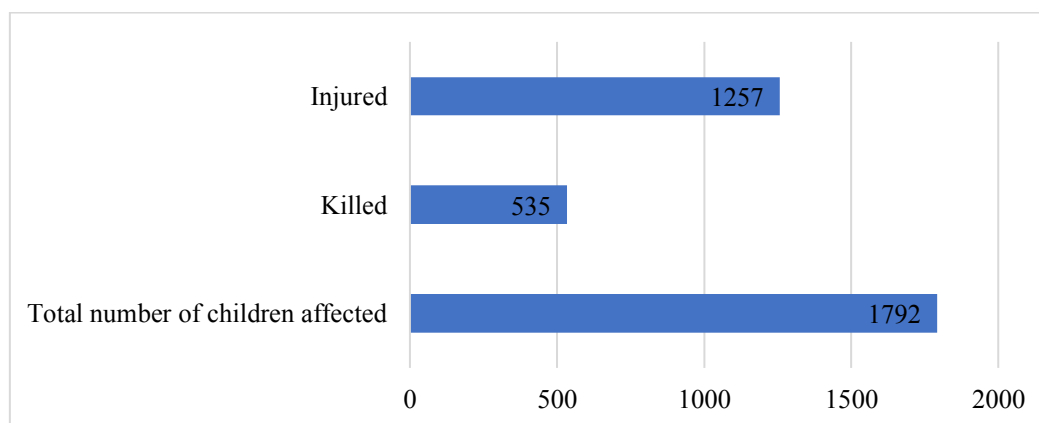


Figure 1. Children affected by the war in Ukraine as of March 15, 2024

Source: *Juvenile prosecutors: 535 children died in Ukraine as a result of Russian armed aggression*¹⁹

According to the UN data as of 2022, almost one in six children in the world (approximately 468 million) lived in areas that were dangerous for their life and health due to armed conflicts. Around 20 thousand children were affected by various forms of violations of their rights, including murder – about 3 thousand children, mutilation – about 5.5 thousand children, abduction – nearly 4 thousand

¹⁷ CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR NO. 182. 1999. https://zakon.rada.gov.ua/laws/show/993_166#Text

¹⁸ ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT. 1998. https://zakon.rada.gov.ua/laws/show/995_588#Text

¹⁹ JUVENILE PROSECUTORS: 535 children died in Ukraine as a result of Russian armed aggression. 2024. <https://gp.gov.ua/ua/posts/yuvenalni-prokurori-535-ditei-zaginuli-v-ukrayini-vnaslidok-zbroinoyi-agresiyi-rf-3>

children, and abduction followed by recruitment affected 7.6 thousand children. Additionally, almost 3 thousand children were detained on suspicion of involvement in armed groups. It is worth noting that such violations are confirmed in the territories of Congo, Israel and Palestine, Somalia, Afghanistan, Ukraine, Yemen, and others. However, investigating such violations is complicated by the intensity of hostilities and the impossibility of collecting definitive data. Documented cases of sexual violence against children amount to about 1.2 thousand, but it is also impossible to definitively confirm or refute how accurate this estimate is due to a number of factors affecting the calculation. These factors include the fear of victims, moral and social norms that blame the victim rather than the perpetrator, stigmatization, weak mechanisms for holding the guilty accountable, and so on. Another violation of children's rights is the denial of access to humanitarian aid – nearly 4 thousand documented cases. Instances of destruction of vital infrastructure, such as schools and hospitals, which are crucial for the normal development of children, have also increased by more than 100%, particularly due to the full-scale Russian intervention in Ukraine and the conflict between Israel and Palestine. It is necessary to understand that statistical indicators regarding cases of children's rights violations are also influenced by gender-based biases. For example, the data highlight a higher number of cases of sexual violence against girls, while a greater number of murders or mutilations are perpetrated against boys.²⁰ Boys also dominate the statistics regarding recruitment into armed groups. However, a high level of stigmatization and stereotypes in various regions can lead to a certain invisibility of sexual crimes against male children or the silence surrounding such cases.

Declarative provisions of international normative legal acts require not only signing and implementation into national legal systems, but also practical ways of implementation and the creation of effective mechanisms that would guarantee the safety of children in crisis situations. Ukrainian experience in this matter can be useful. For example, the “Children of War” platform has been created, which has several main directions of work, including collecting information about children affected by armed conflict, children who have disappeared or been

²⁰ RYMOND-RICHMOND, W. children of war resisters: intergenerational transmission of activism, political orientation, injustice frames, and law resistance. *Law & Social Inquiry*, 2023, vol. 48, n. 4, pp. 1261-1280. doi: 10.1017/lsi.2023.59

deported, and also serves as a platform to report known cases of child rights violations, disappearances. The Prosecutor General's Office also plays important roles, documenting Russian war crimes committed against children in Ukraine and actively cooperating with the International Criminal Court. One of the practical and useful solutions is also the equipping of bunkers and shelters with suitable conditions for accommodating minors, providing them with toys, which can significantly impact the stress and well-being of children during missile attacks in particular.²¹ A problematic issue for Ukraine remains the return of children who were unlawfully taken out of the country, as there is no sustainable and developed mechanism for such a procedure, and the activities of both Ukrainian government bodies and international partners and organizations occur ad hoc. Furthermore, Russia's refusal to cooperate on this matter significantly complicates the process, as out of nearly 20 thousand deported children returned to Ukrainian territory, only 388 have been repatriated.²² A Consultation Center has been established, providing information services regarding the specifics of searching for missing children, repatriation with a child to Ukrainian territory, receiving humanitarian aid. It is worth noting that the main normative legal act in this area is Law of Ukraine No. 2402-III "On the Protection of Childhood",²³ which in Article 30 prohibits the participation of minors in armed conflicts and conflicts, and Article 30-1 states that state authorities must ensure the protection, repatriation to Ukrainian-controlled territory, release from captivity, of children in areas of hostilities.

An analysis of the above-mentioned provisions allows concluding that they are aimed at minimizing the negative consequences and impact of war on the rights and freedoms of children, but it is crucial in this matter to prevent such impact altogether. This aspect is somewhat addressed by Resolution of the Cabinet of Ministers of Ukraine No. 841 "On Approval of the Procedure for Evacuation in Case of Threat or Occurrence of Emergency Situations",²⁴ which

²¹ SKRYPCHENKO, T. children of war: understanding the social impact on and the needs of children affected by the Russian War in Ukraine. *Sociology: Theory, Methods, Marketing*, 2023, vol. 3, pp. 60-70. doi: 10.15407/sociology2023.03.060

²² JUVENILE PROSECUTORS: 535 children died in Ukraine as a result of Russian armed aggression. 2024. <https://gp.gov.ua/ua/posts/yuvenalni-prokurori-535-ditei-zaginuli-v-ukrayini-vnaslidok-zbroinoyi-agresiyi-rf-3>

²³ LAW OF UKRAINE NO. 2402-III "ON THE PROTECTION OF CHILDHOOD". 2001. <https://zakon.rada.gov.ua/laws/show/2402-14#Text>

²⁴ RESOLUTION OF THE CABINET OF MINISTERS OF UKRAINE NO. 841 "ON APPROVAL OF THE PROCEDURE FOR EVACUATION IN CASE OF THREAT OR OCCURRENCE OF

establishes the procedure for forced evacuation in case of emergencies or crisis situations. Thus, the regional military administration in a certain region may decide on the necessity of evacuating children and parents from the territory considered unsafe for habitation. Consequently, the right of the child to life and health is protected and can be minimally guaranteed through relocation to a safer territory.

Ukraine actively cooperates with international partners to create a safer environment for children affected by armed conflict. In this context, attention should be paid to the Action Plan of the Council of Europe for the Ukrainian state for 2023-2026 (the Plan), which among other things includes a number of proposals for the protection of children's rights during and after the war. Assistance is proposed in the process of ending violence in all its forms against children through the creation and development of "Barnahus," or "Children's Houses." This model serves as a rehabilitation centre specializing in providing psychological and medical assistance to children who are victims or witnesses of violence.²⁵ This format is widespread and successfully operates in various countries around the world, with several such facilities in Ukraine.²⁶ However, under current circumstances, it seems justified to establish more of such institutions, for example, one facility per region of Ukraine, with open access and a transparent system for receiving and assisting violence-affected children. Within the Plan, knowledge exchange in the field of psychological services is also proposed to adhere to internationally accepted standards. Consultations on creating an effective mechanism for post-war rehabilitation for children affected by armed conflict are mentioned as well. It is emphasized that in the process of assisting children, it is important to consider and listen to the child's opinions by granting them the right to be heard on matters directly affecting them.²⁷

EMERGENCY SITUATIONS". 2013. <https://zakon.rada.gov.ua/laws/show/841-2013-%D0%BF#top>

²⁵ BRUCATO, G. children after war: from moral development claims to welfare and agency rights. *Hungarian Journal of Legal Studies*, 2023, vol. 64, n. 1, pp. 115-133. doi: 10.1556/2052.2023.00437.

²⁶ PETERSON, N., ASTORINO-COURTOIS, A., and KUZNAR, L. defying the cycle of violence among children of war, 2020. https://nsiteam.com/social/wp-content/uploads/2020/02/NSI-Reachback_B1_Defying-the-Cycle-of-Violence-Among-Children-of-War_Feb2020_Final.pdf

²⁷ BERNINI, S. war children. victims, threats and promises of the future. *Revue des Sciences Sociales*, 2020, vol. 64, pp. 62-73. doi: 10.4000/revss.5812; ELVEVÅG, B. and DELISI, L.E. the mental health consequences on children of the war in Ukraine: a commentary. *Psychiatry Research*, 2022, vol. 317, pp. 114798. doi: 10.1016/j.psychres.2022.114798.

The aforementioned recommendations cannot guarantee the safety and full protection of children's rights, as they focus on ensuring a normal process of reintegration into society and psychological support for war-affected individuals. In the context of armed conflict, the most effective way to protect the rights and freedoms of minors is to cease hostilities. Considering factors that may hinder such cessation, both national and international legal acts should minimize the impact of war on a child's well-being. However, current international frameworks, despite their comprehensiveness, need improvement.²⁸ Existing legal instruments, such as the Convention on the Rights of the Child and its optional protocols, lack reliable mechanisms for enforcement. This impedes holding state and non-state actors accountable for violating children's rights. Additionally, there is a lack of detailing and a comprehensive algorithm for the international community's response to cases of systematic violation of children's rights in the context of war, creating an appearance of impunity for the violators.²⁹ Monitoring and information collection methods regarding children's rights violations in regions affected by military actions also require improvement, as they directly affect the final report on the status and protection of children in those territories. Considering that the Convention on the Rights of the Child and its protocols were created in a period not characterized by technological and innovative developments, there is a need to update its provisions to be relevant to contemporary events and methods of conducting modern hybrid warfare. This, to some extent, expands and creates new types of violations of children's rights in the context of armed conflicts. Unification is also necessary, as current international legal regulation of children's rights is scattered and concerns not only children's rights during wartime. Given the active military operations taking place not only in Ukraine but also in other countries, it is advisable to create a legal act that would specifically cover issues related to children's rights in the context of war. Such an act should be accompanied by reliable national

²⁸ Ibidem.

²⁹ BADANTA ROMERO, B., MÁRQUEZ DE LA PLATA-BLASCO, M., LUCETTI, G., and GONZÁLEZ-CANO-CABALLERO, M. the social and health consequences of the war for Ukrainian children and adolescents: a rapid systematic review. *Public Health*, 2024, vol. 226, pp. 74-79. doi: 10.1016/j.puhe.2023.10.044; KRUSZEWSKA, A. and LAVRENOVA, M. the educational opportunities of Ukrainian children at the time of the Russian invasion: perspectives from teachers. *Education 3-13*, 2024, vol. 52, n. 2, pp. 213-226. doi: 10.1080/03004279.2022.2083211

implementation plans and the creation of necessary child protection measures. A practical aspect of child protection may involve enhanced training of armed forces to minimize harm to minors in areas of intense combat. Ukrainian experience in forced evacuation from high-risk territories is crucial in this matter, but the process of such evacuation also requires detailing, especially regarding duration, resettlement options, and employment for forcibly evacuated individuals, among other factors.

4. Discussion

The process of protecting children during times of war requires a comprehensive approach involving many stakeholders, including national and international actors and organizations. The shortcomings of the current system of child protection activities are due to the insufficient development of the regulatory framework and the inability to practically implement declarative provisions. The mechanism for protecting children in armed conflict must be, first and foremost, effective and based on the needs of the protected subject, as the impact of crisis situations on children's psychoemotional and physical well-being can manifest in various aspects.

One such aspect, as identified by D. Bürgin et al.,³⁰ is specifically the mental health and the right of the child to normal development. The authors outline how war undermines the mental health of children. For example, children in conflict zones experience immediate stress reactions, increased anxiety, and depressive disorders. They struggle with the loss of safety and security, often complicated by separation trauma from parents or caregivers. The article proposes a multi-level intervention strategy by authorized bodies to strengthen the mental health of children in conflict zones. This approach goes beyond simple provision of necessities like food and shelter, emphasizing the importance of first psychological aid and trauma-informed assistance. The authors argue that by introducing a comprehensive range of support, from meeting basic needs to scientifically grounded interventions through support and qualified assistance, it is possible to minimize the consequences of war and ensure protection for the

³⁰ BÜRGIN, D., ANAGOSTOPOULOS, D., VITIELLO, B., SUKALE, T., SCHMID, M., and FEGERT, J.M. impact of war and forced displacement on children's mental health – multilevel, needs-oriented, and trauma-informed approaches. *European Child & Adolescent Psychiatry*, 2022, vol. 31, n. 6, pp. 845-853. doi: 10.1007/s00787-022-01974-z

emotional development of the child. Although the authors' results focus on the psychological well-being of children affected by war rather than on legal status, it is impossible not to agree with their conclusions, as normal physical and psychological development of a child is also encompassed within the notion of a "child's right to life and health". Therefore, when working with children affected by war, it is important to consider that such individuals require psychological support.

M. Liebel³¹ proposes a rethinking of children's rights. This approach highlights the experiences and perspectives of children themselves, particularly how children perceive their rights and how these rights may differ from adult-oriented concepts. Additionally, the work emphasizes the importance of intercultural considerations in the context of international legal regulation. According to the author, this concept has several potential advantages: expanding children's opportunities by allowing them to participate in decisions affecting their lives and recognizing and evaluating cultural differences to develop more effective and contextually appropriate strategies for protecting children's rights on a global scale. The author's conclusions confirm the findings of this work. Indeed, recognizing children as full-fledged subjects of legal relations is an important factor in shaping measures for their protection. For a successful and effective mechanism of guaranteeing children's rights and freedoms, it is necessary, first, and foremost, to consider the opinions and positions of the children themselves, their needs, especially in the context of armed conflict, which poses higher risks to the life and health of individuals.

A. Khorram-Manesh³² also studied the detrimental effects of armed conflicts on children's health and well-being. The author points out that children are particularly vulnerable to physical injuries and deaths during conflicts, and attacks on healthcare facilities further increase risks. Additionally, the consequences of war include family displacement, mass migration to perceived safer regions, which creates additional threats to children's rights through abduction, recruitment. Children in conflict zones are also at increased risk of exploitation as soldiers or workers, and cases of sexual exploitation, violence, and harsh

³¹ LIEBEL, M. children's rights from below. in: *childhoods of the global south*, Policy Press, London, 2023, pp. 23-24. <https://bristoluniversitypressdigital.com/display/book/9781447370437/pt001.xml>

³² KHORRAM-MANESH, A. the impacts of armed conflicts and civilian uprisings on children's health. *Children*, 2022, vol. 9, n. 12, pp. 1913. doi: 10.3390/children9121913

treatment are reported. Children's rights to education are violated through attacks on schools or the inability to attend school. The author's conclusions align with the findings of this work. It is worthwhile to agree with the researcher regarding the proposed measures for protecting children through international frameworks, ensuring access to humanitarian and medical assistance, shelters, psychological rehabilitation centres. It is also worth mentioning that the experience in this regard includes the establishment of "Children's Houses," the structure of which incorporates the aforementioned assistance directions; this initiative becomes particularly important during crisis situations, one of which is war.

Ensuring the basic needs of children, according to R. Calam et al.,³³ is a crucial factor playing an important role in conflict zones and includes access to safe drinking water, nutritious food, sanitary conditions, and medical services. International organizations, in cooperation with national authorities, should also make efforts to protect children from physical and psychological harm by creating safe spaces, providing psychosocial support, and so forth. Like most authors, the researchers emphasize the significant role of education, as this process creates a sense of normalcy and stability for children in conflict zones. Ultimately, preventing future conflicts is the most effective way to protect children. Supporting peacebuilding initiatives aimed at addressing the root causes of conflict can create a safer environment for future generations. The authors' results correspond to the considerations in this work, particularly in recognizing that the rights and freedoms of children in conflict zones can only be fully ensured upon complete cessation of hostilities. However, this aspect is often difficult to achieve in reality due to a variety of social and political factors, thus leaving international organizations and national authorities responsible for child protection to work towards minimizing the negative consequences of war.

A review of children's rights violations in Ukraine is presented in the work of P. Pereira et al.³⁴ For instance, the war has impacted children's ability to access education due to the destruction of schools. According to the authors' estimates,

³³ CALAM, R., EL-KHANI, A., and MAALOUF, W. editorial perspective: how can we help the children of Ukraine and others affected by military conflict? *Child and Adolescent Mental Health*, 2022, vol. 27, n. 3, pp. 294-296. doi: 10.1111/camh.12581

³⁴ PEREIRA, P., ZHAO, W., SYMOCHKO, L., INACIO, M., BOGUNOVIC, I., and BARCELO, D. the Russian-Ukrainian armed conflict will push back the sustainable development goals. *Geography and Sustainability*, 2022, vol. 3, n. 3, pp. 277-287. doi: 10.1016/j.geosus.2022.09.003

about 50 educational institutions were destroyed in Kharkiv alone, with approximately 1,600 damaged. Additionally, the normal educational process, already altered by the influence of the coronavirus, has been completely transformed in Ukraine; remote learning proves effective for student safety, but it diminishes children's needs for communication and socialization. The war has also affected migration processes for both children and teachers. The Russian-Ukrainian armed conflict increases the level of violence, including sexual violence against children. Due to the danger present in some regions, children, and parents are forced to relocate, increasing the risk of recruitment and exploitation of children. The study by the researcher confirms the findings of this work. Indeed, the full-scale Russian invasion has led to increased violence against children, their mortality rates, and created conditions for potential recruitment and exploitation of children as military or labour force. Additionally, international legal norms provide for the protection of children from violations of their fundamental rights and freedoms, including the right to life and health, peaceful existence, and so forth.

The considerations of the authors and researchers demonstrate the necessity of creating an updated regulatory framework for protecting children's rights, taking into account the challenges of modern warfare, new methods of warfare, and new ways of violating the rights and freedoms of minors. The activities of international organizations in creating such a document should be based on the real needs of the child with their direct participation, as well as on consultations with government representatives in conflict-affected areas.

5. Conclusions

The war initiated by the Russian Federation has led to widespread violations of children's rights. As of 2024, approximately 2,000 children in Ukraine are affected, with 535 considered deceased. However, international legal regulation of this issue is covered by several conventions and protocols, the main one being the Convention on the Rights of the Child, which declares the necessity of protecting children in war from all forms of violence. The Geneva Convention, which also forms the basis of international regulation in this area, emphasizes the inadmissibility of recruiting children into armed groups. However, current statistics indicate that conventional norms prove ineffective in the face of real

threats, and legal mechanisms for protecting children in wartime do not function properly. According to UN data, as of 2022, nearly 468 million children were living or have lived in regions affected by armed conflict. Children suffer from various forms of violence, mutilation, death, as well as exploitation both as labourers and sexually. Regions with high levels of danger currently include Ukraine, Palestine, Somalia, Israel, and others.

Legal regulation of child protection in Ukraine is provided by the Law “On the Protection of Childhood”, which states that the state must ensure the protection of children during wartime, initiate their return to controlled territory, and so forth. Another regulatory act considered effective and practically useful is Cabinet Resolution No. 841, which contains provisions on the procedure for the forced evacuation of children and parents from regions deemed dangerous for life and health. Child protection must be carried out in cooperation, which is why the participation of international partners and organizations is crucial. The Council of Europe has presented Ukraine’s aid package until 2026, which includes a series of practical recommendations for ensuring the safety of children in the country during wartime and post-war reconstruction. Assistance is needed in establishing a rehabilitation centre for children affected by wartime, specializing in providing medical and psychological services. However, the only effective means of combating violations of children’s rights is the cessation of hostilities. Considering the aspects that cannot guarantee and ensure such a process, comprehensive work, and cooperation of national and international entities at all levels in the process of assisting and protecting children become important, as well as updating conventional provisions and creating relevant mechanisms to minimize the impact of war on childhood and the normal development of minors.

For further research, the following topics are proposed: analysis of the accessibility of education for children during wartime, including online learning and alternative forms of education; research on the risks of violence and exploitation of children increasing during wartime; juvenile justice in wartime conditions: ways of improvement.

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