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Protection of the Rights of a Child in the Conditions of War

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Abstract. This article explores the intricacies of protecting children's rights in times of war. It acknowledges that wars, conflicts, and military actions have a profound and exacerbating impact on the lives and well-being of children, subjecting them to complex situations that pose significant challenges to their physical, psychological, and social development. The article's objective is a comprehensive and thorough analysis of the protection of children's rights in wartime conditions. The following research methods were employed in its composition: literature review with an analysis of the gathered material, induction and deduction, causal relationships exploration, systematization, abstraction, and specification, as well as the examination of documentation and findings from researchers on the issue under investigation. The article meticulously examines the relevance of international legal norms and standards, particularly the United Nations Convention on the Rights of the Child, concerning the protection of children in times of war. It provides an in-depth analysis of the consequences of armed conflicts on the physical and mental health of children, educational opportunities, and access to medical services, identifying the primary threats and challenges that young citizens face. Furthermore, the article highlights key legislative changes in Ukraine in the wake of the full-scale invasion by the Russian Federation on February 24, 2022. The scientific novelty lies in the exploration of innovative aspects of safeguarding children's rights in wartime, including considerations of emerging threats, the utilization of modern technologies for data collection, and the development of new strategies. It underscores that ensuring fair protection of children's rights in times of war is essential for creating a future in which children can flourish and realize their potential. The responsibility of the international community and national governments in guaranteeing this protection necessitates scientifically grounded approaches, effective programs, and action plans. Only through collaborative efforts and the implementation of international norms and standards can we ensure a future where the rights of every child, regardless of their place of birth or status, are respected and safeguarded, thereby promoting peace, stability, and development worldwide.

Keywords: children's rights; war; international treaties; armed conflicts.

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Introduction

Modern society cannot ignore the problem of protecting children's rights, especially in the context of emergencies such as war. Preservation and protection of the rights of the youngest citizens is an integral part of humanitarian efforts and a task that requires deep analysis, scientific validity and high ethics.

War is undoubtedly one of the most destructive and negative phenomena of human civilization. Its impact on society as a whole and, in particular, on children is unpredictable and multifaceted. Children are the most vulnerable category of war conditions; they feel its consequences most deeply and tragically. There is a violation of their physical, psychological, social and emotional rights, which is accompanied by a negative impact on their further development.

In the context of war, children face numerous threats to their lives and health. They may become victims of direct military action, suffer from hunger, insufficient medical care and poor sanitation. Constant stress, lack of normal living conditions, and loss of loved ones – all this strongly affects the psychological state of children, leading to psychological injuries and long-term psychosocial maladjustment.

Thus, the problem of protecting children's rights in wartime is urgent and difficult. It requires an integrated approach based on scientific research, international standards and ethical principles. Understanding the impact of war on children's lives and developing effective mechanisms to protect them are key to ensuring a more humane and fair society.

Literature review. Theoretical and legal, as well as special legal studies of the problem of protection of children's rights were carried out in different years by such Ukrainian scientists as I. Bandurka, S. Kotaleichuk, N. Krestovska, S. Nesynova, N. Onishchenko, N. Opolska, N. Ortynska, and others.

The problems of the protection of children's rights were studied either through the prism of the protection of various categories of subjects during armed conflicts, or from the standpoint of identifying violations of children's rights in the conditions of armed conflicts and countering the use of children in military conflicts (I. Vasylykivska, K. Ignatenko, O. Zdniprovskaya, N. Filipiska, O. Kochemirovskaya, A. Lazorenko, G. Mazur, V. Mytsyk, I. Nychytaylo, N. Opolska, A. Poltorak, V. Repetsky, I. Sandoz, Ch. Swinarski, M. Stafanchuk, B. Tsimermann, M. Chekhovska). The problems of protecting the rights of child combatants were studied in the works of only some scientists (K. Barstad, V. Zakharia, L. Korbut, F. Krill, K. Nikonov, N. Petrova, D. Plattner, J. Stefan, E. Tsokur, I. Chaika).

Materials and methods

The following methods are used in the work: a search in the available methodological and scientific literature with an analysis of the material found, induction and deduction, clarification of cause and effect relationships, systematization, abstraction and concretization, analysis of documentation and the results of the researchers' activities on the problem of the conducted research.

Results and discussion

The history of humanity is inextricably linked with war, and war, in turn, knows no mercy. It is known that children should be counted among the most vulnerable groups of people. In the context of human rights, vulnerability does not characterize an internal self-perception, but an external assessment of the risks that certain groups of persons, categories of the population, and individuals are or may potentially be. If, for any reason, a person is more susceptible than others are to the influence of negative factors and is unable to resist negative life circumstances, he is vulnerable and may become a victim of various economic, social, natural, man-made crises and disasters. When thinking about a possible negative change in the circumstances of a person's life, the obvious is revealed: a vulnerable status can be acquired (Matvieieva, 2020).

At the same time, the vulnerability of individuals is natural and undeniable – the preamble of the 1959 Declaration on the Rights of the Child contains provisions on the vulnerability of children due to their physical and mental immaturity. According to the treaty, the child "requires special protection and care, including adequate legal protection both before and after birth"¹. State constitutions establish two modes of exercising state power – ordinary and extraordinary (special legal). An internal or external threat to the constitutional order of the state and its existence is the basis for the introduction of the emergency regime. The protection of children in conditions of war or armed conflicts is a set of normative legal acts, the main of which are: the UN Convention on the Rights of the Child of 1989; Optional Protocol to the 2000 Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; Geneva Conventions for the Protection of War Victims of 1949, Additional Protocols to the Geneva Conventions (1977) (Cherneha, 2010).

¹ Resolution No. 1386 (XIV) of the UN General Assembly "Declaration of the Rights of the Child". (1959, November). Retrieved from https://zakononline.com.ua/documents/show/140610___140610.

Thus, the Convention on the Rights of the Child of November 20, 1989, ratified by Ukraine in 1991¹ defines that a child must grow up in a family environment, in an atmosphere of happiness and love, for the full and harmonious development of his personality and the understanding that the child must be fully prepared for independent life in society and brought up in the spirit of the ideals proclaimed in the UN Charter, and especially in the spirit of peace, dignity, tolerance, freedom, equality and solidarity. According to the convention, the child is recognized as a person endowed with all with the same rights and freedoms as an adult. Parents can exercise their rights and responsibilities regarding maintenance, upbringing, education, creating proper living conditions, preparing for independent life, protecting the rights and interests of their children in peacetime conditions, in wartime the question of survival comes to the fore.

The reaction of the international community to the problem of protecting children and guaranteeing their rights during armed conflicts was the adoption in 2000 of a separate Optional Protocol to the UN Convention on the Rights of the Child regarding the participation of minors in armed conflicts (Ukraine ratified it in 2004)².

The normative-legal definition of the term "child soldier" in international legal circles began to emerge in the mid-1970s. At the same time, norms were established that prohibit the involvement of children in combat operations and establish their criminal liability. Thus, in the 2007 Paris Principles on the Involvement of Children in Armed Forces or Groups, a child associated with a particular association is defined as a person under the age of 18 who is currently or has previously been recruited or serves in the armed forces or in any type of armed forces groups, including, but not limited to, children used as scouts, fighters, porters or for sexual purposes. In particular, in the Optional Protocol to the Convention on the Rights of the Child regarding the participation of children in armed conflicts, the term "child soldier" is interpreted as:

- any person under the age of 18 who participates in hostilities as part of the armed forces;
- any person under the age of 18 who is forcibly conscripted into the armed forces of the government;
- any person
- under the age of 15 who is voluntarily conscripted into the army (Nikolaichuk, 2022).

¹ International convention "Convention on the Rights of the Child". (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.

² Optional Protocol to the Convention on the Rights of the Child on the Participation of Children in Armed Conflicts (Ukrainian/Russian). (2000, January). Retrieved from https://zakon.rada.gov.ua/laws/card/995_795.

Additional Protocols to the Geneva Conventions (1977) Paragraph two of Article 77 of Additional Protocol I (1977) duplicates Paragraph three of Article 38 of the Convention. Paragraph 3 of Article 4 of Additional Protocol II (1977) regulates the issue of providing children with the necessary care and assistance during armed conflicts of a non-international nature, in particular, education, religious and moral education, reunification of separated families; separately, it is emphasized that children who have not reached the age of 15 are not subject to recruitment into armed forces or groups, and are not allowed to participate in hostilities³.

Each of them complements each other, for example, the 1989 Convention states that no child under the age of 15 may be called up for military service or take part in hostilities⁴, and the optional protocol, in turn, raises the minimum age for voluntary conscription of persons into the national armed forces⁵. The Geneva Conventions and their Additional Protocols of 1977 establish a number of specific norms that provide children with special protection. Children who take a direct part in hostilities do not lose this protection⁶.

The Geneva Convention also contains special provisions on the protection of children from the consequences of hostilities. According to Article 14 of the Convention, children under the age of 15 and mothers of children under the age of 7 fall under the category of civilian population, for which special sanitary or safe zones can be created. Likewise, children and women in labor are included in the category of civilians who must be evacuated from besieged or surrounded by armies areas (Article 17). In accordance with Article 23 of the Convention, free passage of parcels intended for children under 15 years of age should be allowed.

International legal acts of a universal nature are of great importance. They include the Universal Declaration of Human Rights of 1948, as well as the international human rights covenants of 1966 concerning the protection of civil and political, economic, social and cultural rights (Cherneh, 2010). But even despite the existence of numerous international legal norms that operate in conditions

³ Protocol No. 1 "Additional Protocol to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts". (1977, June). Retrieved from https://zakon.rada.gov.ua/laws/card/995_199.

⁴ International convention "Convention on the Rights of the Child". (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.

⁵ Optional Protocol to the Convention on the Rights of the Child on the Participation of Children in Armed Conflicts (Ukrainian/Russian). (2000, January). Retrieved from https://zakon.rada.gov.ua/laws/card/995_795.

⁶ Protocol No. 1 "Additional Protocol to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts". (1977, June). Retrieved from https://zakon.rada.gov.ua/laws/card/995_199.

of war or armed conflict, the rights of millions of children around the world are still violated: the United Nations emphasizes that over the past 16 years, 266,000 cases of gross violations of the rights of children, who live in conditions of armed conflict, have been identified (UNICEF..., 2021).

In our opinion, it is appropriate to single out the Rome Statute of the International Criminal Court, signed on January 20, 2000 on behalf of Ukraine, which provides for the qualification of certain actions against children as war crimes, especially for those under the age of 18. For example, these are actions such as recruitment and recruitment of children (minors); their use in military operations in international and non-international armed conflicts; deliberate attacks on hospitals and schools that remain unsanctioned. This means that the provisions on criminalization of illegal actions against children during the military conflict in Ukraine are not applied. International human rights law and the Rome Statute recognize impunity for perpetrators of crimes against children. The forcible transfer of children to groups undergoing targeted extermination is characterized as genocide. Ukraine was not a party to the Rome Statute, which strengthened the possibilities of protecting the rights of children in armed conflict and violated the principle of punishment of those guilty of war crimes against children¹.

International norms regarding the protection of children's rights are implemented in the legislation of Ukraine, which is positively evaluated by various international bodies, but despite the existence of a wide range of legislative acts, today there are very few legal norms that establish the specifics of the legal regulation of children's rights in the context of armed conflict.

Children's rights have always been given special attention in the legislation of Ukraine, because they are an important part of the legal system. In particular, their legal regulation is carried out by the Constitution of Ukraine², the Family Code of Ukraine³, other normative legal acts. Currently, the main law regulating this situation is the Law of Ukraine "On Childhood Protection". According to it, a child injured as a result of hostilities and armed conflicts is considered to be "a child who, as a result of hostilities or armed conflict, was injured, contused, mutilated, subjected to physical, sexual, psychological violence, was abducted or illegally taken outside Ukraine, involved to

participate in military formations or was illegally detained, including in captivity". The state is obliged to take all necessary measures to ensure the protection of these children, care for them and their reunification with family members (in particular, search, release from captivity, return to Ukraine of children illegally taken abroad)⁴.

The provisions of Article 30 prohibit the participation of children in hostilities and armed conflicts, the creation of children's paramilitary organizations and formations, and the promotion of war and violence among children. Article 31 "Protection of refugee children and children in need of additional or temporary protection" is of particular importance; and Article 32 "Protection of a child against illegal transfer". However, based on their content, these provisions cannot always be applied to our reality (Bida, Blaha, & Tarabanova, 2016).

The war of the Russian Federation against Ukraine, the occupation of part of Ukraine and active hostilities on its territory have catastrophic consequences for the civilian population, create crisis situations for families and violate almost all the rights of children – the most vulnerable category of persons in war conditions. Children who have suffered psychological, physical and moral injuries, displaced children, children whose parents are fighting, children whose parents were killed or injured during the war, etc. are new challenges for our state. According to official data of the Office of the Prosecutor General of Ukraine, as of August 31, 2023, the number of children injured as a result of the full-scale invasion of the Russian Federation on the territory of Ukraine is at least 1,620 people, of whom 503 died and 1,117 were injured (Crimes against..., 2023).

According to the United Nations International Children's Emergency Fund (UNICEF), at the end of 2022, the education of almost 5.7 million children was interrupted. The Office of the United Nations High Commissioner for Refugees notes that as of February 23, 2023, as a result of shelling and bombing, 3,151 educational institutions were damaged, including 440 completely destroyed. UNICEF reports that nearly 1.5 million children experience mental health problems. 4.8 million of young Ukrainians were forced to leave their native homes, almost half of them went abroad, seeking safety and protection from Russian fire and occupation.

Crimes against humanity, violation of international humanitarian law, disregard of the provisions of various articles of the Geneva Convention (in particular, violation of Article 50, Paragraph 2) are systematic deportations of Ukrainian children by the occupying country to its territory. The OSCE in a special report (May 2023)

¹ Rome Statute of the International Criminal Court. (1998, July). Retrieved from https://zakon.rada.gov.ua/laws/show/995_588#Text.

² Law of Ukraine No. 254k/96-VR "Constitution of Ukraine". (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

³ Law of Ukraine No. 2947-III "Family Code of Ukraine". (2002, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/2947-14#Text>.

⁴ Law of Ukraine No. 2402-III "On childhood protection". (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2402-14>.

regarding Russia's violations of children's rights states that the aggressor commits "numerous and repeated violations of children's rights: to identity, to family, to education, to access to information, to rest, to leisure and participation in cultural life and art, as well as the rights to thought, conscience and religion, to health, to freedom and security" (Children of War..., 2023).

The Russians abduct and forcibly remove children, which violates Art. 49 of the Geneva Convention on the Protection of the Civilian Population in Time of War. This threatens the illegal adoption of Ukrainian children by Russian citizens¹. This policy is aimed at forced Russification and destruction of the Ukrainian identity of the child. The deportees are sent to remote and depressed regions of Russia, Ukrainian documents, personal belongings and means of communication are confiscated, and in return, they are issued documents that prohibit them from leaving these regions for two years. During deportation, children are forced to pass through infiltration camps, often in unsanitary conditions. In addition to deportation to the Russian Federation and Belarus, there is a risk of trafficking and abduction of children whose future fate is unknown. This complicates the search and return of Ukrainian children.

The state portal Children of War states that as a result of the full-scale invasion, more than 19,546 children were illegally deported outside Ukraine (Children of War..., 2022–2023).

The Convention on Civil Legal Aspects of International Child Abduction was signed in The Hague on 11/25/1980, Ukraine joined it in 2006², its goals are to ensure immediate return of illegally displaced children, ensuring the rights of guardians, recognizes which actions are illegal in relation to the displacement of a child, establishes procedures for raising the issue of the return of children, carrying out such a return. Article 3 of this Convention recognizes that the transfer or retention of a child is illegal if:

- the rights of care for the child belonging to "any person, institution or other body, collectively or individually, in accordance with the legislation of the state in which the child permanently resided before the transfer or retention" are violated;
- "at the time of the transfer or detention, these rights were effectively exercised, collectively or individually, or would have been exercised".

Art. 8 of the Convention and Art. 32 of the Law of Ukraine on the protection of childhood provides for the protection of children from illegal displacement: "the state takes measures to prevent illegal displacement, removal and non-return of children from abroad, their abduction, child trafficking; all necessary and possible measures to search for and return to Ukraine children who were illegally taken abroad, including in connection with circumstances related to hostilities and armed conflicts"³.

The aggressor state also accelerated the process of adopting Ukrainian children (95 % of whom have biological parents i.e. are not orphans) and by the end of June 2022, about 127 children were transferred to Russian families for care. This is a gross violation of Art. 8 of the UN Convention on the Rights of the Child (the right of the child to preserve his individuality, including citizenship, name and family ties, as provided by law, without allowing unlawful interference), Art. 9 (participating states ensure that the child is not separated from the parents against their wishes) (Lehka, 2022).

On March 17, 2022, the Cabinet of Ministers of Ukraine approved Resolution № 302 "On the Formation of the Coordination Headquarters for the Protection of Children's Rights in Martial Law". The main purpose of the establishment of the headquarters, as a temporary advisory body of the Cabinet of Ministers of Ukraine, is to facilitate the coordination of the activities of central and local bodies of executive power, other state bodies and local self-government bodies in cases related to the protection of children's rights under martial law⁴. It is also important to note that this resolution made changes to the Procedure for Proceedings by Guardianship Bodies and Activities Related to the Protection of Children's Rights dated September 24, 2008 № 866 regarding placement of children left without parental care, in particular children separated from their families children, orphans, as well as children who are deprived of parental care, in the event of the introduction of a state of emergency or martial law on the territory of Ukraine. In connection with the introduced changes, it is possible to temporarily place children in active foster families and family-type children's homes without parental care under the conditions of temporary placement within the stipulated maximum number of

¹ International convention "Convention on the Protection of the Civilian Population in Time of War". (1949, August). Retrieved from https://zakon.rada.gov.ua/laws/show/995_154.

² International convention "Convention on Civil Legal Aspects of International Child Abduction". (1980, October). Retrieved from https://zakon.rada.gov.ua/laws/show/995_188#Text.

³ Law of Ukraine No. 2402-III "On childhood protection". (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2402-14>.

⁴ Decree of the Cabinet of Ministers of Ukraine No. 302 "On the formation of the Coordination Headquarters for the Protection of Children's Rights in Martial Law". (2022, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/302-2022-%D0%BF#Text>.

children in a family-type children's home and in a foster family, respectively¹

It is worth noting that during the short period of time that the Coordination Headquarters was functioning, thanks to the efforts of the representatives who were part of it, a significant amount of work was carried out, namely (Drobiazko, 2022):

- agreed decisions were made regarding the definition of the tasks of state bodies involved in the implementation of the policy on the protection of children's rights;

- evacuation of children from dangerous areas and coordination of their safe movement to places of temporary accommodation were carried out;

- the work of regional military administrations and local self-government bodies for the preparation and organization of safe places for temporary accommodation of evacuated children and meeting their needs was coordinated;

- registration of children who left for the safe territory of Ukraine or outside of Ukraine is ensured. In particular, the government made a decision to introduce information on children who are temporarily displaced (evacuated) on the territory of Ukraine, where hostilities are not taking place, or outside of Ukraine. Thus, the Unified Information and Analytical System "Children" was created to keep appropriate records in it, and the protection of the information contained therein was ensured;

- the inspection of the invitation of institutions, organizations of various types and forms of ownership, which are authorized by the state of final stay of the children to implement measures for receiving and accompanying children from other countries, was carried out, processed and still being processed;

- monitoring of compliance with the Rules for crossing the state border by citizens of Ukraine, children with legal representatives or organized groups of children in cooperation with central and local bodies of executive power, local self-government bodies is done;

- through authorized representatives, the monitoring of the conditions of children's stay in Ukraine and abroad, monitoring of compliance with social standards and children's rights in the country of their stay, and implementation and protection of the rights and interests of children who are abroad are carried out together with consular institutions and diplomatic missions of Ukraine;

- recommendations and proposals developed based on the results of the work, were submitted to the Cabinet of Ministers of Ukraine and which have

¹ Resolution of the Cabinet of Ministers of Ukraine No. 866 "Issues related to the protection of children's rights". (2008, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/866-2008-%D0%BF#Text>.

already begun to be implemented due to the adoption by the Cabinet of Ministers of Ukraine of a number of resolutions, such as Resolution of the Cabinet of Ministers of Ukraine dated 23.08.2022 № 940 "On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine regarding improvement of the evacuation mechanism" and others².

Taking into account all above mentioned, it could be concluded that the state, thanks to the authorized members of the Coordination Staff, provides decent support and protection of children's rights under martial law.

In the conditions of a full-scale invasion of Russia, after February 24, 2022, a number of changes to the current legislation were adopted, which in particular simplified the procedure for crossing the border by minors and orphans. Thus, in accordance with the Resolution of the Cabinet of Ministers of Ukraine № 166 dated 28.02.2022 "On Amendments to the Rules for Crossing the State Border by Citizens of Ukraine", during martial law, orphans and children deprived of parental care will be able to leave the country under a simplified procedure³.

In addition, under a simplified procedure, children who do not have the status of an orphan, a child deprived of parental care, but are in institutions of various types, forms of ownership and subordination, as well as children who are placed to families of foster parents, can go abroad. It is characteristic that regardless of the child's status, minors must cross the border only with an accompanying adult. The latter are obliged to place the children on consular registration at the consular institution of Ukraine in the host country within one working day. The consular institution is obliged to inform the National Social Service through the Ministry of Foreign Affairs within one working day about placing children on the consular register⁴.

Extremely important in the conditions of war is the support of European countries, which direct their actions to protect and provide support to children who came from Ukraine, as well as to those who are still there (Russia's war..., 2022). The civilized community calls for an urgent agreement on the child protection package between Ukraine and the EU, which should be created together with the

² Resolution of the Cabinet of Ministers of Ukraine No. 940 "On making changes to some resolutions of the Cabinet of Ministers of Ukraine regarding the improvement of the evacuation mechanism". (2022, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/940-2022-%D0%BF#Text>.

³ Resolution of the Cabinet of Ministers of Ukraine No. 166 "On amending the Rules for crossing the state border by citizens of Ukraine". (2022, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/166-2022-%D0%BF#Text>.

⁴ Ibidem, 2022.

Ukrainian Government, to protect and provide assistance to children in Ukraine and abroad

Ensuring the rights of children under martial law requires the consolidation of the efforts of a large number of organizations and institutions, especially since in recent months a significant number of new documents have appeared that regulate their actions, as well as the actions of parents, other relatives, caregivers, etc. within extrajudicial mechanisms protection of children's rights. Today, Ukraine closely cooperates with the UN Committee on the Rights of the Child – the UN Children's Fund (UNICEF) and the representative body of the UN Children's Fund – the World Health Organization (WHO), whose activities are aimed at solving health problems on a global scale. Ukraine is also a member of the WHO Charter since April 3, 1948 – the United Nations Scientific, Educational and Cultural Organization (UNESCO). Close cooperation is being carried out with the European Court of Human Rights (ECTHR) regarding the examination of the facts of Russia's crimes against Ukrainian children (Kostyshyn, & Shevtsiv, 2023).

The promotion of children's rights during war is a global challenge, and the projects of international organizations, including UNICEF, play an important role in ensuring that children's rights are respected during war. UNICEF's international projects focus on protecting the rights of children in times of war and restoring their well-being. These projects are aimed at ensuring the safety and protection of children, medical care and nutrition, as well as at restoring social infrastructures and supporting social development. Implementation of projects aimed at protecting the rights of children during war helps them survive, provide proper education and medical care, as well as build a future after the military conflict. UNICEF focuses its attention on the provision of humanitarian aid in the area not far from the front line. In 2022, UNICEF provided support to the Government of Ukraine to meet the needs of affected children and families in the cities of Kharkiv, Kherson and Donetsk. This included the provision of vital humanitarian goods and services aimed at children, as well as the implementation of significant water and sanitation repair projects (WASH projects) in Kherson and Kharkiv (Humanitarian situation..., 2022).

UNICEF also focuses on holding trainings, seminars and meetings as part of its educational activities. Currently, the joint project "PORUCH" was launched by the Ministry of Education and Science of Ukraine, the United Nations Children's Fund (UNICEF), the Ukrainian Institute of Cognitive Behavioral Therapy and the NGO "Volonter". This project is aimed at educators who need psychological support and want to learn psychological methods and techniques to help themselves and their students in the context of the military conflict in Ukraine (Drok, 2022). Thanks to the international projects of UNICEF and other organizations, ensuring the rights of the child during war becomes a major priority and contributes to the creation of a safer and more secure

world for all children, regardless of their status and the context of military conflicts.

On August 18, 2022, a new space – the Consultation Center of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights – was opened as part of the operation of the "Children of War" information and communication portal. In these centers you can get clarifications about:

- possible ways of returning the child or families with children to the territory under the control of the Government of Ukraine;
- obtaining a birth certificate of a child born within the administrative-territorial unit where, due to the war, state registration of acts of civil status is temporarily not carried out;
- procedures for the legalization of a birth certificate, if it is received on the temporarily occupied territory;
- establishing contact with a child who was taken abroad by one of the parents;
- receiving advice on filling out the child tracing form;
- filling out an application for assistance to children who have suffered injuries as a result of the war (Annual report..., 2022).

During the war, many new charitable foundations were created and chat bots were developed to help people if they want to shelter or adopt a child who has lost parents and relatives. One of such bots that is gaining popularity is "The child is not alone", introduced by the Office of the President of Ukraine in cooperation with the United Nations Children's Fund – UNICEF Ukraine with the support of the Ministry of Social Policy of Ukraine. This chat-bot contains answers to current questions about the protection of children's rights under martial law (Drobiazko, 2022). In view of the above, it can be concluded that the state, in the form of authorized bodies, has introduced numerous extrajudicial mechanisms for the protection of children's rights under martial law.

It should be noted the high level of coordination and interaction of the authorized bodies of public authorities regarding the urgent needs of children. To protect the rights of children who have been violated as a result of military operations, as well as to search for and restore the rights of children in Ukraine, the Institute of the Authorized Advisor to the President on Children's Rights and Children's Rehabilitation functions. In general, the activities of children's ombudsmen have the following basic functions:

- protection of the rights of a specific child and representation of his interests;
- investigation of cases based on individual complaints of children;
- monitoring of the implementation of legislation related to the protection of children's interests;
- introduction of recommendations to state bodies on changes in legislation in the sphere of protection of children's rights;

- promotion of raising awareness of children's rights, both for children themselves and for adults;
- activity as a mediator in cases of conflicts between children and parents;
- presentation of reports on the work performed and on the status of cases on issues of compliance with children's rights (Kostyshyn, & Shevtsiv, 2023).

It is important to note that Ukraine and the UN have signed a preventive plan for the protection of children's rights in the conditions of Russian aggression. It is noted that the signing of a joint preventive plan with the UN is an important step in the implementation of Bring Kids Back UA – a complex action plan developed at the initiative of Volodymyr Zelenskyi. The plan unites the efforts of the Ukrainian authorities, foreign governments and international organizations for the return to their homeland of Ukrainian children abducted by Russia (Ukraine and the UN..., 2023).

In general, the protection of the child and his rights from the influence of war, military operations and violence in the conditions of Ukraine requires the solution of a number of other issues that should become part of a comprehensive strategy:

1. Raise the level of awareness of the provisions of the Optional Protocol, the Paris commitments and guidelines, as well as other standards for the protection of children's rights in military conflicts, both among professionals (teachers, medical workers, representatives of the armed forces, civil servants, etc.) and among general public.

2. In order to ensure the inevitability of punishment and in accordance with the principles of humanitarian law, strengthen responsibility for war crimes against children.

3. Provide for a clear and unambiguous ban on the recruitment and involvement of children in military conflicts by amending the Criminal Code of Ukraine.

4. To develop and implement in the activities of social services, centers for medical and social rehabilitation of children, centers for social and psychological rehabilitation, shelters for children, educational institutions, residential institutions, criminal police for children at the place of actual residence, a program for finding family members, compensation for damages, social reintegration,

social and physical rehabilitation, demobilization, overcoming the consequences of mental trauma, as well as in ensuring justice (Chernenko, 2017).

Conclusions

Therefore, summarizing the analysis of the relationship between the protection of children's rights and the conditions of war, it can be argued that this topic plays a key role in the modern world, where conflicts and armed disputes can seriously affect the lives and fate of the most defenseless members of society – children. Children's rights, enshrined in international documents, become an integral part of the general system of values and norms that should protect the younger generation from the consequences of military conflicts. It was found that war has a powerful negative impact on all aspects of children's lives. Among the most threatening consequences, we can single out physical and psychological traumatization, child labor, loss of access to education and medical care, child recruitment into armed forces, etc.

It is important to note that international humanitarian law and treaties such as the Convention on the Rights of the Child attempt to ensure the protection of children in conflict, recognizing their special needs and vulnerabilities. However, in reality there are still many challenges in the implementation of these norms.

Effective protection of children's rights in war requires a combination of efforts of the international community, states, and public organizations. It is important to develop and implement comprehensive programs aimed at ensuring the safety, education, psychological support and reintegration of children affected by war. Thus, studying and understanding the relationship between the protection of children's rights and the conditions of war is an important prerequisite for ensuring the sustainable development of society and international peace. Fulfilling responsibilities for children's rights in times of conflict is not only a moral imperative, but also a strategic imperative to build a future in which children have the opportunity to realize their potential in a safe and stable environment.

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Захист прав дитини в умовах війни

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Анотація. Стаття є дослідженням особливостей захисту прав дитини в умовах війни. Зазначено, що війни, конфлікти та воєнні дії мають серйозний і загрозливий вплив на життя та добробут дітей, вводячи їх в складні ситуації, що створюють значні виклики для їхнього фізичного, психологічного та соціального розвитку. Метою дослідження є комплексний і всебічний аналіз захисту прав дитини в умовах війни. Для виконання поставлених завдань використано такі методи: пошуковий за наявною методичною та науковою літературою з аналізом знайденого матеріалу, індукція та дедукція, з'ясування причиново-наслідкових зв'язків, систематизація, абстрагування та конкретизація, аналіз документації та результатів діяльності дослідників з проблеми здійсненого дослідження. У статті детально проаналізовано актуальність міжнародних юридичних норм і стандартів, зокрема Конвенції ООН про права дитини, в аспекті захисту дітей в умовах війни. Детально висвітлено наслідки воєнних конфліктів на фізичне та психічне здоров'я дітей, освітні можливості й доступ до медичних послуг, ідентифіковано основні загрози та виклики, що виникають для молодших громадян. Крім того, окреслено ключові зміни до законодавства України в умовах повномасштабного вторгнення РФ 24 лютого 2022 року. Наукова новизна дослідження полягає у вивченні інноваційних аспектів захисту прав дитини в умовах війни, зокрема врахуванні нових загроз, використанні сучасних технологій для збору даних і розробленні нових стратегій. Визначено, що справедливий захист прав дитини в умовах війни є необхідністю для створення майбутнього, у якому діти зможуть розвиватися та реалізовувати свій потенціал. Відповідальність міжнародної спільноти та національних урядів у забезпеченні цього захисту потребує науково обґрунтованих підходів, ефективних програм і планів дій. Саме завдяки спільним зусиллям і роботі з імплементації міжнародних норм і стандартів ми можемо гарантувати майбутнє, у якому права кожної дитини, незалежно від її місця народження чи становища, будуть поважати та захищати, сприяючи миру, стабільності та розвитку всього світу.

Ключові слова: права дитини; війна; міжнародні договори; військові конфлікти.