

**Ivaniuk B.,**  
cadet of the National  
Academy of Internal Affairs  
Language adviser: **Skrynyk M.**

## **LEGAL GROUNDS FOR DAMAGES COMPENSATION TO MINORS DURING WAR**

Minors are the most vulnerable category in our society. They require special legal support and protection. Minors also have a right to receive compensation for different types of damages, such as accidents, injuries, crimes, medical errors etc. Now our country is at war. Wars lead to violation of minors' rights and can leave children with psychological and physical traumas that can affect their life. They can become orphans because of the death of their parent or they can be departed to the aggressor country. It is also possible to receive compensation for damage caused by war.

Right now our country is at war with Russia, an aggressor whose troops constantly commit war crimes, so it is necessary to know the ways of receiving compensation. Russian military forces constantly violate human rights and commit war crimes. Many crimes they committed are reported. But the damages caused by those crimes can often be quite harmful, especially when we are talking about minors. All wars, especially aggressive wars most likely lead to different kinds of damages, losses, such as property damage. Some people also lose their lives during war. Sadly, there will be even more damages and broken lives of people who became victims of crimes that were caused by Russian military forces. This creates the need to punish russian soldiers and provide compensation for people that suffered damages. Today this is mostly practiced by national courts.

Ukraine has ratified Convention on the rights of the child that obliges the country to protect the rights of people who is younger than 18 years old [5]. The international conventions ensure damages compensation to minors who suffered from war.

According to Ukrainian national legislation, the child has the right to be protected from all forms of violence. The country has special bodies that ensure protection of minor`s rights [2, article 10].

First of all, it`s important to understand the meaning of the term “damages”. There are material and moral damages. According to article 22 of the Civil code of Ukraine, damages are losses that the person suffered because of damage or destruction of property and also the losses that the person will have to suffer in order to restore their violated right. There are also moral damages, which may include:

- Physical pain and suffering that the person experienced because of mutilation or other health damage.
- Mental suffering that the person experienced unlawful behavior towards the person or person`s family members.
- Humiliation of honor and dignity of a person. [1, article 23]

Sometimes material damages can lead to moral damages, making the situation even more complicated. The amount of moral damage compensation is determined by courts. Moral and material damages are compensated separately.

If damages were caused, then an administrative commission has the right to resolve the issue of damages compensation. In case damages were caused by a minor that has independent earnings and the amount of damage does not exceed one non-taxable minimum income of citizens, the minor can compensate it[3, article 40].

If the minor committed administrative offense, the minor can be obliged to publically apologize. The minor can also be warned, reprimanded or transferred under the supervision of parents [3, article 241]. But considering that administrative offense was caused by a minor, the responsibility will be mitigated.

Bullying is also punished by the law. Bullying are actions made by participants of educational process that imply psychological, physical and other violence. If bullying was caused by the minor or underage person, their parents or people who are responsible for them will receive a penalty that will be equal from 100 to 200 non-taxable minimum incomes of citizens or public works for a period from 40 to 60 hours [3, article 1734].

In this case not minors will be responsible for administrative offense caused by them.

There are also different kinds of compensation during martial law, such as contribution and reparation. Contribution can imply seizure of property. Reparation is a material responsibility when the subject of international law is responsible for causing damages to another subject of international law. The damages that were caused by military aggression are mostly qualified as crimes [4].

Courts are restore violated rights and charge damages compensation. If the person became the victim of a war crime, that person should apply to the national court and provide evidences. Of course, the minor is unable to do this since the minor is underage, but people who can represent the minor like parents, relatives or their guardian. It will also be necessary to assist the pre-trial investigation body. After that the person needs to file a civil lawsuit. The civil plaintiff will be the person that suffered material or moral damages and the representatives of that person. The civil defendant will be physical or legal body that is responsible for damages [4].

Sometimes the civil lawsuits are filed directly against Russia and courts charge money from the aggressor country. Although Ukrainian national legislation does not imply the county as the defendant, it is still practiced by some courts [5].

If the country seriously violated human rights, it can be prosecuted and be obliged to compensate all damages it caused. It is possible thanks to the tribunals. The International Criminal Court deals with cases of genocide, crimes against humanity, war crimes.

In case the individual`s rights were violated by a country, the person can also reach out to European Courts of Human Rights. Then the case will be examined with the representatives of each party [6, article 38]. If the person does not understand the language, the person will be provided with a translator.

In conclusion, there are different mechanisms for damages compensation in or outside Ukraine. They ensure social protection of population, protection of child`s rights. In Ukraine damages compensation is possible through courts. But if the national courts failed to help the

person with it or the process of case examination was violated, the person can contact the European Court of Human Rights. Although during martial law those mechanisms of compensation are sometimes hard to implement. There is also one mechanism for compensation. When Ukraine wins the war, Russia and its citizens will be forced to pay reparations and compensate for damage made by them. That includes damage to minors as well.

### **References:**

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