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LEGAL PROTECTION OF CHILDREN DURING WAR: THE ROLE OF HUMAN RIGHTS ORGANIZATIONS AND THE PUBLIC

In the modern world, children remain one of the most vulnerable population groups during armed conflicts. These conflicts not only pose physical dangers but also severely violate children's rights to education, health, family life, and psychological well-being. In Ukraine, which has faced armed aggression, the problem of child protection takes on special importance¹. Ensuring the legal protection of children and their rights in times of war is a crucial task for state institutions, human rights organizations, and the public.

The legal protection of children during war requires compliance with international law norms, particularly the UN Convention on the Rights of the Child, the Geneva Conventions, and other international documents that define the rights of children in conflict situations². Ukrainian legislation also includes several provisions aimed at protecting children in emergencies. However, the effectiveness of their implementation during armed conflict remains an issue requiring detailed analysis and improvement. An integral part of this process is the activity of human rights organizations, which play a key role in monitoring the observance of children's rights and providing assistance to victims.

Special attention should be paid to the challenges and threats faced by children in war. Physical injuries, psychological disorders, loss of family and home, disruption of the educational process, and social integration are only some of the problems children face. Internally displaced children and refugee children need special protection and support. In this context, it is important to analyze how public institutions and civil society can work together to ensure the best interests of the child.

1 Yatsyna, O. F. (2022). Vplyv viiny na psykhychnе zdorovia: oznaky travmatyzatsii psykhyky ditei ta pidlitkiv. *Perspektyvy ta innovatsii nauky* (Seriia «Pedahohika», Seriia «Psykhohohiia», Seriia «Medytsyna»), 7 (25), 554-567 [in Ukrainian].

2 Van Bueren, G. (1998). International documents on children. Leiden : Martinus Nijhoff Publishers, 528 p. [in English].

The activities of human rights organizations in the field of child protection during armed conflicts are a crucial component of the general human rights protection system. Local and international organizations such as UNICEF, Save the Children, Human Rights Watch, and others develop and implement programs aimed at protecting children, providing humanitarian aid, psychological support, and rehabilitation³. They also monitor violations of children's rights and provide legal assistance. An important aspect is the cooperation between human rights organizations and state bodies, which enhances the effectiveness of child protection measures.

Public organizations and volunteer movements also play a vital role in protecting the rights of children during war⁴. Their initiatives and programs are aimed at providing immediate assistance, creating safe zones, and conducting educational and cultural events. The activities of the public and volunteers demonstrate solidarity and humanism, contributing to the creation of favorable conditions for children in difficult times.

The purpose of this monograph is to provide a comprehensive analysis of the legal status of children during armed conflicts in Ukraine, assess the effectiveness of state and public measures to ensure their protection, and develop recommendations for improving this system. It is important to consider the role of various actors in this process, including state bodies, human rights organizations, and the public, and to determine the direction of their interaction.

Ensuring the legal protection of children during war is a multifaceted process that requires an integrated approach and close cooperation between various actors. Effective implementation of international and national legal norms, along with the active efforts of human rights organizations and the public, can significantly improve the situation of children in armed conflicts and contribute to the protection of their rights and interests.

The legal status of children during armed conflicts is a critical issue that demands detailed analysis and regulation, particularly in the context of Ukraine, which is currently at war⁵. International legal norms governing the protection of children during wartime include numerous documents, with the main ones being

3 Khechen, V. (2022). Zakhyst prav ditei UNICEF. Dyploмна робота на здобуття ступеня бакалавр спеціальності «Міжнародне право». Kyiv : Natsionalnyi aviatsiynyi universytet, 72 s. [in Ukrainian].

4 Mohilevska, L. (2022). Problemy zabezpechennia ta zakhystu prav dytyny pid chas viiny. Diialnist derzhavnykh orhaniv v umovakh voiennoho stanu: mater. Mizhnar. nauk.-prakt. onlain-seminaru (m. Kryvyi Rih, 29 kvit. 2022 r.). Kryvyi Rih : DonDUVS, 432-433 [in Ukrainian].

5 Van Bueren, G. (1994). The international legal protection of children in armed conflicts. *International & comparative law quarterly*, 43(4), 809-826 [in English].

the UN Convention on the Rights of the Child and the Geneva Conventions. The UN Convention on the Rights of the Child establishes the basic rights of children and stipulates that children have the right to special protection and assistance in armed conflicts. The Geneva Conventions, particularly their Additional Protocols, regulate the protection of civilians, including children, during both international and non-international armed conflicts.

As a party to these international treaties, Ukraine is obligated to ensure the rights of children in accordance with their provisions⁶. Ukrainian national legislation also contains several norms aimed at protecting children during armed conflicts. The Constitution of Ukraine guarantees the right to life, liberty, and personal integrity to every person, including children. The Law of Ukraine «On the Protection of Childhood» outlines the basic principles of state policy in the field of children's rights protection, including those who have suffered as a result of armed conflicts⁷. Additionally, the Law of Ukraine «On Ensuring the Rights and Freedoms of Internally Displaced Persons» provides special support measures for children forced to leave their homes due to military operations⁸.

In practice, the implementation of these norms encounters numerous difficulties. The main problems include insufficient coordination between different government agencies, lack of resources to provide necessary assistance to children, and insufficient public awareness of children's rights. In this regard, the role of human rights organizations that monitor the observance of children's rights and provide necessary support is crucial. Organizations such as UNICEF, Save the Children, Human Rights Watch, and local human rights initiatives are actively working in Ukraine, offering humanitarian aid, psychological support, and legal assistance to children affected by the armed conflict⁹.

A comparative analysis of the legal approaches of different countries to the protection of children during armed conflicts shows that many states have effective child protection mechanisms. For example, Sweden and Germany have developed social protection systems that include special programs for refugee children and children affected by war. These countries actively cooperate with

6 Frantsuz, A., & Stepanenko, N. (2017). Dotrymannia prav dytyny v zoni viiskovoho konfliktu. *Pravnychiy visnyk Universytetu «KROK»*, 29, 513 [in Ukrainian].

7 Pro okhoronu dytynstva: Zakon Ukrainy vid 26.04.2001 r. № 2402-III: stanom na 5 zhovt. 2023 r. URL : <https://zakon.rada.gov.ua/laws/show/2402-14#Text> [in Ukrainian].

8 Pro zabezpechennia prav i svobod vnutrishno peremishchenykh osib: Zakon Ukrainy vid 20.10.2014 r. № 1706-VII: stanom na 30 hrud. 2023 r. URL : <https://zakon.rada.gov.ua/laws/show/1706-18#Text> [in Ukrainian].

9 Turchenko, O. H. (2022). Zabezpechennia prav ditei v umovakh zbroinoho konfliktu v Ukraini. *Analitychno-porivnialne pravoznavstvo*, 2, 64-69 [in Ukrainian].

international organizations and civil society to ensure comprehensive support for children.

It is essential for Ukraine to consider the experiences of other countries and adapt them to its national realities. Developing national legislation, creating special support programs for children affected by war, and strengthening cooperation between state authorities, human rights organizations, and the public are key directions that can significantly improve the protection of children's rights.

Therefore, the legal status of children during armed conflicts in Ukraine is determined by both international legal norms and national legislation. However, the effective implementation of these norms requires a systematic approach, coordination among all interested parties, and active participation from both the state and public organizations. This is the only way to ensure proper protection of children and their rights in the challenging conditions of an armed conflict.

The main challenges and threats for children in the armed conflict in Ukraine are extremely serious and multifaceted, requiring a comprehensive approach to their solution. The armed conflict that began in the east of Ukraine in 2014 created unprecedented conditions for the violation of children's rights, affecting their physical, psychological, and social well-being.

Physical Threats: The dangers children face include the risks of war, mines, and unexploded ordnance. Children are victims of shelling, bombing, and mine explosions, resulting in injury, maiming, and death. According to the UN, thousands of children have been injured or killed as a result of military operations, and millions have been left homeless¹⁰.

Psychological Threats: Constant stress, fear, loss of loved ones, and the destruction of homes and schools lead to severe psychological injuries. Many children suffer from post-traumatic stress disorder (PTSD), depression, anxiety, and other mental disorders¹¹. The lack of adequate psychological support and rehabilitation can have long-term negative consequences for their development and social integration.

Impact on Education: The war's impact on education is another serious challenge¹². Many schools have been destroyed or closed due to the armed

10 Hrushova, A. (2004). Spivpratsia Ukrainy z YuNISEF ta YuNESKO v haluzi zakhystu prav dytyny. *Naukovyi visnyk Diplomatychnoi akademii Ukrainy*, 10(1), 226-236 [in Ukrainian].

11 Maizhe polovyna ukrainskykh ditei strazhdaie vid PTSR – nove doslidzhennia. *Nasha mama – Vse dlia molodykh mam i batkiv*. URL : <https://nashamama.com/hvoroby/63347maizhe-polovina-ukrainskih-ditei-strazhdae-vid-ptsr-nove-doslidzhennya.html> [in Ukrainian].

12 Prokhorenko, L. (2022). Nauka i osvita v umovakh viiny: Instytut spetsialnoi pedahohiky i psykholohii imeni Mykoly Yarmachenka NAPN Ukrainy. *Visnyk Natsionalnoi akademii pedahohichnykh nauk Ukrainy*, 4(1), 1-6 [in Ukrainian].

conflict, disrupting the educational process. Numerous children are forced to interrupt their studies or have no opportunity to receive an education at all. This limits their future opportunities and creates additional social problems related to unemployment and poverty.

Social Integration: Social integration of children affected by the armed conflict is also a significant challenge. Refugee children and internally displaced persons face discrimination, social isolation, and difficulties adapting to new environments. They often lack access to necessary social services, health care, and educational resources. The loss of social connections and support increases their vulnerability and risk of falling into criminal environments or becoming victims of exploitation and human trafficking.

Family Separation: The problem of families separated by the war is another critical aspect. Children who have lost one or both parents need special protection and support. The absence of a family environment can lead to further psychological trauma and developmental issues. Moreover, children left without adult care become particularly vulnerable to violence, exploitation, and other forms of abuse.

Adaptation of Internally Displaced Children: Internally displaced children face additional problems related to adapting to new living conditions. They often reside in temporary shelters that do not provide adequate conditions for their development and education. The lack of stability and constant movement negatively impact their psychological stability and social adaptation.

In conclusion, the main challenges and threats for children in the armed conflict in Ukraine include physical injuries and threats to life, psychological disorders, disruption of the educational process, social integration issues, discrimination, loss of family environment, and adaptation difficulties. An effective solution to these problems requires a comprehensive approach that includes close cooperation between government agencies, human rights organizations, and the public. Only joint efforts can ensure adequate protection and support for children affected by armed conflict, creating conditions for their normal development and social integration.

The activity of human rights organizations in the field of child protection in Ukraine is extremely important, especially in the conditions of armed conflict. These organizations play a key role in ensuring the rights and well-being of children affected by war. They monitor the observance of children's rights, provide humanitarian assistance, psychological support, and legal assistance, as well as develop and implement rehabilitation and social integration programs.

UNICEF: UNICEF is one of the most active international organizations working in Ukraine in the field of child protection. They provide emergency humanitarian aid to children and their families, ensure access to clean water, sanitation, and hygiene, and support educational programs, including the creation of temporary schools and training centers¹³. UNICEF is also active in protecting children from violence and exploitation, implementing programs aimed at preventing and responding to cases of child abuse.

Save the Children: Save the Children plays an important role in protecting children's rights in Ukraine. This organization works to provide children with essential tools for survival, including food, medical care, and shelter. They also offer psychological support and help children recover from traumatic events¹⁴. Save the Children conducts educational programs and trainings for both children and adults, raising awareness of children's rights and methods for their protection.

Human Rights Watch: Human Rights Watch systematically monitors the situation of children's rights in the context of the armed conflict in Ukraine. They document violations of children's rights, including violence, exploitation, and lack of access to basic services. Reports and recommendations from Human Rights Watch draw the international community's attention to the problems faced by children in Ukraine and influence government policies and practices.

Local human rights organizations also play a significant role in protecting children's rights. They provide direct assistance to affected children, including legal aid, psychological support, and social rehabilitation. For example, the Ukrainian Helsinki Human Rights Union actively works to protect the rights of internally displaced persons, including children, by providing legal support and assistance in restoring documents and accessing social services.

Coordination mechanisms between human rights organizations and state structures are crucial for more effective interaction and prompt response to violations of children's rights. Joint projects, trainings, and information campaigns contribute to raising awareness of children's rights among the population and improving child protection practices at the local level.

An important aspect of the activities of human rights organizations is advocacy, aimed at influencing policy and legislation regarding the protection of

13 Hrushova, A. (2005). Uchast ukrainy u prohramakh yunisef. *Visnyk KNU Mizhnarodni vidnosyny*, 31(32), 83-87 [in Ukrainian].

14 Indzharabian, C. (2023). Dosvid roboty u voiennykh umovakh v Ukraini mizhnarodnoi orhanizatsii «save the children» shchodo zabezpechennia prav ditei. Naukovyivymir sotsialno-pedahohichnykh problem sohodennia: mater. VII Mizhnar. nauk.-prakt. konf. (m. Nizhyn, 25 trav. 2023 r.). Nizhyn : Nizhynskiy derzhavnyi universytet imeni Mykoly Hoholia, 163-165 [in Ukrainian].

children's rights. Organizations actively work on the development and promotion of legislative initiatives that improve the legal protection of children, ensure adequate financing of support programs, and create effective mechanisms for monitoring and responding to violations of children's rights.

The activities of human rights organizations in the field of child protection in Ukraine are complex and multifaceted. They monitor compliance with children's rights, provide humanitarian assistance, psychological support, and legal assistance, implement rehabilitation and social integration programs, and actively work on improving the legal framework and child protection policies. Thanks to their work, the situation of children's rights in the conditions of armed conflict can improve, ensuring proper protection and support for the most vulnerable part of the population.

The contribution of the public and volunteer movements to the protection of children's rights in Ukraine is an integral part of the child protection system, especially during armed conflict. When public institutions often cannot fully respond to numerous challenges, the public and volunteers become the force that meets the urgent needs of children and their families. They fill the gaps created by deficiencies in the public system and provide fast and flexible assistance.

With the beginning of the armed conflict in the east of Ukraine in 2014, many civil initiatives and volunteer organizations directed their efforts to support affected children¹⁵. They provide food, clothing, medicine, and other necessities. Volunteers play a crucial role in organizing the evacuation of children from dangerous areas, helping find temporary housing, and promoting the reunification of families separated by war. One example of such an initiative is the public organization «East SOS,» which provides comprehensive assistance to children and their families in the east of Ukraine¹⁶.

In addition to direct material support, public organizations and volunteers actively work on the psychological rehabilitation of children. They organize camps, training sessions, and support groups where children can receive help from professional psychologists and social workers. These measures aim to overcome psychological trauma, reduce stress, and promote social adaptation. For example, the charitable foundation «Caritas of Ukraine» implements psychological

15 Petriv, M. (2023). Osoblyvosti pobudovy systemy zakhystu ditei, zasnovanii na mizhvidomchii vzaiemodii: Mahister-ska robota: (231 «Sotsialna robota»). Lviv : Ukrainskyi katolytskyi universytet, 67 s. [in Ukrainian].

16 Misiia ta meta. SKhID SOS – Vsebirna dopomoha postrazhdalym vid zbroinoho konfliktu i VPO, spriannia demokratychnym transformatsiiam ta zatverdzhenniu tsinnosti prav liudyny v Ukraini. URL : <https://vostok-sos.org/pro-nas/mission/> [in Ukrainian].

support programs, helping children cope with trauma and integrate into new communities¹⁷.

Educational initiatives are another important component of public organizations' activities. During armed conflict, many children lose the opportunity to attend school, so volunteer organizations create alternative educational programs that include distance learning, tutoring, and interactive educational activities. For instance, the «Open Doors» project initiated by the volunteer organization «Return Alive» enables children to continue their studies even if their schools have been destroyed or closed due to fighting.

The public also actively participates in advocacy activities aimed at protecting children's rights. They cooperate with human rights organizations, providing information on violations of children's rights, taking initiatives to improve legislation and policies in the field of child protection, and organizing actions and campaigns to draw society's and authorities' attention to the problems of children affected by war. Thanks to these activities, changes in legislation and practice that contribute to better protection of children's rights can be achieved.

Coordination between government agencies, non-governmental organizations, and volunteers is critical for effective protection of children's rights. Public initiatives often act as mediators between affected children and state structures, contributing to a more prompt response to their needs¹⁸. They also provide feedback, giving government agencies information about real problems on the ground and the effectiveness of government programs.

Thus, the contribution of the public and volunteer movements to the protection of children's rights in Ukraine is invaluable¹⁹. They meet the urgent needs of children in food, clothing, medical care, and psychological support, organize educational programs, and actively participate in advocacy activities. Thanks to their work, the situation regarding children's rights in conditions of armed conflict can be improved, providing them with adequate protection and support, which is vital for their further development and integration into society.

Improving the system of child protection during the war in Ukraine requires a comprehensive approach that includes enhancing legislation, strengthening coordination among child protection actors, and developing new strategies

17 Karitas v Ukraini – karitas ukrainy. Karitas Ukrainy. URL : <https://caritas.ua/about/> [in Ukrainian].

18 Nalyvaiko, L., & Orieshkova, O. (2019). Internally displaced persons: theoretical and legal aspects. Human rights as a base for the implementation of European legal values in Ukraine and the Republic of Poland in the context of civil society development: collective monograph. Lublin : Izdevnieciba «Baltija Publishing», 268-291 [in English].

19 Nalyvaiko, L. (2014). Hromadska ekspertyza yak forma hromadskoho kontroliu: problemy teorii ta praktyky. *Young scientist*, 2 (29), 28-34 [in Ukrainian].

and approaches to address the problems faced by children in armed conflict. Recognizing the special needs and vulnerabilities of children in times of war and ensuring their adequate protection at all levels is fundamental to these recommendations.

1. Improving the Legal Framework:

The existing legal framework in Ukraine already contains norms aimed at protecting children's rights, but their effectiveness in the context of an armed conflict requires revision and improvement. Special laws and amendments need to be developed that consider the specifics of armed conflicts and ensure special protection of children, including their physical and psychological well-being. It is also important to establish mechanisms for prompt response to violations of children's rights and ensure accountability for non-compliance.

2. Strengthening Coordination:

Strengthening coordination between government agencies, human rights organizations, and the public is critical. Effective interaction among these entities will enable a quick response to the needs of children and ensure their protection. Creating permanent coordinating councils or working groups, including representatives from various ministries, human rights organizations, and public initiatives, is essential. These structures should have clear powers and resources to implement their tasks and ensure constant monitoring of the situation regarding children's rights and prompt responses to identified problems.

3. Developing New Approaches and Strategies:

New approaches and strategies for protecting children should be developed and implemented. This includes creating specialized programs for the psychological rehabilitation and social integration of children affected by the war. Such programs should cater to the individual needs of each child and provide comprehensive support, including medical care, psychological support, and educational and social services. Ensuring children's access to quality education, even during armed conflict, is crucial. Developing alternative forms of education, including distance and mobile education, and providing educational institutions with the necessary resources and materials are vital steps.

4. Protecting Refugee Children and Internally Displaced Persons:

Refugee children and internally displaced persons need special support and assistance, including access to housing, healthcare, education, and social services. A system for registering and accounting for such children should be created to ensure their rights and needs are adequately met. Additionally, their integration

into new communities should be facilitated to promote social adaptation and minimize risks of discrimination and isolation.

5. Raising Awareness of Children's Rights:

Programs to increase awareness of children's rights and methods of their protection are essential. These programs should target both children and adults—parents, teachers, and community members. Training sessions, seminars, and information campaigns will help increase knowledge about children's rights and methods of protection, fostering a culture of legal awareness and respect for children's rights.

6. Ensuring Adequate Funding:

Ensuring that child protection programs are adequately funded is critical. This includes securing public funds and international aid. Mechanisms for attracting and effectively using financial resources should be developed, ensuring transparency and accountability in the use of funds. Investments in child protection are investments in the country's future, so their priority should be unquestionable.

Improving the system of child protection during the war in Ukraine requires enhancing legislation, strengthening coordination among various protection entities, developing new approaches and strategies, providing special support to refugee children and internally displaced persons, raising awareness of children's rights and protection methods, and ensuring adequate funding for relevant programs. Only a comprehensive approach to these problems will ensure proper protection and support for children affected by the armed conflict, contributing to their full development and integration into society.

The problem of protecting children during the armed conflict in Ukraine is extremely urgent and multifaceted. Children, as the most vulnerable part of the population, need special attention and support in war conditions. International legal norms, such as the UN Convention on the Rights of the Child and the Geneva Conventions, set clear standards for the protection of children, but their implementation at the national level requires significant efforts. Ukrainian legislation contains basic provisions on the protection of children, but its effectiveness in conditions of armed conflict requires improvement and adaptation to modern challenges.

The main threats to children during war include physical and psychological trauma, disruption of the educational process, social isolation, and discrimination. An effective solution to these problems requires a comprehensive approach that includes the interaction of state bodies, human rights organizations, and the public.

Human rights organizations play a key role in monitoring compliance with children's rights, providing humanitarian and psychological assistance, and advocating for changes to legislation. Their activity is an integral part of the system of protection of children's rights in conditions of armed conflict.

The public and volunteer movements also make a significant contribution to the protection of children's rights, providing direct assistance, organizing educational and rehabilitation programs, and actively participating in advocacy activities. Their role is extremely important, especially in conditions where public resources are limited.

Recommendations for Improving Child Protection During Wartime:

1. **Improving the Legal Framework:** Enhance and adapt Ukrainian legislation to address the specific needs and challenges faced by children during armed conflict.
2. **Strengthening Coordination:** Foster effective interaction between state bodies, human rights organizations, and the public through permanent coordinating councils or working groups.
3. **Developing New Strategies:** Implement specialized programs for psychological rehabilitation, social integration, and alternative forms of education for children affected by war.
4. **Raising Awareness:** Increase public awareness of children's rights and protection methods through training, seminars, and information campaigns.
5. **Ensuring Adequate Funding:** Secure sufficient funding for child protection programs from both public funds and international aid, ensuring transparency and accountability in the use of resources.

An effective system for the protection of children during war requires a comprehensive approach, which includes the interaction of state bodies, human rights organizations, the public, and international partners. Only the combined efforts of all interested parties will ensure proper protection of children's rights, create conditions for their safe development, and facilitate social integration in conditions of armed conflict. Completing these tasks is critically important for ensuring the future of Ukraine and its citizens.