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## **The child rights violations in the zones of military conflicts**

### SUMMARY

In the context of the military conflict, the rights and freedoms of children are subordinated to numerous violations that have socially dangerous consequences. During the four years of fighting in eastern Ukraine, children witnessed war, destruction, death, psychological and physical injuries, some children were engaged in military activities, some were subjected to physical and sexual rape. Many children, in the Donetsk and Lugansk oblasts, also lose the opportunity to receive a full package of services: social, humanitarian, medical, etc.

In order to defend the rights of children in the face of military conflicts, it is necessary for many state institutions to pay attention to this problem and to take systematic, interrelated steps in this field and to promote the status of such people, taking into account the characteristics of the military conflict to guarantee clear social and legal defense of the victims.

**Key words:** the rights of child, military conflict, violation of the rights of children.

### **Introduction**

Ukrainian scientists made a significant contribution to the study of the theoretical and legal aspects of the formation process, development and functioning of the child rights. Part of the territory in Ukraine was in a situation that nobody could imagine, namely in the military conflict conditions. Ukrainian society could not have been prepared for today for it. Therefore, very few legal norms establish the peculiarities of the legal regulation of the child rights in the context of a military conflict in our country. As a result, the rules of the current legislation, which are designed to ensure the observance of human rights, in the current conditions of the military conflict have been unable to resolve “human standards” in the relationship between the state and man. This is especially important in solving the problems of the child rights which is a special vulnerable group by its nature and which needs more attention from the state.

### Proper text

Unfortunately, during four years of fighting in eastern Ukraine, children have become eyewitnesses of the war, destruction, death, psychological, and some physical injuries, some children were drawn into participation in hostilities, and some were subjected to physical and sexual violence, and so on. Most children, mostly in the Donetsk and Luhansk region, are also deprived of the opportunity to receive a full package of services: social, humanitarian, medical, etc. Due to the long-standing military conflict in eastern Ukraine, through which children are primarily affected, the topic of violations of the rights of the child cannot be ignored.

The social value and prerequisite for all other rights is the child's right to life. The inability to receive medical care disproportionately affects the most vulnerable groups, especially children, which is a direct violation of the child's right to health. According to the UN (UNICEF), 44 children were killed in the Donetsk and Luhansk region and 160 children were injured by fragments<sup>1</sup>.

Disadvantages are the violation of the child's right to education<sup>2</sup>. Pre-school, general education and out-of-school educational institutions do not fully function in the area of anti-terrorist operation, which directly affects the development of children. More than 150 schools were destroyed only in the western part of Donetsk region; about 50 thousand children are not able to study under normal conditions. Schools, contrary to international standards, are subjected to attacks and are used by the military as barracks, warehouses, etc<sup>3</sup>. An important problem for the parents of such children was the question of whether the documents on the education of their children will be recognized by Ukraine. Currently, the Ministry of Education and Science of Ukraine introduced a procedure for enrollment of students from the territory of ATO on the external or distant form of training and a specific procedure for their enrollment in the absence of state-issued documents<sup>4</sup>.

There is no official information on violations of the child's right to protect against all forms of violence, but the mass media provide examples of labor and sexual exploitation of children. As a rule, victims of violence remain outside the reach of measures for dismissal, reintegration and legal aid, although access to justice, rehabilitation, and social integration services is needed<sup>5</sup>.

Numerous violations of the child's right to family upbringing, increases the risk of increasing orphan hood, including social. There are many cases where parents remain in the occupied territories, hoping that tomorrow they will go away, stop bombarding, and send children temporarily to a safe distance to boarding schools, sanatoriums, etc<sup>6</sup>.

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<sup>1</sup> *Children from Crimea and the ATO zone will be able to study on-line*, available at: <http://ru.osvita.ua/school/47665/>. (data dostępu:?)

<sup>2</sup> *Children in Ukraine*, UNICEF reports on the situation in Ukraine, available at: <http://www.unicef.org/ukraine/ukr>.(data dostępu:?)

<sup>3</sup> *Children from Crimea and the ATO zone will be able to study on-line...*, op. cit.

<sup>4</sup> *Law of Ukraine „On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine” April 15, 2014, No. 1207-VII*, available at: <http://zakon3.rada.gov.ua/laws/show/1207-18/page>. (data dostępu:?)

<sup>5</sup> *Law of Ukraine „On Social Work with Families, Children and Youth” of June 21, 2001 No. 2558-III*, available at: <http://zakon1.rada.gov.ua/laws/show/2558-14>. (data dostępu:?)

<sup>6</sup> O. O. Kochemirovskaya, *About Ukraine's compliance with international standards for the protection*

Closely related to the right to family upbringing is the right to choose a place of the child residence. According to the UNICEF Children's Fund, the total number of Ukrainians who were forced to leave their homes because of the conflict was about 1.5 million people; over 136 thousand of them were children. In general, about 1.7 million children suffer from the consequences of the conflict in Ukraine<sup>7</sup>. Temporary movement is the most acceptable for the protection of the child's life and health. However, children have suffered psychologically because they have lost their habitual environment, friends and live today in a completely different environment.

Because of the military conflict in the East, the phenomenon of homelessness of children has again appeared in Ukraine. The Office of the United Nations High Commissioner for Human Rights highlights another problem: men who support the "DNR" and "LNR" prevent wives from leaving the conflict zone. In addition, militants forbid to move children beyond the territories controlled by them in the Luhansk and Donetsk regions, except for the Russian Federation. Children due to the age-old peculiarities of development are a group of people characterized by naivety, trust, dependence on other persons<sup>8</sup>.

Due to the capacity for various manipulations and abuse by adults, the child's right to protection from being involved in hostilities and armed conflicts is important. For the first time in Ukraine appeared "child combatants" who are involved in armed conflicts. Law enforcement agencies detained a group of teenagers who were preparing sabotage on the territory of the city at the request of terrorists in Mariupol, Donetsk region.

However, national legislation does not provide criminal liability for such actions, and the relevant bill is still at the stage of consideration. The only norm remains the Art. 30 of the Law of Ukraine "On the Protection of Childhood"<sup>9</sup>, which stipulates that participation of children in hostilities and armed conflicts, the creation of children's paramilitary organizations and formations, propaganda among children of war and violence is prohibited. However, the law, unfortunately, cannot be the norm of direct action to bring the perpetrators to justice. Moreover, it is not a sufficient embodiment in national law of the provisions of the Optional Protocol to the Convention on the Child Rights on the involvement of children in armed conflict.

## Conclusion

Thus, in order to adequately protect the child's rights in a situation of military conflict, it is necessary to pay attention to this problem to many state institutions and to develop systematic, interrelated steps in this direction. Further, it is necessary to regulate the status of such persons, taking into account the particularities of the conditions of the military conflict, to ensure a clear social and the legal protection of such persons.

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<sup>7</sup> *Children from Crimea and the ATO zone will be able to study on-line...*, op. cit.

<sup>8</sup> «DNR» and «LNR» children are used for sabotage and security blocking. *Express online*, Available at: <http://expres.ua>. (data dostępu:?)

<sup>9</sup> *Children in Ukraine*, UNICEF reports on the situation in Ukraine..., op. cit.

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## STRESZCZENIE

Natalia V. Stepanenko

**Naruszenie praw dziecka w strefie konfliktu zbrojnego**

W warunkach konfliktu wojennego zdarzają się liczne naruszenia praw i wolności dzieci, które mają społecznie niebezpieczne skutki. W ciągu czterech lat walki na wschodzie Ukrainy dzieci doświadczyły wojny, rujnacji, były świadkami śmierci, przeżywały psychologiczne i fizyczne traumy. Niektóre dzieci były wciągnięte w wojskowe działania, niektóre były poddane psychologicznym i seksualnym gwałtom i in.

Sporo dzieci w Obwodzie Donieckich i Ługańskim traci możliwość otrzymania pełnego pakietu usług: socjalnych, humanitarnych, medycznych, itd.

Ażeby obronić prawo dzieci w sytuacji wojennego konfliktu, należy wielu instytucjom państwowym zwrócić uwagę na ten problem i rozwijać systematyczne, konsekwentne kroki w tym kierunku. Działać na rzecz podwyższenia statusu takich ludzi z uwzględnieniem specyfiki konfliktu wojennego, gwarantować jasne socjalne i prawne zabezpieczenia takich osób.

**Słowa kluczowe:** prawo dziecka, konflikt wojenny, naruszenie praw dziecka.

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