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CHILDREN RIGHTS PROTECTION DURING ARMED CONFLICTS: CASE OF UKRAINE

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Armed conflicts have devastating consequences on the lives of children. They face multiple challenges such as violence, displacement, separation from their families, and lack of access to basic needs such as food, water, and healthcare. During such conflicts, the protection of children's rights becomes a crucial issue that needs to be addressed. This article will examine the various ways in which children's rights can be protected during armed conflicts.

After the Second World War, there was a discussion about how to legally protect children during wartime according to international humanitarian law. Previously, children were not considered a special category that required specific protections. Instead, the protection of children was part of the larger effort to protect all civilians based on the principle of humanity, which was first recognized in the 1899 and 1907 conventions on international humanitarian law. The Second World War was a significant turning point as civilian casualties became as numerous as casualties among combatants. Since then, civilians, including children, have suffered the most casualties in modern conflicts.

During the High-level Conference on The Global State of Human Rights, Ilze Brands Kehris, the Assistant Secretary-General, highlighted that the number of children living in conflict zones

has reached an alarming level. As of the end of 2021, more than 450 million children, which is equivalent to one in six children, were residing in areas affected by conflict, marking the highest figure in two decades. Additionally, there were a record number of 36.5 million children who were displaced from their homes due to violence, conflict, and other crises. [1]

To alleviate the negative impact of armed conflict on children, The International Red Cross and Red Crescent Movement, in collaboration with various National Societies and the International Federation, strives to provide medical and food aid to children affected by conflicts. Moreover, they also undertake long-term projects aimed at ensuring the protection of the fundamental rights of children during armed conflicts.

The situation of children in the ten most dangerous countries is dire, with more than a hundred thousand children losing their lives every year. The most perilous places for children in 2019-2020 were Afghanistan, the Democratic Republic of Congo, Iraq, Yemen, Mali, Nigeria, Syria, Somalia, Sudan, South Sudan, and the Central African Republic. Within these countries, at least 550,000 children passed away between 2013 and 2017, primarily due to conflict-induced effects such as famine, ruined infrastructure, lack of access to medical care, and unsanitary living conditions. Unfortunately, the pandemic has only exacerbated the situation by increasing poverty and overwhelming health systems.

One of the primary ways to protect children's rights during armed conflicts is through international law. The United Nations Convention on the Rights of the Child (UNCRC) is an international agreement that outlines the basic rights of children. The UNCRC recognizes that children are vulnerable and need special protection during times of armed conflict. It states that children should not be recruited into armed forces, and that their best interests should be a primary consideration in all decisions made regarding them.

Another crucial aspect of protecting children's rights during armed conflict is the implementation of child protection policies by governments and international organizations. These policies should be designed to ensure the safety and well-being of children during times of armed conflict. Such policies can include measures to prevent the recruitment of children into armed forces, the provision of education and healthcare services, and the reunification of families that have been separated by conflict. The implementation of child protection policies should also involve cooperation with local communities and civil society organizations to ensure that the needs of children are being met.

In addition to international law and child protection policies, the provision of psychosocial support is also important in protecting the rights of children during armed conflicts. Children who have experienced the trauma of armed conflict are at risk of developing psychological problems such as depression, anxiety, and post-traumatic stress disorder (PTSD). Psychosocial support can help children to cope with these challenges and recover from the trauma they have experienced. Such support can include counseling, group therapy, and recreational activities.

The rights and interests of children deserve special protection, which is explained by scientific qualifications:

1. children, passing through critical stages of their development, they experience the impact of war to a much greater extent than adults;
2. it is more difficult for children to adapt to a conflict situation or respond to it;
3. they are practically never bear responsibility for the occurrence of a conflict;
4. they are much to a greater extent than adults, depend on the protection that in peacetime
5. time is provided by family, society and the law.

Because children are particularly vulnerable, the Geneva Conventions of 1949, referred to as GC III and GC IV, along with their Additional Protocols of 1977, known as AP I and AP II, include several specific regulations to offer special protection to children. Even if children take an active role in hostilities, they are still entitled to this protection. The Additional Protocols, along with the 1989 Convention on the Rights of the Child and its Optional Protocol, establish restrictions on the involvement of children in hostilities.

Child protection is divided into 2 types: General protection and Special protection.

1. General protection

During an international armed conflict, children who are not directly involved in hostilities are safeguarded by GC IV for the protection of civilians and AP I, which offer fundamental protections such as the right to life, and prohibit torture, coercion, corporal punishment, collective punishment, and reprisals. [2] Additionally, the rules of AP I governing the conduct of hostilities, such as the requirement to distinguish between civilians and combatants and the prohibition against targeting civilians, also apply. [3]

2. Special protection

GC IV provides special protections for children, but AP I establishes the principle of special protection, which states that "Children shall be given special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the protection and assistance they require because of their age or for any other reason" (Article 77). This principle also applies to non-international armed conflicts. [4] The provisions concerning this protection can be summarized as follows:

1. evacuation, special zones
2. assistance and care
3. identification, family reunification, street children;
4. education, cultural environment;
5. detained children;
6. prohibition to impose the death sentence on children.

It is unfortunately common for children to become involved in hostilities, taking on various roles such as aiding combatants or being recruited into national armed forces or other armed groups. To address this issue, the Additional Protocols of 1977 were created as the first international treaties to regulate such situations. For example, AP I mandates that states take practical measures to prevent children under the age of fifteen from taking part in hostilities, specifically forbidding their recruitment into armed forces and encouraging that, if recruits are between the ages of fifteen and eighteen, older individuals should be preferred (Article 77). AP II goes even further by banning both the recruitment of children under fifteen and their direct or indirect involvement in hostilities (art. 4(3)(c)).

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted on 25 May 2000, further enhances the protection of children in armed conflict. [5]

Consider the current Russian-Ukrainian conflict for violations and protection of children's rights. According to Katherine Russell, the head of UNICEF, since the start of the conflict in Ukraine six months ago, at least 972 children have been killed or injured by violence. The actual number of child casualties is likely higher than reported since not all incidents have been verified. Explosive weapons are the main cause of child casualties, hitting both military targets and civilians, especially in densely populated areas. Health care facilities have also been attacked, with 52 incidents reported by the World Health Organization in the past four weeks. Over 500 education

facilities have been damaged, and 1.4 million people have lost access to safe water. The war has led to the displacement of more than 4.3 million children, with over half of the child population affected. About 1.8 million children have fled to neighboring countries as refugees, while 2.5 million are now internally displaced in Ukraine. Ukrainian authorities estimate that Russia has transferred about 300,000 children to its territory and occupied territories of Ukraine. In response, a conference was held in Paris to address the issue of illegal deportation and adoption of Ukrainian children by Russia, which could be considered a form of genocide according to the Genocide Convention. [6]

The EU has taken steps to enhance the safeguarding of children during times of armed conflict, in response to the situation in Ukraine where the Russian occupiers have been committing severe and consistent breaches of children's rights. A document posted on the European Council's website acknowledges that children are among the most vulnerable populations during times of armed conflict. The EU Council urges member states to improve the protection of children in emergencies, combat child trafficking, establish measures to detect trafficking victims, and raise awareness among families and children of the dangers of exploitation. Additionally, the council members emphasized that emergencies should not be utilized for personal gain in regards to child custody, and adoptions should not be allowed during military conflicts. Various countries are willing to admit refugee children and provide them with necessary humanitarian support, such as lodging, food, healthcare, and education.

In conclusion, the protection of children's rights during armed conflicts is a critical issue that needs to be addressed. International law, child protection policies, psychosocial support, and education are all important measures that can be taken to protect the rights of children during times of conflict. Governments and international organizations have a responsibility to ensure that these measures are implemented effectively to protect the rights of children and promote their well-being. Only by ensuring that children's rights are respected and protected can we create a safer and more just world for future generations.

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