

Protection of children's rights as a component of Ukraine's national security

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Abstract. The relevance of the study is due to the urgent need to address the critical state of children's rights in the context of military aggression against Ukraine, which requires immediate measures to strengthen their protection. The main purpose of this study is to examine the concept of child security as an integral part of national security. Methodologically, the study is based on a critical analysis of scientific sources and the international and Ukrainian legal framework for the protection of children's rights in general and in armed conflict in particular. The study also analysed relevant statistics. The results of the study highlight the state of child rights protection in Ukraine in the context of Russia's full-scale invasion. The state of national legislation in the field of child protection and its compliance with international standards are examined, and ways to improve the Ukrainian legal framework are proposed. The urgency of expanding international cooperation to restore the psychological and moral well-being of children is substantiated. The author emphasizes the need to increase funding for organizations involved in supporting and protecting children's rights, recognizing that children represent the future of the state. The author emphasizes the role of juvenile justice bodies in the implementation of the state's domestic policy, which is an integral part of national security, is guided by international and national legal norms and is aimed at guaranteeing and protecting the rights and freedoms of children. Long-term perspective goals for state bodies are formulated. By addressing a previously unexplored area, the study improves understanding of the important link between child security and national security. In practice, the findings offer valuable insights for policymakers and stakeholders in protecting the rights and well-being of children, who are among the most vulnerable citizens in times of armed conflict

Keywords: socio-economic development; protection mechanism; guarantee system; improvement; minors

Introduction

Since the beginning of Russia's large-scale invasion of Ukraine, the aggressor state has been harming and injuring Ukrainian children on a daily basis. They have targeted hospitals and schools, depriving children of their basic rights to education and healthcare. In addition, they forcibly relocate children to their territory and often prevent their access to the government-controlled areas. In addition, the aggressor state is attempting to eradicate the Ukrainian identity of

children living under occupation or those who have been deported, and is actively engaged in widespread efforts to militarize minors. The Prosecutor's Office of Ukraine has opened more than a thousand criminal cases of crimes against children. The repatriation of all Ukrainian children and the protection of their rights is a key national security priority.

In the context of the ongoing conflict in Ukraine, the economic, social, psychological and moral aspects of

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national security are in a state of great complexity and contradiction. The duration of the war has led to instability in various areas of the country. As a result, more and more families are experiencing the effects of the tension in the state budget, which has led to an increase in the number of people with incomes below the subsistence level. This, in turn, has led to a decline in the birth rate and a widening income gap. There is also tension in the labour market, which arises because part of the population is forced to move from regions under constant pressure from the occupiers to regions that are safer for life. The problem of vacant jobs, increasing wage arrears, pension and social assistance arrears, and a significant increase in poverty, including social deviations in children's behaviour, all lead to child protection issues (Opatskyi, 2021). In Ukraine, in the context of the ongoing conflict, the challenge of protecting children's rights at the state level is becoming apparent. This issue covers not only children directly affected by the conflict, but also attempts to prevent any actions that lead to suffering, distress and violations of children's rights (Zhyhola, 2022).

Protecting and maintaining national security as a top national priority is based on the protection of childhood and children's rights. The legal framework and principles of the state, in combination with certain segments of public administration, contribute to the expansion of social and legal guarantees for the protection of children's rights. This ensures the cultural and legal growth of adolescents and contributes to the socio-economic development of modern youth. In addition, it promotes cooperation in the creation of socio-economic and legal entities that protect the rights and legitimate interests of minors in our country (Maksymova, 2022).

The issues of ensuring the rights and legitimate interests of children in Ukraine receive considerable attention in scientific research. The essence and peculiarities of administrative and legal support for children's rights in Ukraine were delved into by N. Kolomoiets (2019). N. Volkova (2022) conducted a comprehensive study on the protection of family rights and interests of children in civil proceedings. O. Navrotskyy (2018) studied the theoretical and practical principles of administrative and legal regulation of children's rights in Ukraine. The work of I. Volkova (2021), among other notable contributions in this area, highlights the current state and trends in the development of scientific views on administrative and legal mechanisms for the protection of children's rights. Ye. Zelenskyi and I. Kravchenko (2019) systematically considered the issue of ensuring the individual rights of the child in terms of overcoming and preventing bullying among children.

O. Moroz *et al.* (2022) conducted research aimed at studying the legal and structural framework for the activities of juvenile police prevention to protect children's rights and prevent juvenile delinquency. O. Melnychuk *et al.* (2022) and colleagues drew attention to the provisions on child protection in Ukraine during armed conflicts, highlighting the responsibilities of public authorities. N. Stepanenko (2022) conducted a study on the protection and promotion of children's rights in the context of hostilities in Donbas. T. Lukanenko (2021) revealed certain aspects of both theoretical and practical aspects of ensuring the protection of children from all forms of violence in Ukraine.

The peculiarities of protecting children's rights as part of Ukraine's national security remain outside the attention of scientists. Researchers have yet to focus on the unique

aspects of child protection, such as ensuring material, moral and psychological well-being in the context of the ongoing armed conflict in the country. The purpose of the article is to analyse the current state of child rights protection in Ukraine within the framework of the national security of the State.

The analytical method was used to conduct a comprehensive literature review and to gather the available knowledge on the topic. The author analyses scientific papers, reports and legal documents relating to the rights of the child and national security in Ukraine. To study the legislative and regulatory framework related to children's rights in Ukraine, a content analysis of relevant laws, policies and international agreements was conducted. The study also used a special method, namely case studies. The study included an in-depth examination of specific incidents and policies related to child protection in the context of national security.

The materials used included the legal framework, including various legal documents, including the Constitution of Ukraine; international conventions; and the Law of Ukraine "On the Protection of Childhood". Statistics from official sources, such as the State Statistics Service of Ukraine, were used to provide empirical evidence of trends and issues related to child rights and national security; reports from international organizations such as UNICEF and the Council of Europe, as well as national child protection reports, were used to collect data on the state of child rights in Ukraine; official government documents, such as policy documents and national security strategies, were reviewed to assess the government's commitment to child protection in the context of national security.

The current state of social protection of children in Ukraine: Legislation and realities

Children who have experienced the hardships of war and grown up in conflict must be protected in accordance with the principles of international humanitarian law, considering them as integral members of the civilian population. It is imperative that these children receive clear and enhanced protection, recognizing their susceptibility and special developmental requirements (Melnychuk *et al.*, 2022; Shcherban *et al.*, 2022).

Certain guarantees established by international legal instruments have become customary law. The main international legal instruments that form the basis for the protection of children in armed conflict scenarios include the Convention on the Rights of the Child (1989), the Optional Protocol on the Involvement of Children in Armed Conflict (2000, ratified by Ukraine in 2004), the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), the Protocol Additional to the Geneva Conventions (1977), the Worst Forms of Child Labour Convention (No. 182) (1999), Rome Statute of the International Criminal Court (2002) and a number of UN Security Council Resolutions adopted between 1999 and 2009.

Currently, the main legal act regulating the status of children during martial law in Ukraine is the Law of Ukraine "On the Protection of Childhood" (2001). This law defines a child affected by hostilities and armed conflicts as a person who has been harmed, injured, physically or mentally traumatized, subjected to various forms of violence (including physical, sexual and psychological), abducted, illegally removed from Ukraine, or forced to join military formations or illegally detained, including in captivity, as a result of hostilities or armed conflict.

As of the morning of 14 May 2023, at least 481 children have been tragically killed as a result of Russia's large-scale invasion of Ukraine, and 971 more have been injured. The total number of children affected in Ukraine as a result of the full-scale armed aggression by the Russian Federation has risen to more than 1,452. According to the official data of the Juvenile Prosecutor's Office, these children sustained injuries of varying severity. Work is ongoing to identify and assist these children in conflict zones, temporarily occupied territories and liberated territories (Juvenile prosecutors..., 2023).

Children are most affected in different regions: Donetsk region has 452 cases, followed by Kharkiv region with 275, Kyiv region with 127, Kherson region with 94, Zaporizhzhia region with 89, Mykolaiv region with 86, Chernihiv region with 68, Luhansk region with 66, and Dnipro region with 66. In addition, a staggering 16,000 children have been forcibly deported to Russia (Juvenile prosecutors..., 2023). The government is required to take all necessary measures to guarantee the protection of these minors, ensure their welfare and facilitate their reunification with their families, including tasks such as locating them, securing their release from captivity and repatriating children who have been detained or illegally taken abroad (Zhyhola, 2022).

The state, society, and citizens should protect and recognize the protection of children's rights as an independent subject of law and study and respect the child as a person with their own needs and urgent problems, and comply with all rules and regulations in accordance with applicable law (Order of the Cabinet of Ministers of Ukraine No. 691-r..., 2021). The legal system and the scientific community have established a unique social and legal status of minors. This status is implemented through a systematic and logical approach, focusing on key aspects of their lives. It is aimed at protecting their legitimate interests, improving the system of guarantees, promoting the development of areas responsible for the well-being of children at every stage of protection and enforcement of their rights by state authorities.

From the point of view of scientific understanding and clarification of the concept of evolutionary validity within the framework of public administration, it is argued that "every person from birth is burdened with a debt to the society that raised him or her. This debt eventually turns into a duty to future generations" (Dziundziuk, 2011). Thus, the statement of this concept, "Childhood protection in Ukraine is the most important state strategic task" (Potopakhina, 2008), is generally accepted without reservations, especially in situations where the focus is on the theoretical dimension of the issue rather than its practical implications.

However, it is worth noting that other scholars state: "Today, the situation with children and adolescents in our country has reached a critical point, and any failure to comprehensively investigate and solve these problems can lead to a national crisis" (Konishcheva, 2014). The state policy covering all spheres of human life should be based on the principles and provisions of systemic transformation of society, this policy should be expressed in certain areas that should increasingly reveal the social nature of the state policy in the field of child protection (Tertychka & Shakhov, 2012). However, in such cases, it is observed that "institutional changes in Ukraine have not led to a noticeable improvement in the quality of life of the population or stabilization of social conditions in society" (Skurativskiyi, 2012). Such moments and situations may affect the protection and

promotion of children's rights. Therefore, in academic circles, special attention is paid to various aspects of the formation and implementation of state policy on child protection in Ukraine (Dakal, 2020).

As for the latest developments in research, in February 2016, amendments were made to the Law of Ukraine "On the Protection of Childhood" (2001). In particular, the term "child affected by hostilities and armed conflicts" was introduced. In 2022, Article 30-1 was added to the Law, which focuses on the protection of children in conflict zones and those who have suffered the consequences of hostilities and armed conflicts.

Currently, the Procedure for Granting the Status of a Child Victim of Military Actions and Armed Conflicts has been clarified by the Resolution of the Cabinet of Ministers of Ukraine "On Amendments to the Procedure for Granting the Status of a Child Victim of Military Actions and Armed Conflicts" (2023). According to the updated rules, a child is a child or a person who, during the period of hostilities, armed conflicts or armed aggression of the Russian Federation, has not reached the age of 18 (majority) and subsequently suffered: bodily injury, concussion, or mutilation; experienced physical or sexual violence; was abducted or illegally taken outside Ukraine; participated in the activities of paramilitary or armed groups; was illegally detained, including in captivity; or suffered psychological harm.

In 2015-2016, as part of Ukraine's social sector reform programme, social programmes aimed at supporting children were cut. The government has not taken sufficient measures to secure specialists engaged in social work aimed at preventing children from becoming social orphans in communities. Funding for sanatorium treatment, rehabilitation, and recreation for children, as well as children's and youth sports schools, which was previously supported by the Temporary Disability Insurance Fund, has been discontinued. In addition, large families have lost benefits for housing and communal services. Certain groups of orphans and children deprived of parental care no longer have the right to enter higher education institutions without competition. In addition, the state cancelled free meals for primary school students in grades 1-4, which were previously guaranteed by the government. It was decided that from now on, local budgets would be responsible for this provision, subject to specific decisions at the local level (Resolution of the Verkhovna Rada of Ukraine No. 1906-VII..., 2017).

Currently, there is a widespread view in Ukraine that vaccinations are unnecessary and not mandatory, and that only a minimal proportion of children are vaccinated. This situation poses a significant and worrying risk of a resurgence of infection, as the incidence of some diseases, such as diphtheria and tetanus, has declined to rare cases. Efforts and measures aimed at eradicating diseases such as measles and polio are also being taken to reverse this worrying trend. It is the Ministry of Health of Ukraine that should ensure better access to healthcare for children, including better funding for the measures envisaged in programmes and regulations. Tenders for public procurement of medicines, equipment, and consumables are held with significant delays (Resolution of the Verkhovna Rada of Ukraine No. 1906-VII..., 2017).

The focus of state bodies on protecting and promoting the rights of children, in particular those belonging to socially vulnerable groups, such as orphans, children deprived

of parental care, persons affected by military conflicts, difficult life circumstances, internal displacement, stateless persons, refugees, children of persons in need of additional or temporary protection within Ukraine, has significantly decreased over time.

The issue of protection of children's rights from the point of view of state interests

Despite the significant efforts of the state to promote the holistic development of children and protect their rights and legitimate interests through a number of measures, such as targeted support programs, social strategies, legislative initiatives aimed at children's rights, as well as assistance to families affected by social challenges or conflict issues, recent events indicate an alarming increase in administrative offences and criminal behaviour among children (Maksymova, 2022).

In 2021, the police recorded almost 3.4 thousand crimes involving children, of which approximately 2.2 thousand were solved and brought to court. Notably, almost 4,400 of these incidents were committed by children themselves, and about half of them were classified as serious or especially serious crimes. In the previous year, 2020, law enforcement agencies tracked down 14,659 missing children. Most of these children left home without permission due to misunderstandings with their families. In addition, the police now have three facilities specifically designed to receive and assist children. In 2020, 16 children were accommodated in these facilities, and in the first six months of 2021, 11 children were assisted. It is important to note that official statistics do not provide a complete picture of juvenile delinquency, as a significant number of offences, even if solved, remain unreported (More than 3,000 crimes..., 2021; Bugalets, 2023). The state's efforts to reduce administrative delinquency in the area of ensuring the full development of the child do not yield positive results.

Around the world, as well as in Ukraine, there remains a major problem with violence, which is very critical because the causes and conditions of violence are not eliminated or studied, and manifestations of aggression against the individual remain (Maksymova, 2022). In essence, there is a call for the study, formulation, and implementation of government policies aimed at creating a comprehensive framework. This framework should encompass political, economic, social, organizational and information provisions and preconditions. Its main goal would be to meet and monitor the holistic needs of children, promote the realization of their creative abilities, enhance and preserve their national and patriotic values, etc.

Problems and threats in the area of child protection and rights require a systemic state policy. Every day, during the ongoing war in Ukraine, many children lose their lives or are injured as victims of criminal acts and misconduct. It is important to emphasize that the level of these related risks should not be underestimated. Over the three decades of our country's existence, the population of Ukraine has decreased by more than 6 million people. The war in Ukraine, which began on 24 February, has given rise to numerous humanitarian challenges, with child abduction being one of the most significant (Melnyk, 2020). As noted by the Commissioner for Children's Rights and Rehabilitation of Children of the President of Ukraine, D. Gerasymchuk, children fall into the hands of abductors in various ways. These methods

range from direct abduction from the place of residence to falsification of documents and fabrication of information suggesting that the child was left without parental care (Russia has abducted hundreds..., 2023). Child abduction is a global and serious problem that requires the attention and action of not only the authorities, but also the public.

The future generation represents the future of the nation and forms the main basis of our country's economic capacity and progress. Strengthening the protection and realization of children's rights contributes to the spiritual and physical development of the population, harnesses socially useful energy, significantly increases geographical and professional flexibility, stimulates political and economic engagement of society and creates an environment conducive to understanding the current processes of state development. Ensuring the protection of children's rights and their safety is an objective indicator of the state's progress, quality of life of citizens, and is one of the essential conditions for increasing production, economic prosperity and population growth in Ukraine, and thus for solving demographic problems and challenges.

Ensuring and protecting children's rights is a priority area of national interest. The effective implementation of constitutional rights and freedoms depends on various factors. These include the well-being and safe environment for the personal growth of children, legal development of civil society, protection of state borders, socio-political climate, economic stability, economic competitiveness, creation of ecological and technological living conditions for the entire population, with special attention to children, environmental protection and Ukraine's integration into the global and European economic spheres. When it comes to juvenile policy, it can be defined as a component of our country's domestic policy – a form of social activity regulated by both international and national legal standards. Its main task is to competently protect the rights and freedoms of children. This policy should cover the collective interests, requirements, and rights of every person under the age of 18, leaving no exceptions. It should also take into account the interests of different social and age groups of minors. In the social context, juvenile policy forms a relatively self-contained system that interacts with numerous other aspects of social existence. However, it does not lose its clear functional identity and purpose within these interactions. Consequently, the inherent nature of the risks posed by this system becomes apparent. The factors that pose a threat to the education of today's youth can only be mitigated by a clear national security policy.

The protection and observance of children's rights are inextricably linked to various aspects of national security. The upbringing of children plays a crucial role in shaping the human resource potential of the state, solving demographic problems, ensuring economic stability, and also affects a number of factors that influence the overall social, economic, military and environmental security of the state. In addition, institutions of the juvenile system actively contribute to the protection of national interests in the economic, medical, scientific and educational spheres, including in the area of child protection.

Therefore, the expediency of considering the topic of ensuring and protecting children's rights through the prism of protecting the state's interests is justified by the real needs in the application of child protection practice. After all, there is no strategy at the state level aimed at protecting the rights

of the child, which is a fundamental political responsibility of the state in regulating public affairs, including the priority of childhood, maternity, and parenthood in the social sector of public administration, a critical element of national security. Efforts to protect children's rights should focus on the development of a comprehensive policy framework and the adoption of comprehensive legislation on children's rights. The entire national security system, represented by public administration bodies, should address the problematic aspects of child protection that cannot be addressed at the level of individual national security subsystems.

The war in Ukraine has left the state authorities in disarray. While there have been significant legislative changes regarding registration requirements and procedures for internally displaced persons and compensation, other issues directly related to child protection have been neglected. The primary task is to create a register of children living in the conflict zones, closely monitor their welfare and ensure their rights. In addition, it is crucial to register children living in frontline settlements where intense hostilities are taking place and who face difficult psychological and socio-economic circumstances.

In Ukraine, ensuring the rights of the child is of paramount importance, as it directly affects the attitude towards children, the degree of their protection and security in the state, and the need to study and address problems related to them. Such attention to the well-being of children is a central component of national security policy. A comprehensive approach to addressing child protection issues in court proceedings concerning the observance and protection of children's interests is currently relevant. The state authorities have set promising, long-term goals, including: developing a comprehensive strategy for the protection of children's rights; adopting a comprehensive law on children's rights; establishing a body responsible for consolidating efforts to protect and ensure children's rights; carrying out reforms in the judicial system to ensure children's rights; and deinstitutionalizing the child rights sector.

Conclusions

In the context of the critical state of children's rights in the context of military aggression against Ukraine, the study's findings highlight the inextricable link between child safety and national security, emphasizing that protecting children's rights is not only a moral imperative, but also a vital component of the stability and future of the nation. The article emphasizes the need to take immediate action to strengthen the protection of children, which is essential for the prosperity of the nation.

The circumstances identified in this study, caused by Russia's full-scale invasion, make it imperative to increase international cooperation in restoring the well-being of children. In addition, funding for organizations working to protect children's rights needs to be increased.

This study also highlights the key role of juvenile justice institutions in the implementation of domestic policy, which is an integral part of national security. By adhering to international and national legal norms, these institutions play a crucial role in guaranteeing and protecting children's rights and freedoms.

In terms of research perspectives and necessary legislative initiatives, the following points should be focused on in the future: 1) there is an urgent need to create and maintain accurate and complete statistics on different categories of children. These include those living in conflict zones and frontline areas, displaced children, orphans, and children deprived of parental care. In addition, it is important to collect data on students enrolled in Ukrainian higher education institutions from the temporarily occupied or conflict-affected territories; 2) there is an urgent need to introduce legislative measures that criminalize the recruitment and involvement of children in the armed forces and armed groups. These needs to highlight the importance of data collection and legal action to protect the rights and well-being of children in war-affected areas.

In particular, it is necessary to create a register of minors living in areas where intense fighting is taking place, so that the state has the most complete information about the material and psychological needs of the most vulnerable groups of the population, such as children. Such a register would enable the timely provision of therapeutic and humanitarian assistance, the taking of all necessary measures to improve child safety, and the timely prevention and detection of crimes against children and juvenile delinquency. As for long-term tasks, the state should improve legislation on child protection and develop a comprehensive strategy for the implementation of relevant norms. In the long term, a special body should be established to take over the function of state control over the implementation of all necessary measures to ensure an adequate level of well-being of Ukrainian children. It is also necessary to reform the judicial system, which should become more adapted to the task of defending children's rights.

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Conflict of interest

None.

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Захист прав дітей як складник національної безпеки України

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Анотація. Актуальність дослідження зумовлено гострою необхідністю вирішення критичного стану прав дитини в умовах військової агресії проти України, що вимагає негайних заходів щодо посилення їх захисту. Основною метою цього дослідження є вивчення концепції безпеки дитини як невід'ємної складової національної безпеки. Методологічно дослідження спирається на критичний аналіз наукових джерел та міжнародної та української нормативно-правової бази щодо захисту прав дітей загалом та в умовах збройних конфліктів зокрема. Також проаналізовано актуальну статистику. Результати дослідження висвітлили стан захисту прав дитини в Україні в умовах повномасштабного вторгнення Росії. Розглянуто стан національного законодавства у сфері захисту прав дитини та його відповідність міжнародним стандартам, запропоновано шляхи вдосконалення української нормативно-правової бази. Обґрунтовано нагальність розширення міжнародного співробітництва для відновлення психологічного та морального благополуччя дітей. Наголошено на необхідності збільшити фінансування для організацій, які займаються підтримкою та захистом прав дітей, визнаючи, що діти представляють майбутнє держави. Підкреслено роль органів ювенальної юстиції у здійсненні внутрішньої політики держави, яка є невід'ємною частиною національної безпеки, керується міжнародними та національними правовими нормами та спрямована на гарантування та захист прав і свобод дітей. Сформульовано довгострокові перспективні цілі для державних органів. Розглядаючи раніше недосліджену сферу, дослідження покращує розуміння важливого зв'язку між безпекою дітей і національною безпекою. На практиці отримані результати пропонують цінну інформацію для політиків і зацікавлених сторін щодо захисту прав і благополуччя дітей, які є одними з найбільш уразливих громадян під час воєнного конфлікту

Ключові слова: соціально-економічний розвиток; механізм захисту; система гарантій; вдосконалення; неповнолітні