

**Roman KARPENKO**

Associate Professor

at the Department of civil law disciplines

Dnipro State University of Internal Affairs,

PhD of Law Sciences, Associate Professor

**CURRENT ISSUES OF PROTECTION OF THE RIGHTS  
AND LEGAL INTERESTS OF CHILDREN DURING WAR  
AND MARTIAL LAW IN UKRAINE**

The harsh realities of Russia's war against Ukraine are a test for the entire society, all spheres of citizens' lives. Today, people's lives, health, and moral and psychological state are under direct threat. In such a situation, the most vulnerable category of the population is children. Under conditions when certain rights of citizens are legally restricted during martial law, the problem of ensuring the rights and interests of children becomes urgent. This task is complicated by the large number of internally displaced persons, the increase in the number of children who have lost their parents and relatives, and other factors resulting from the war. The issue of maximum safety for children in all aspects (physical, psychological, social and domestic) is important for preserving a healthy future generation, which will face the task of developing Ukraine.

The rights of the child are a system of opportunities that a person needs for his or her comprehensive and holistic development in the conditions and in accordance with the requirements of the environment, taking into account the immaturity of the child (according to international legal acts, «every human being under the age of 18 is recognized as a child unless, under the law applicable to the person, he or she reaches the age of majority earlier») [1]. It is the biological and psychological immaturity of the child that prevents him or her from fully realizing the facts of the violation of his or her rights and safety, which is the reason for not reporting the facts of such illegal acts against children. The task of parents, schools, and ultimately society as a whole is to explain to the child, in an accessible form, in accordance with his or her age perception, about permissible and unacceptable actions towards him or her by other persons. During the war in Ukraine, a significant number of minors became victims of psychological and physical violence by the occupiers. Such children need medical rehabilitation, but no less important is the need to provide them with legal support from the state through socio-legal and educational projects. Ensuring the best interests of the child are actions and decisions aimed at satisfying the individual needs of the child in accordance with his or her age, gender, health status, developmental characteristics, life experience, family, cultural and ethnic affiliation, and taking into account the opinion of the child, if he or she has reached the age and level of development that allows him or her to express it [2].

The rights of children belonging to the category of internally displaced persons require in-depth attention, because this is a category of children who, very often, have seen death and faced violations of their vital rights (to life, to the preservation of honor and dignity, to the means of physical existence, etc.). In Ukraine, the issue of protecting the rights and interests of children was given considerable attention even before the war. Starting from the formation of juvenile prevention to educational reforms, all measures were aimed at forming a holistic personality of the future generation.

Until today, the issues of working with children and families who are in difficult life circumstances precisely because of the war were not relevant in our country. Certain methods of working with such persons are developed and studied not theoretically, but in the harsh realities of modern times, when not only social and household stability, but also the life and health of children depend on the coordinated actions of all authorized bodies and persons, including the police and juvenile prevention. In such conditions, legislative bodies must actively respond to the challenges of modern times, adopting regulatory legal acts or making changes and additions to existing ones in favor of ensuring the rights, freedoms and legitimate interests of children affected by the war, relying on the international legal experience of countries that, unfortunately, have faced solving such problems.

One of the main components of the state policy of Ukraine in the field of protection of children's rights is the improvement of the regulatory and legal framework, including the implementation of the norms of European and international law. The result of this activity is that today Ukraine is a party to a number of international treaties in the field of ensuring the rights of the child.

The active work of law enforcement agencies, social services, volunteers and the entire society is aimed at minimizing the consequences of this war for children, who were formed by Ukrainian society on the basis of the principles of humanity, moral and legal justice, respect for man and his rights, which is the basis of the entire civilized world.

### **References**

1. Безоплатна правова допомога. *Права дитини*. 2022. URL : [https://wiki.legalaid.gov.ua/index.php/%D0%9F%D1%80%D0%B0%D0%B2%D0%B0\\_%D0%B4%D0%B8%D1%82%D0%B8%D0%BD%D0%B8](https://wiki.legalaid.gov.ua/index.php/%D0%9F%D1%80%D0%B0%D0%B2%D0%B0_%D0%B4%D0%B8%D1%82%D0%B8%D0%BD%D0%B8).

2. Про охорону дитинства: Закон України від 26.04.2001р. № 2402-III. URL : <https://zakon.rada.gov.ua/laws/show/2229-19#Text>.