

Youth in Central and Eastern Europe

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Liudmyla Kryvachuk

Pedagogical University of Cracow https://orcid.org/0000-0002-3083-4781 kryvachuk@gmail.com

PROTECTION OF CHILDREN'S RIGHTS DURING THE WAR IN UKRAINE: "CHILDREN OF WAR" AS A NEW PHENOMENON OF MODERN UKRAINE

OCHRONA PRAW DZIECKA W CZASIE WOJNY NA UKRAINIE: "DZIECI WOJNY" JAKO NOWY FENOMEN WSPÓŁCZESNEJ UKRAINY

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Abstract:	The article concerns the protection of children's rights during the war in Ukraine. The Article outlines the main phases in the formation and implementation of state policy in the field of child protection, and identifies seven main phases relating to the protection of children's rights and the development of social work in Ukraine. It is noted that the seventh phase, which is defined as "the formation and implementation of state policy in the field of child protection during the war, the transformation and optimization of social services during the war, the crisis management of social services" is currently ongoing. The specifics of "children of war" as a new phenomenon in modern Ukraine are justified and brought to light, the author's approach to the definition of the conceptual and categorical apparatus in this area is proposed. Some issues of social support and evacuation of children during the war in Ukraine are considered.
Keywords:	war in Ukraine, children, children of war, children's rights, protection of children's rights, social work, social services
Abstrakt:	Artykuł dotyczy problematyki ochrony praw dziecka w czasie wojny w Ukrainie. Określono podstawowe etapy formowania i realizacji polityki państwa w dziedzinie ochrony dzieci, w tym siedem etapów związanych z ochroną praw dziecka i rozwojem pracy socjalnej w Ukrainie. Odnotowuje się, że obecnie trwa etap siódmy, określony przez autora jako "kształtowanie i realizacja polityki państwa w zakresie ochrony dzieci w czasie wojny, przekształcenia i optymalizacja usług społecznych w czasie wojny, zarządzanie kryzysowe usług społecznych". Uzasadniono i ujawniono specyfikę fenomenu "dzieci wojny" jako nowego fenomenu współczesnej Ukrainy oraz zaproponowano autorskie podejście do rozwoju aparatu pojęciowego w tym obszarze. Rozważane są wybrane kwestie pomocy społecznej i ewakuacji dzieci w czasie wojny na Ukrainie.
Słowa kluczowe:	wojna na Ukrainie, dzieci, dzieci wojny, prawa dziecka, ochrona praw dziecka, praca socjalna, usługi społeczne

Introduction

nsuring the child's rights is a global problem _ of our time; children play a decisive role in ensuring the viability of society and predicting its development. The phenomenon of childhood entered scientific discourse only in the 20th century (Aries, 2010; Erikson, 1997; DeMause, 1997). However, interest in the theme of childhood in the world scientific community took place already in the second half of the 19th century – a period that the German researcher E. Key called "The Century of the Child" (Key, 1928). The idea of protecting the rights of a child has also developed over many centuries, and this process only intensified in the 19th century, when the concept of protecting the rights of children developed. The future of the State depends on how purposeful and effective the state policy in the field of child protection shall be, how efficient and adequate to modern social challenges and threats the system of social work in Ukraine shall be, how the state shall be able to mobilize the entire potential of society for their implementation.

A child of the third millennium... In the minds of modern children are being formed new attitudes, a new picture of the world, new behaviour patterns, moral guidelines, a value system, which, which, must be emphasized, differs from the value system of older generations. At the same time, "a child takes his/her place in the social structure of society, is a partner of an adult and a citizen developing in a certain social structure" (Smolińska-Theiss, 2010). That is why the phenomenon of childhood is becoming the subject of multifaceted interdisciplinary research today. Indeed, the world we live in has changed dramatically, which means that the child himself has changed qualitatively, and all the processes taking place in society directly or indirectly affect his/her childhood.

On February 24, 2022, the concept of childhood has changed for all Ukrainian children. Understanding the phenomenon of childhood during the war in Ukraine, its features, those changes, threats and dangers that occur before the eyes of children, assessing their impact on the developing child's psyche, understanding the modern environment in which the child lives, the requirements imposed on him/her by modern Ukrainian society during the war, will allow to effectively influence the development of his/her personality, worldview, first of all, to develop the best effective and efficient approaches to protect the rights of children and provide them with effective social services. Childhood is too sensitive to all the changes taking place in society, it changes along with society, so a new look at childhood is a look at childhood under war conditions, with the highlighting of a new phenomenon in modern Ukraine – "children of war".

War complicates and often makes it even impossible to guarantee the fundamental rights of the child. Children experience violence, receive severe injuries and injuries of varying degrees of complexity, lose their parents and relatives, become victims of human trafficking, torture, exploitation, abuse, lose the right to a safe environment – all fundamental rights of the child are violated. Unfortunately, children in Ukraine during the war face the worst crimes against humanity.

The purpose of the article is to determine the main phases in the formation and implementation of state policy in the field of child protection regarding the protection of children's rights and the system of social work, substantiation and disclosure of the features of the phenomenon of "children of war" as a new phenomenon of modern Ukraine during the war.

Protection of children's rights: legal framework and development of social services

The protection of childhood is determined as the strategic national priority of many countries of

the world. By investing resources in childhood, the state strengthens future productive forces, ensures the stability of the nation's well-being, and prepares citizens capable of taking management of state and public affairs. The fate of any nation, state, or community in the future will depend on how children grow up, therefore, given the existing social threats and challenges, the protection of children's rights and social work with children and youth in Ukraine is of great strategic importance.

The rights of the child received international legal recognition thanks to the English woman Eglantyne Jebb, who created a fund called "Save the Children" to help thousands of children in need. However, her plans of that time were aimed mainly at helping. In 1920, having arrived in Geneva, she created the International Union "Save the Children", which was later reorganized into the International Union for the Protection of Children. The first international document where the problem of protecting the rights of the child was raised was the Geneva Declaration adopted by the League of Nations in 1923, the draft of which was actually prepared by the International Union for the Protection of Children. The Declaration aims to create conditions that ensure the child's normal physical and psychological development, the child's right to benefits, proper education and protection.

The Universal Declaration of Human Rights, adopted in 1948 by the UN General Assembly, became a strategic document for the protection of children's rights. For the first time, the foundations for children's rights protection were fixed in it, in particular, the Art. 25 notes that childhood *"is entitled to special care and assistance"* (Universal Declaration of Human Rights, 1948). The Declaration was developed in the *Covenants on Human Rights* (1966), which guaranteed equal rights to all children and the provision of their social needs. In 1959, the UN General Assembly adopted the *Declaration on the Rights of the Child* – a document that defines ten fundamental principles which proclaim that a child, regardless of skin color, language, gender, or faith, should be provided with social protection by law, provided with conditions and opportunities, which would allow him/her to develop physically, mentally, morally, spiritually (Declaration of the Rights of the Child, 1959). The whole complex of international legal standards on the social and legal protection of children is covered by the international human rights document that has been ratified by almost all countries of the world - the Convention on the Rights of the Child, adopted by the UN General Assembly on November 20, 1989 – a comprehensive agreement that binds the ratifying states to take measures to ensure and protect the rights of children. Ukraine ratified the UN Convention on the Rights of the Child on February 27, 1991 (Convention on the Rights of the Child, 1989).

As shown by the author's retrospective analysis of the legal framework for the protection of children's rights, the formation and implementation of state policy in the field of child protection in Ukraine took place during six phases (Kryvachuk, 2014), the seventh phase continues (Table 1).

On February 24, 2022, a new seventh phase began – the formation and implementation of state policy in the field of child protection during the war, the transformation and optimization of social services during the war, and the crisis management of social services.

Analyzing the activities of social services in Ukraine, in particular during the hostilities, it is important to consider the genesis and development of social services in modern Ukraine. In this context, it is appropriate to mention *the Law of Ukraine "On the promotion of social formation and development of youth in Ukraine"* (dated February 5, 1993, No. 2998-XII) (Law of Ukraine "On the promotion of social formation..., 1993). In Article 6 of this normative legal act for the first time the *creation of social services in Ukraine* was provided at the legislative level, such as, for example, *a system of social service centers for youth*

Phases	Periods	Description of the period
Phase 1	1991–1995	The beginning of the state policy formation in the field of child protection and the creation of an organizational and functional structure
Phase 2	1996–2000	Development of state policy in the field of child protection and the adoption of the first state-targeted social programs
Phase 3	2001–2005	Creation of the main regulatory framework in the field of child protection and social work, identification of strategic priorities
Phase 4	2006–2010	Reforming the state system of child protection and improving the mechanisms of the social and legal protection of children
Phase 5	2011–2016	Optimization of the organizational and functional structure and improvement of the system of social work in the field of child protection
Phase 6	2017–2021	Modernization of the social work system in the field of child protection and integra- tion into the international social space
Phase 7	2022 – present	Formation and implementation of state policy in the field of child protection during the war, transformation and optimization of social services during the war, crisis management of social services

 Table 1

 Periodization of the formation and implementation of state policy in the field of child protection

and *the Ukrainian State Center for Social Services* for *Youth*. Therefore, 1993 can be considered the beginning of the creation of a social work system and the social services formation in Ukraine. In 2023, 30 years will pass after such beginning.

At the same time, two years later, the *Law of Ukraine "On Juvenile Affairs Bodies and Services and Special Institutions for Minors"* (dated January 24, 1995, No. 20/95-BP), was adopted, which began the formation of a vertical of executive authorities for minors and special institutions for minors, and determined the legal basis for their activities. It was then, in 1995, that the services for juvenile affairs were created (hereinafter, from 2004 – the services for children's affairs) (Law of Ukraine "On Juvenile Affairs Bodies..., 1995).

Somewhat later, in 2001-2003, three strategic legal acts in the field of child protection and social work with children and youth were adopted : *the Law of Ukraine "On the Protection of Childhood"* (dated April 26, 2001 No. 2402-III), establishing the basic principles of state policy in this area, based on ensuring the best interests of the child, which defines "*children's protection"* as a "*strategic national priority"*, which is important for ensuring the national security of Ukraine (Law of Ukraine "On the Protection..., 2001), *the Law of Ukraine "On Social Work with Families, Children and Youth"* (dated June 21, 2001 No. 2558-III), which defines the organizational and legal principles of social work with children and youth (Law of Ukraine "On Social Work with Families.., 2001), and the *Law of Ukraine "On Social Services"* (dated June 19, 2003 No. 966-IV), according to which the provision of social services in Ukraine was regulated for the first time at the legislative level, as well as the organizational and legal principles for the provision of social services to persons in difficult life circumstances were outlined (Law of Ukraine "On Social..., 2003).

In order to ensure proper conditions for the realization and ensuring of the rights of children in Ukraine, taking into account the need for special care for the child, for the purpose of fulfilling Ukraine's international obligations in the field of protecting the rights of the child, the President of Ukraine introduced the institution of the *Commissioner of the President of Ukraine for Children's Rights* (Children's Ombudsman of Ukraine). The relevant Decrees of the President of Ukraine "On the Commissioner of the President of Ukraine for Children's Rights" (Decree of the President of Ukraine "On the Commissioner..., 2011) and "On the Issues of the Commissioner of the President of Ukraine for Children's Rights" (Decree of the President of Ukraine "On the Issues..., 2011) were issued on August 11, 2011. In this format, with certain changes in the competencies, the institution of the Commissioner for Children's Rights functioned until 2021.

The adoption of the new Law of Ukraine "On Social Services" (dated January 17, 2019 No. 2671-VII) entered into force on January 1, 2020 (Law of Ukraine "On Social..., 2019) and the creation of the Register of social services providers and recipients, approved by the Decree of the Cabinet of Ministers "On the register of social services providers and recipients" (dated January 27, 2021 No. 99) (Decree of the Cabinet of Ministers "On the register of social..., 2021) were a new impetus in the formation and development of the social work system and the social services provision in Ukraine during the war. The Register of social services providers and recipients provides for the creation of an automated information and telecommunication system designed to collect, register, accumulate, store, use, depersonalize and destroy data on providers and recipients of social services specified by law.

An equally important and strategic decision in the field of social policy of Ukraine in this difficult wartime was the creation in 2020 of the National Social Service of Ukraine in accordance with the Decree of the Cabinet of Ministers of Ukraine "Some issues of the National Social Service of Ukraine" (dated August 26, 2020 No. 783), as a central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Social Policy and which implements state policy in the field of social protection of the population, protection of children's rights, implementation of state control over compliance with legal requirements in the provision of social support and observance of children's rights (Decree of the Cabinet of Ministers of Ukraine "Some Issues of the National Social... 2020).

In 2021, President of Ukraine Volodymyr Zelenskyi carried out a reform of the institution of the Commissioners of the President of Ukraine for the Rights of the Child; the institution of the Adviser - Commissioner of the President of Ukraine for the Rights of the Child and Child Rehabilitation was established. The main areas of work of the Adviser - Commissioner of the President of Ukraine for the Children's rights and Child Rehabilitation are the following: identifying families in difficult life circumstances and helping them, spreading guardianship and adoption, high-quality rehabilitation of children with disabilities and victims of Russian aggression (Regarding the transformation..., 2021).

Children during the war – victims of aggression

Eight years... eight years of Childhood during the war... (since 2014), first of all, this concerns children who lived on the demarcation line in the Luhansk and Donetsk regions or moved from the Donetsk and Lugansk regions. New homes, new adaptation, new friends, gradual adaptation and release from stress, fear... And the fateful day in the history of Ukraine on February 24, 2022, and again the war... Now it concerns the children of all Ukraine... and now there are new challenges, new threats, new fears, and new countries for many children... And there's thinking back to, for example, Bucha town, since many families lived there with children who were forced to move in 2014 from Donetsk and Lugansk regions, for many children, these are repeated mental traumas, depressive disorders and post-traumatic syndromes. And this is again new challenges, new threats, loss of home, friends, school, and again a new adaptation, and often in other countries.

It should be noted that even during the period of the hybrid war, in 2016, a new term was

introduced into the legislation of Ukraine in order to protect children and provide appropriate social services, which defines a new separate status of the child as "*a child affected by hostilities and armed conflicts*" – "a child who, as a result of hostilities or an armed conflict, was injured, contused, mutilated, experienced physical, sexual, psychological violence, was abducted or illegally taken out of Ukraine, was involved in military formations or illegally kept, including in captivity" (The Law of Ukraine "On the Protection..., 2001).

At the same time, in the conditions of a hybrid war, due to the protracted nature of the conflict, a large number of victims with terrible injuries and the traumatic nature of the events in the East of Ukraine, a significant number of people, in particular children who fell into the conflict, experienced psychological stress, especially those who received injuries (The Children of the Contact Line..., 2018). The problem was quite widely presented in 2019 in the Analytical Report on the results of the study "Assessing the needs of children affected by mines or explosive remnants of war", prepared by the Danish Refugee Council -Danish Demining Group (DRC-DDG) in Ukraine with the support of the Children's Fund United Nations (UNICEF) (Analytical report "Assessing the needs of children..., 2019). In particular, it is noted that "symptoms of psychological trauma can appear immediately or after a certain time, often on the negative side, and lead to conditions such as clinical depression and post-traumatic stress disorder" (Analytical report "Assessing the needs of children..., 2019).

Much earlier than February 24, 2022, before the start of the full-scale invasion of Ukraine, on April 14, 2021, the Resolution No. 5343 "On the commemoration of children who died as a result of the armed aggression of the Russian Federation against Ukraine" was submitted to the Verkhovna Rada of Ukraine of the IX convocation. The explanatory note to the draft resolution noted that since the beginning of the Russian-Ukrainian war in the territory of Donetsk and Luhansk regions, more than 240 children have died, another 56 have gone missing according to various sources, from 167 to more than 500 children were injured (Draft Resolution of the Verkhovna Rada of Ukraine..., 2021). A voting was held on June 1, 2021, on International Children's Day – the draft resolution was supported by 308 people's deputies from all factions and political parties, except for the "Opposition Platform - For Life". Taking into account the decision of the UN General Assembly, which, under the auspices of the UN, established the International Day of Children - Innocent Victims of Aggression and decided to celebrate it on June 4 every year, Ukraine has established to celebrate the Day of Remembrance of children who died as a result of the armed aggression of the Russian Federation against Ukraine on June 4 (Draft Resolution of the Verkhovna Rada of Ukraine..., 2021).

This date, June 4, was introduced by the UN to remind all international organizations and institutions involved in the protection of children's rights at the international level, and the adults about the responsibility. The history of this date reaches August 19, 1982, at the 31st plenary session of the UN General Assembly on the Palestine issue it was decided to celebrate the International Day of Innocent Children Victims of Aggression annually on June 4. The day is celebrated on the anniversary of the first Israeli air raid on Beirut and other settlements in Lebanon, which took place on June 4, 1982 (International Day of Innocent Children Victims..., 2022). Unfortunately, since 2014 this date has taken on a special meaning for Ukrainians. The introduction of this date in Ukraine on June 4 the Day of Remembrance of the Children Who Died as a Result of the Armed Aggression of the Russian Federation against Ukraine – is another step to attract the attention of the international community to the fight against arbitrariness and violence, crimes against children during the war in Ukraine (Fig. 1).

Since February 24, 2022, the war in Ukraine has moved the children of Ukraine to another reality - the reality of war - children who saw death, saw suffering, saw torture against relatives and friends, wounded children, children who died during the war, were taken out of the territory of Ukraine, etc. Under the influence of the hybrid war (2014-2021) and the war from February 24, 2022, a new generation emerged in Ukraine - the generation of "Children of War" – children whose development and socialization took place during the war, children who lost during the war a sense of peace and security, children who have lost their parents, home, children who were missing, children who were injured, contused, maimed, children who were subjected to or witnessed violence and torture, children who were abducted, illegally kept or illegally taken out of Ukraine.

Since August 1, 2022, the *state portal* "Children of War" has been launched in Ukraine, according to its data as of December 07, 2022: 443 children were killed, 853 children were injured, 331 children were missing, 7,998 children were found, 13,028 children were deported ("Children of War"..., 2022) (Fig. 1).

Some issues of social support and the evacuation of children during the war

The war in Ukraine that started on February 24, 2022 has since provoked *internal and external*

migrations of Ukrainians. European countries are faced with the problem of accepting more than 7 million refugees from Ukraine, including about 3 million people who arrived in Poland. There were problems of social support and social assistance, the development by state authorities, local self-government, international organizations, public organizations in this area (primarily the "Ukrainian Network for Children's Rights", which unites more than 20 non-governmental organizations that operate in the field of children's rights protection (Public Union "Ukrainian Network for Children's..., 2022)), of new approaches to the provision of social services during the war, both in Ukraine and in different countries that accepted Ukrainian refugees, especially women with kids. Particularly relevant were the issues of evacuation and social support for certain categories most in need of such support. These are, first of all, orphans and children deprived of parental care, the disabled, children of foster families and family-type orphanages, children of institutional care institutions of various types, in particular, orphanages, boarding schools, shelters for children, institutions of social and psychological rehabilitation of children, etc.

In order to avoid abuse, the registration of adoption in the first weeks of the war was



Fig. 1. State portal "Children of War". Data on children injured during the war in Ukraine. (2022). Available at: https://childrenofwar.gov.ua/ (14.11. 2022)

suspended. However, temporary sheltering children in families soon emerged as a form of help.. For this purpose, the Office of the President of Ukraine, on the initiative of the Adviser of the President of Ukraine on the Rights of the Child and Child Rehabilitation, created and launched the *National Program "Child Is Not Alone"*. More than 23,000 citizens declared that they were ready to host children during the war. More than 5,000 citizens have completed the special online training, and 1,800 have already received the status enabling them to become guardians (National program "Child Is Not Alone"..., 2022).

In the first days and weeks of the war, the state focused on the evacuation of children of vulnerable categories - both children from care institutions and children from family-type orphanages and families in difficult life circumstances. Within Ukraine, most of the displaced (evacuated) children are located in the Lviv region - 32% (655 children), Zakarpattia region – 16% (335 children), Chernivtsi region – 19% (402 children), Ivano-Frankivsk region – 8% (168 children), Ternopil region - 5% (103 children). Among foreign countries, most of the children of care institutions are in Poland – 36% (1653 children), Germany – 17% (746 children), Italy – 8% (376 children), Austria – 6% (277 children), Romania – 6% (259 children), Turkey – 6% (301 children), Spain – 4% (173 children), Netherlands – 3% (125 children), Czech Republic – 3% (118 children), Switzerland - 2% (101 children) (Information on ensuring the rights of children..., 2022).

Despite the fact that local self-government bodies operating in the field of social protection of the population are responsible for the evacuation of institutions that provide accommodation and their wards, in practice they did not always have enough financial and administrative resources to ensure evacuation, in particular the necessary number of vehicles. It was a difficult task to find similar institutions that could accept evacuated wards, or any other opportunities to provide them with accommodation and services in areas where hostilities are not taking place. Therefore, the evacuation as a whole was rather unsystematic and in many cases was largely provided by the efforts of international organizations, volunteer initiatives, charitable foundations and caring people. Such was also the case with the provision of medicine, food and hygiene items.

Conclusions

Raising the topic of children and their future, it is impossible today not to remember that *there* are children who do not have a present – these are children who are in the zone of military conflicts. The issue of protecting children - victims of aggression today, more than ever, has become an urgent and painful issue for Ukraine. During the military conflict in the East of Ukraine and during the war since February 24, 2022, thousands of innocent Ukrainian children suffered and missed the opportunity to live in their own homes, go to school, play in peace and enjoy their childhood. Many of them live in bunkers and bomb shelters, fall asleep to the sound of multiple rocket launchers "Grad" and wake up from shelling. This is directly connected with the protection of children's rights, with the system of social work in the country, with the development of new crisis approaches in state policy in the field of child protection.

The effective fulfilment of the state policy tasks in the field of child protection, the social work implementation, and the management of social processes in this area are carried out by state authorities and local self-government.. The effectiveness of the functioning of public authorities and local self-government in the field of child protection directly depends on the well-coordinated organization of their activities, the consistency of functions and powers, that is, on the effectiveness of the organizational and functional structure within which the organizational mechanism for the formation and implementation of state policy in the field of child protection functions. Of strategic importance is effective interaction with civil society institutions, social institutions, non-governmental public organizations.

Analyzing the sphere of children's rights protection and the system of social work in Ukraine, based on the author's study of legal support in these areas, seven main phases of the process of state policy formation and implementation in the field of child protection in Ukraine can be identified:

- 1991–1995 the beginning of the state policy formation in the field of child protection and the creation of an organizational and functional structure.
- 1996–2000 state policy development in the field of child protection and the adoption of the first state-targeted social programs.
- 2001–2005 the creation of the main regulatory and legal framework in the field of child protection and social work, the definition of strategic priorities.
- 4. 2006–2010 reforming the state system of child protection and improving the mechanisms of social and legal protection of children.
- 5. 2011–2016 optimization of the organizational and functional structure and improvement of the social work system in the field of child protection.
- 6. 2017–2021 modernization of the social work system in the field of child protection and integration into the international social space.
- 2022 present the formation and implementation of state policy in the field of child protection during the war, the transformation and optimization of social services during the war, the crisis management of social services.

The war in Ukraine since February 24, 2022 is a huge challenge for the entire Ukrainian society, but the war is a special challenge, threat and danger for children. Under the influence of *the hybrid war* (2014-2021) and *the war from February 24*, 2022, a new generation emerged in Ukraine – *the generation of "Children of War" – children whose* development and socialization took place during the war, children who lost during the war a sense of peace and security, children who have lost their parents, their home, children who were missing, children who were injured, contused, maimed, children who were subjected to or witnessed violence and torture, children who were abducted, illegally kept or illegally taken out of Ukraine.

Analyzing the problem of protecting the rights of children and social work in Ukraine during the war, we can identify certain priorities that are important and strategic, in particular:

- improvement and development of regulatory and legal support for the protection of children's rights and the social work system, taking into account new social challenges and threats, improvement of the activities of social services in crisis conditions;
- organization and provision of social services for children and youth in crisis conditions, ensuring coordination and increased availability of social workers, subjects of children's rights protection and social work in obtaining urgent advisory, socio-psychological, legal assistance;
- establishment of an effective and efficient cooperation with international organizations and representatives of state authorities, local self-government, public organizations, volunteers from other countries in order to protect the rights of children, provide assistance and evacuate various categories of children in difficult and emergency conditions;
- adaptation of the children's health care system, the system of education, security, social and psychological support for children in communities, the creation of conditions for the placement and adaptation of children from among internally displaced persons.

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