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## **The influence of political and economic factors on the rights of children in Ukraine and the world: characteristics and ways of warning**

### SUMMARY

Today the world is facing a number of political and economic threats which are dangerous to a number of people, their most important personal rights and freedoms. These include hybrid wars, military occupation of one country by another, armed conflicts, and, as a consequence, migration phenomena and refugees.

The above-mentioned threats also affected Ukraine following the annexation of the Crimea and the armed conflict in the eastern part of the country. The issue of protecting the rights of people who are affected by these threats is one of the key tasks facing the Government of Ukraine. One of the most important tasks is the protection of children's rights, which is the guarantor of the future existence of the Ukrainian nation.

This paper describes contemporary political and economic factors, both in Ukraine and in the world, which can violate the basic rights of children, as well as ways to overcome them.

**Key words:** threats, war, military occupation, children rights.

According to the results of a study on the status of children in the world and their rights, annually conducted by the United Nations and the international organization Save The Children, more than half of the children in the world suffer from a violation of their rights. Their number ranges from 150 million to 1 billion every year<sup>1</sup>.

Among today's threats can be identified such as poverty, hunger, child labor, discrimination against young women, sexual exploitation. At the same time, the most dangerous researchers include wars and armed conflicts inside the country. The consequences of such terrible phenomena are death and violence against children, sexual abuse, military exploitation, hunger and deprivation of humanitarian assistance.

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<sup>1</sup> *Children of war and future threats*, [Electronic resource] // Access mode: [www.un.org/ru/sections/issues-depth/children/index.html](http://www.un.org/ru/sections/issues-depth/children/index.html), data dostępu: 29.09.2018 r.

The Republic of the Niger, then the Republic of Mali, the Central African Republic, Chad, South Sudan, Somalia, Nigeria, Guinea, Sierra Leone and the Democratic Republic of the Congo are the most dangerous countries in the world for children. Accordingly, the countries with the best living conditions are traditionally Norway, Sweden, Finland, Ireland, the Netherlands, Iceland, Italy, Singapore, South Korea<sup>2</sup>.

Ukraine is ranked by a country with average living conditions and respect for children's rights and ranked 43th in this rating.

In general, this figure is in line with the reality but does not take into account the regions of Donetsk and Luhansk, which are considered to be temporarily occupied and are still in the zone of military conflict. It is necessary to take into account not only children living in the specified territories but also those who have been transferred to other regions of Ukraine and have suffered the consequences of the war.

The protection of the rights of children, ensuring their full development is a problem of national significance, which should be considered and resolved in different contexts: historical, sociological, cultural, demographic, pedagogical, and, of course, legal. It is a question of the establishment of clearly defined rules, norms, standards and requirements for the organization of the vital activity of a child by certain laws and other normative legal acts. In general, Ukraine's legislation provides opportunities for a wide range of children's rights and freedoms.

However, the real situation in Ukrainian society requires the government to take further concrete measures to improve the situation of children, because, frankly, in the last year and a half the negative trends in the field of children's rights protection have been increasing. Unfortunately, neither the Ukraine-2020 Sustainable Development Strategy nor the agreement on the Coalition of European Parliament Members' Deputies contains any norms or targets regarding the protection of the rights of children in Ukraine<sup>3</sup>.

However, in Ukraine, which also chose the European way of protecting human rights, does not care about the following categories of children:

- no measures are taken to minimize the consequences of armed conflicts involving children;
- the rights of children who are internally displaced in the peaceful territory of Ukraine are neglected;
- abandoned the rights and interests of children who live in dysfunctional families or in full but socially unprotected (and those in the conditions of the economic crisis considerably increased).

What disadvantaged factors or risks are the above-mentioned categories of children?

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<sup>2</sup> According to a new poll, more than half of the world's children suffer from poverty, conflict in the country and discrimination against girls, with 150 million of them at extreme risk, [Electronic resource] // Access mode: <https://realist.online/article/rejting-samyh-bezopasnyh-stran-dlya-detej-ot-organizacii-save-children>, data dostepu: 29.09.2018 r.

<sup>3</sup> Yu. Pavlenko, *We managed to protect children's rights at the legislative level*, "Voice of Ukraine" 2016, No. 32 (6286).

### **Children who are victims of armed conflict or are parties to it**

According to official information, 21 people who died in the east of Ukraine counted up to 18 years old, while those aged 18 to 25 years old – 650<sup>4</sup>. If we speak only about children, then over four years in the east of Ukraine more than 240 died, and fifteen thousand who live in the 5-kilometer zone along the lines of delineation of the parties continue to be exposed to daily risk<sup>5</sup>.

In this regard, it should be noted that, in general, the use of children (persons till 18 years old) to participate in armed conflicts is one of the forms of exploitation of a person, who serves the purpose of persons trafficking, for which the Criminal Code of Ukraine provides for liability and punishment (Article 149 of the Criminal Code)<sup>6</sup>.

Of course, in this case, it is a question of the voluntary participation of minors in a military conflict, and not about child trafficking with subsequent involvement in such exploitation. Although criminal liability for voluntary participation in an armed or military conflict is not foreseen by minors, this does not mean that such actions of children are normal and permissible. In addition, by ratifying the Convention of the International Labor Organization “On the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor” of 1999, No. 182, which also deals with the recruitment and participation of children in armed conflicts, the Government of Ukraine has adopted committing themselves to prevent the spread of such phenomena. Furthermore: in the new redaction of the Law of Ukraine “On the Protection of Childhood” Art. 30 directly prohibits the participation of children in hostilities and armed conflicts, the involvement of children in non-law-based paramilitary or armed formations<sup>7</sup>.

However, the facts of the violation of the rights of children and their death speak for themselves.

Therefore, the most important risks to such children are the violation of the most important right of every person, and the child, at first, the right to life, as well as health, both physical and mental, to normal, not distorted, moral, spiritual development of children.

### **Children who are internally displaced in the peaceful territory of Ukraine**

First of all, it should be noted that a year or two of bombardment and fear left in their memory irreparable mental and moral injuries. Especially if a child, for example, was injured, etc. Next, difficulties arise in registering a child with his family, obtaining the status of the victim as a result of hostilities and armed conflicts, placing them in peaceful territory, finding new

<sup>4</sup> According to a new poll, more than half of the world's children suffer from poverty..., op. cit.

<sup>5</sup> It became known how many children were killed during the war on the Donbas, [Electronic resource] // Access mode: <https://ukr.segodnya.ua/regions/donetsk/stalo-izvestno-skolko-detey-pogibli-vo-vremya-voyny-na-donbase-1143227.html>, data dostepu: 29.09.2018 r.

<sup>6</sup> Criminal Code of Ukraine: current legislation with amendments and supplements, As of June 11 2015: (Official text), K.: PALIVODA AV, 2015. – 212 p., (Codes of Ukraine). *Scientific and Practical Commentary of the Criminal Code of Ukraine* (text), O. I. Motlyakh, N. V. Malychuk, Y. V. Korneev (and others), K.: „Center for Educational Literature”, 2014 – 696 pp – p.182-183.

<sup>7</sup> On Amendments to Certain Legislative Acts of Ukraine on Strengthening Social Protection of Children and Supporting Families with Children: Law of Ukraine No. 936-VIII of January 26, 2016, “Voice of Ukraine” 2016, No. 32 (6286).

homes and places of study or education, and finally trying to find their place in a new setting (in the child garden, school, environment, etc.). Therefore, the main risks that exist for such categories of children are mainly psychological and moral harm.

Previously, it was mentioned about children who managed to go to peaceful territory and register in the relevant government offices. But there are those left in the zone of armed conflict. Information on their numbers, their health and their availability in Ukraine are unreliable or simply absent. They can be used in armed conflicts, they can be exported abroad for the purpose of exploitation (and this is organ trafficking, and sexual exploitation, and the use of forced labor). Such actions harm both life and health and violate the will, honor, dignity, sexual integrity and honor.

### **Children living in disadvantaged or socially unprotected families**

It is well-known that the last two years have been observed in Ukraine not only by the presence of hostilities in the east but also by a significant decrease in the material position of the entire population. Therefore, those families with children who, a few years later, were experiencing economic hardship, are now in an uncertain difficult situation, which is difficult to give an official name.

How is it observed in children? The risks to which they are exposed the low level of their material support (clothing, quality food), inability to obtain high-quality, not necessarily higher, education (some textbooks even at school are paid), leisure and recreation. Negative consequences of illiteracy, neglect, and unenlightenment of the child are well-known.

### **Conclusion**

In the end, I would like to mention the measures to overcome the further violation of the rights of the above categories of children:

1. Legal measures. Such measures should include the further improvement of the legislation on the protection of children's rights, especially with regard to the improvement of legal rules on the facilitation of various types of assistance (material, legal, psychological and other) for children and their families. It is easier not to allow a negative act for a child than to look for ways to bring the offenders to justice.

Many positive developments in this direction are expected from the recently adopted Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Strengthening Social Protection of Children and Supporting Families with Children"<sup>8</sup>. In particular, it states: for the first time, the status of a child who has suffered as a result of hostilities and armed conflicts has been legally determined; the participation of children in military conflicts, their involvement in paramilitary or armed formations is prohibited; the mechanism of patronage of the child has been improved; the task of analyzing the activity of social protection institutions in ensuring the interests of the child and other important changes was determined.

2. Social-economic measures. Such activities should include the activities of state and non-governmental organizations aimed at supporting families with children, eliminating

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<sup>8</sup> Yu. Pavlenko, *op. cit.*

the causes of infant mortality and illness, addressing the problems associated with ensuring the increase in the number of children, reducing their morbidity, as well as ensuring the normal development of the younger generation, realization of their right to health and recreation. And, of course, financing at such a level at the state or local level.

3. Organizational measures. These include: keeping a clear account of dysfunctional families with children in need of social and economic protection; their registration, medical examination and social support; systematic updating of the databases of juvenile authorities and services concerning children in need of support; Further improvement and development of the network of general education institutions, especially in rural areas, and ensuring real opportunities for every child to receive high-quality secondary education and leisure.

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## STRESZCZENIE

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**Wpływ czynników politycznych i ekonomicznych na prawa dzieci na Ukrainie i świecie: charakterystyka i sposoby ostrzegania**

W dzisiejszym świecie istnieje szereg politycznych i gospodarczych zagrożeń dla nieznanego liczby ludzi, ich najważniejszych praw osobistych i wolności. Są to wojny hybrydowe, okupacja wojskowa niektórych innych krajów, konflikty zbrojne, a w konsekwencji zjawiska migracyjne i uchodźcy.

Powyższe zagrożenia dotknęły także Ukrainę wraz z początkiem aneksji Krymu i konfliktem zbrojnym we wschodniej części kraju. Kwestia ochrony praw osób dotkniętych tymi zagrożeniami jest jednym z kluczowych zadań stojących przed rządem Ukrainy. Kluczową sprawą jest kwestia ochrony praw dzieci, co jest istotne dla przyszłego istnienia narodu ukraińskiego.

Artykuł opisuje współczesne czynniki polityczne i ekonomiczne na Ukrainie i na świecie, które naruszają podstawowe prawa dzieci, a także omawia sposoby ich przewyciężenia.

**Słowa kluczowe:** zagrożenie, wojna, okupacja wojskowa, prawa dzieci.

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