

19. *Клименко О.* (2019). Залучення дітей до участі в збройних конфліктах: моделі та методи вербування (український досвід). Соціологічні студії, 2 (15), 13–20. DOI: <https://doi.org/10.29038/2306-3971-2019-02-13-20>.

20. *Швець Я.І., Соколова І.О.* Порушення прав дітей під час війни Російською Федерацією. Науковий вісник Ужгородського національного університету. 2022. Серія Право. Вип. 71. С. 99–103.

REFERENCES

1. The European Parliament recognized Russia as a sponsoring power for terrorism. URL: <https://www.eurointegration.com.ua/news/2022/11/23/7151178/> (Date of Application: 04.10.2022) [in Ukrainian].

2. *Senatorova, O.V.* (2018) Prava lyudyny i zbroyni konflikty. “Human Rights and Armed Conflicts: a study guide”. Kyiv. 208 p. [in Ukrainian].

3. *Fadi Bani-Naser* (2015) Mizhnarodno-pravovy zakhyt tsyvil'noho naseleння ta inshykh katehoriy osib pid chas zbroynykh konfliktiv. “International Legal Protection of the Civilian Population and Other Categories of Persons during Armed Conflicts”. Scientific Notes of the Institute of Legislation of the Verkhovna Rada of Ukraine 6, 79–87 [in Ukrainian].

4. *Andriyiev, V.V.* Pryntsypy viyny za mizhnarodnym humanitarnym pravom. “Principles of War under International Humanitarian Law”. <https://conf.ztu.edu.ua/wp-content/uploads/2022/11/110.pdf> [in Ukrainian].

5. *Yarmaki, V.Kh.* (2018) Systema pryntsypiv mizhnarodnoho humanitarnoho humanitarnoho prava, shcho zastosovuyet'sya pid chas zbroynykh konfliktiv. “The System of Principles of International Humanitarian Law Applied during Armed Conflicts”. South Ukrainian Legal Journal. No 4. Part 1. P. 95–98 [in Ukrainian].

6. *Krestov's'ka, N.M.* (2014) Prava dytyny pid chas zbroynoho konfliktu: Persha svitova viyna i suchasnist'. “Children's Rights during Armed Conflict: World War I and Modern Times”. State sovereignty, national security and world legal order in the historical-legal conference. November 27–30, 2014, Berehove. K.: Uzhgorod: Govnrla, P. 150–157 [in Ukrainian].

7. *Geraldine van Buuren* (2016) Mizhnarodne pravo v haluzi prav dytyny. International law in the field of children's rights / trans. from English I.E. Krasnokutskyi. Odesa: JSC BAHVA. 517 p.

8. *Pshenychna, A.V.* (2016) Administratyvno-pravove zabezpechennya prav ditey v umovakh provedennya antyterrorystychnoyi operatsiyi v ukrayini. “Administrative and Legal Protection of Children's Rights in the Context of an Anti-Terrorist Operation in Ukraine”. Kyiv. 238 p. [in Ukrainian].

9. *Katriona Kelli.* (2003) Malen'kiye grazhdane bol'shoy strany: internatsionalizm, deti i sovetskaya propaganda: internatsionalizm, deti i sovetskaya propaganda. “Little Citizens of a Big Country”: Internationalism, Children and Soviet Propaganda: Internationalism, Children and Soviet Propaganda. New Literary Review 2 [in Russian].

10. *Kisil', A.V., Kostenko, I.V.* (2021) Osoblyvosti uchasti nepovnoletnikh v zbroynykh konfliktakh na skhodi ukrayini ta za kordonom. “Peculiarities of the Participation of Minors in Armed Conflicts in Eastern Ukraine and Abroad”. Carpathian Legal Bulletin Issue 6(41), 115–118 [in Ukrainian].

11. *Mariya Chekhov's'ka, Iryna Nychytaylo* (2016) Pravovi aspekty vtyahennya nepovnoletnikh do uchasti u boyovykh diyakh. “Legal Aspects of Involvement of Minors in Combat Operations”. Entrepreneurship, Economy and Law 8, 150–154 [in Ukrainian].

12. *Opolska, N.* (2015) Prava ditey, yaki postrazhdaly vnaslidok zbroynoho konfliktu v Ukrayini. “The Rights of Children Who Suffered As a Result of the Armed Conflict in Ukraine”. UPRAVO 27, 278–283 [in Ukrainian].

13. *Kotukha O.S.* (2019) Do pytannya mizhnarodno-pravovoho zakhystu prav dytyny pid chas zbroynykh konfliktiv. “On the Issue of International Legal Protection of Children's Rights during Armed Conflicts”. Bulletin of the Lviv University of Trade and Economics. Legal Sciences 8, 240–247 [in Ukrainian].

14. *Turchenko, O.H.* (2019) Pravo dytyny na bezpeku pid chas zbroynoho konfliktu “politychne zhyttya”. “The Child's Right to Safety during the Armed Conflict “Political Life” 2, 6–14 [in Ukrainian].

15. *Shchebetun, I.S., Mikhaylina, T.V.* (2019) Zakhyt prav ditey na okupovanykh terytoriyakh: mizhnarodnyy dosvid ta ukrayins'ki realiyyi, politychne zhyttya. “Protection of Children's Rights in

the Occupied Territories: International Experience and Ukrainian Realities”. *Political Life* 2, 33–37 [in Ukrainian].

16. *Dutsyk, D., Chernysh, V., Voronina, V., Ryuche, N., Moroz, I., Papernyak, O., Kalupakha, I.* (2019) *ABV. Zbroynnyy konflikt v terminakh (Putivnyk dlya Ukrayiny). ABV. Armed conflict in terms (Guide for Ukraine)*. Kyiv: Law Bulletin of the “KROK” University. 90 p. [in Ukrainian].

17. *Novakovs'kyi, P.M.* Dty zi zbroyeu u rukakh: zhakhlyvi realiyi suchasn oyi viyny. “Children with Weapons in Their Hands: the Terrible Realities of Modern War”. P. 681–684 [in Ukrainian].

18. *Yushkevych, O.H.* (2022) Mizhnarodni standarty shchodo uchasti ditey u zbroynnykh konfliktakh. “International Standards Regarding the Participation of Children in Armed Conflicts”. *Problems of Modern Police Science*. Kharkiv. P. 226–229 [in Ukrainian].

19. *Klymenko, O.* (2019). Zaluchennya ditey do uchasti v zbroynnykh konfliktakh: modeli ta metody verbuvannya (ukrayins'kyi dosvid). “Involvement of Children in Armed Conflicts: Models and Methods of Recruitment (Ukrainian experience)”. *Sociological Studies* 2 (15), 13–20. DOI: <https://doi.org/10.29038/2306-3971-2019-02-13-20> [in Ukrainian].

20. *Shvets', Ya.I., Sokolova, I.O.* (2022) Porushennya prav ditey pid chas viyny Rosiys'koyu Federatsiyeyu.” Violation of Children’s Rights during the War by the Russian Federation”. *Scientific Bulletin of the Uzhhorod National University. Law series*. Issue 71. P. 99–103 [in Ukrainian].

UDC 342.78-056.2

Alieksieieva Olha,

Candidate of Juridical Sciences, Senior Researcher, Leading Researcher,
State Research Institute MIA Ukraine, Kyiv, Ukraine,
ORCID ID 0000-0003-3390-536X

Chysnikov Volodymyr,

Doctor of Juridical Sciences, Associate Professor, Chief Researcher,
State Research Institute MIA Ukraine, Kyiv, Ukraine,
ORCID ID 0000-0003-2020-7298

Lelet Serhii,

Candidate of Juridical Sciences, Senior Researcher, Head of the Department,
State Research Institute MIA Ukraine, Kyiv, Ukraine,
ORCID ID 0000-0001-6099-4121

Kozhuhar Oksana,

Candidate of Juridical Sciences, Senior Research Fellow,
State Research Institute MIA Ukraine, Kyiv, Ukraine,
ORCID ID 0000-0002-2234-781X

Yakubchyk Tetiana,

Senior Research Fellow, State Research Institute MIA Ukraine,
Kyiv, Ukraine,
ORCID ID 0000-0003-1415-5372

CHILDREN DURING HOSTILITIES AND ARMED CONFLICTS AS A SEPARATE CATEGORY OF SUBJECTS OF INTERNATIONAL HUMANITARIAN LAW

International human rights law protects children as a distinct category in armed conflict in a number of instruments, including prohibiting specific crimes against children. The main such document is the UN Convention on the Rights of the Child,

which the Russian Federation is also obliged to fulfill. Protection of children's rights during hostilities – Geneva Convention for the Protection of Civilian Population and IV Hague Convention on the Laws and Customs of War on Land. The peculiarities of children as a separate social group of the civilian population, as well as as a special category protected by special norms of international humanitarian law, are considered. It is obvious that the rights and interests of children affected by armed conflicts deserve special attention and special protection, because: children, growing and maturing during the period of military operations or conflicts, feel the influence and suffer from war much more than adults; it is extremely difficult for children to adapt to a conflict situation or react to its consequences; they need protection to a much greater extent than adults, which in peacetime is provided by the family, society, the state and the law. The main documents that enshrine the main principles of international law regarding children (in particular Child's Best Interests) during armed and military conflicts have been analyzed, and the reasons for certain actual ineffectiveness of its norms have been clarified, which, in turn, leads to the emergence of a number of problems in the protection of children's rights. who found themselves in the circumstances of war. An attempt was made to specify the legal status of children who suffered as a result of hostilities and armed conflicts, by distinguishing them as special subjects of international humanitarian law. An analysis of the proposals of modern scientists regarding the improvement of the mechanism of protection of children's rights during the war was carried out.

Keywords: children, humanitarian law, subject, international legislation on children, principles and postulates, violation of children's rights in conditions of war.

Отримано 12.10.2022