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«ОДЕСЬКА ЮРИДИЧНА АКАДЕМІЯ»



КАФЕДРА МІЖНАРОДНОГО ТА ЄВРОПЕЙСЬКОГО
ПРАВА

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ЗБРОЙНИХ КОНФЛІКТІВ»**

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PROTECTION OF RIGHTS AND INTERESTS OF CHILDREN UNDER MARTIAL LAW

In the conditions of conducting military operations with an aggressor country, the introduction of martial law, proper security and protection become especially relevant interests of children, because childhood is the most important period in a person's life. Just in childhood a person is formed physically, mentally, intellectually, all the necessary things are acquired knowledge, skills and abilities.

According to the legislation of Ukraine, security childhood in our country is recognized as a national priority and is carried out with a purpose ensuring the realization of the child's right to life, health care, education, social protection and comprehensive development.

Signing of the Convention on the Rights of the Child means recognizing the priority of family forms of placement of orphans and children deprived of parental care are more than common for a long time the practice of transferring children to state institutions for education. However, now the question is regarding the protection of the rights and interests of the child stands wider, because in conditions of active military operations not only orphans and children need protection children who are also

deprived of parental care in peacetime they had parents and did not need one protection.

In connection with the latest events in Ukraine, namely, the introduction of martial law, the evacuation of children and families with children to safe zones within Ukraine, as well as outside Ukraine - to other countries, the issue of adoption of children became relevant. Every child who is temporarily or permanently deprived of a family environment has the right to protection and for special assistance from the state, in the first place in turn, by creating appropriate conditions and opportunities for its adoption. In particular, actively issues regarding the adoption by citizens of Ukraine of children who are also citizens are discussed of Ukraine (internal adoption).

Adoption of citizens of Ukraine by citizens of Ukraine takes place according to the standard, no a simplified procedure aimed at protection rights and interests of children. Taking into account the fact that the adoption procedure involves a rather extensive check of documents and circumstances regarding the child's parents and the child itself, the necessity of finding of a child on the relevant register, etc., it is impossible to start the procedure for adopting children, which are orphaned in connection with hostilities, after all such children are not registered for adoption. It should also be noted that in certain regions where active hostilities are taking place, services in children's affairs and courts temporarily do not perform to the full extent of its powers, which

makes it impossible to organize the adoption process with compliance with all necessary procedures.

National adoptions are not enough for providing for all children who need it, family, the consequence of which is the need for involvement foreign citizens for adoption. At the same time, with the introduction of martial law, a situation has arisen where the formalization is more realistic "domestic" adoption rather than international. This is the position regarding the adoption of children of citizens of Ukraine by foreigners during the period of military service of the state was expressed by the Ministry of Social Policy of Ukraine, in which it noted the impossibility in the current conditions of implementation of interstate adoption.

Regarding the persons who were left without a parent care as a result of hostilities, then care about their rights and interests can to work as foster families or children's homes family-type (under conditions of temporary accommodation), as well as relatives who can undergo (according to the government's decision) a simplified procedure placement of orphans, deprived children parental care under guardianship/guardianship relatives.

If the child ended up during the war in difficult circumstances - she needs help.

For this, in particular, a special bot has been created, which makes it possible to notify the need help the child ("your child is lost", "you found a child unaccompanied by adults", "you work with international organizations, who are ready to shelter

Ukrainian children", "with you there are other questions about children")

Summarizing what has been said, it can be noted that every state takes care of the interests of children in conditions of martial law at the same level as in peacetime. This is evidenced, in particular, by the following factors as a simplified procedure for transferring a child into custody/ care; "prohibition" of the simplified procedure adoption; empowering children who left without parents during martial law, be temporarily placed with families for upbringing. However, given questions and also questions departure abroad and subsequent return to Ukraine under the existing conditions require constant close attention from ministries and agencies, public and international organizations. Such challenges require a comprehensive solution from involving both state bodies and representatives of civil society. The first step towards their solution was the creation of the Coordination Headquarters for the Protection of Children's Rights in the conditions of martial law.

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