Armed conflicts cause a disproportionate impact on representatives of different age groups[1]: hostilities and occupation are accompanied by violations of the rights and freedoms of children, including the right to life, to security in the conditions of hostilities and war, to education, to health and personal development, the right to be with the family, as well as the right to care and protection from the state.

UN Security Council Resolutions 1261 (1999), 1882 (2009), 1998 (2011) and 2225 (2015) internationally identified **six serious violations against children in armed conflict.** According to the Criminal Code of Ukraine and the Rome Statute of the ICC, these acts constitute several international crimes at once.

1.1 Murders and maiming

According to Article 6 of the Convention on the Rights of the Child, every child has the inherent right to life, and States Parties shall ensure to the maximum extent possible the survival and development of the child[2]. Article 3 common to the four Geneva Conventions prohibits violence against the life and person of a child, including all types of murder, mutilation, ill-treatment and torture[3]. International humanitarian law obliges the parties to an armed conflict to distinguish between military and civilian targets, and the civilian population, which includes minors, must be protected from the consequences of hostilities. These duties are customary in nature. They are the basis of the key principle of the laws and customs of warfare - the principle of distinction.

International humanitarian law also requires that each party to the conflict take all possible precautions in the choice of means and methods of conducting military operations in order to avoid the accidental death or injury of the civilian population, in particular children[4].

At the same time, the Russian Federation consistently commits disproportionate and indiscriminate attacks, shelling of civilian critical infrastructure, protected facilities, such as hospitals, schools, which mostly affects the civilian population and causes the death and maiming of the population, including children. In the Report of the Moscow Mechanism of the OSCE, which covered possible war crimes, crimes against humanity and violations of human rights for the period from 24 February to 1 April 2022, experts concluded that there were clear patterns of violations of IHL by Russian forces during hostilities regarding the principles of distinction, proportionality and due diligence in the course of attacks, in particular, on objects under special protection, which led to an increase in the number of dead or wounded civilians[5]. This was also stated in the report published on 16 March 2023 by the UN Independent International Commission of Inquiry on Ukraine[6].

According to the Office of the Prosecutor General, as of 25 April 2023, as a result of the full-scale invasion of the Russian Federation, 470 children were killed, 949 receive injuries of varying severity. Children were most affected in Donetsk (452), Kharkiv (275), Kyiv (127), Kherson (94), Zaporizhzhia (89), Mykolayiv (86), Chernihiv (68), Luhansk (66) and Dnipropetrovsk (66) oblasts. The specified data cannot be considered final, as work is ongoing to establish the facts of the commission of crimes in places of active hostilities, in the temporarily occupied and de-occupied territories of Ukraine. However, in almost 14 months since the beginning of the large-scale armed aggression against Ukraine, four times more children have died than in the previous nine years since the beginning of the armed aggression of the Russian Federation in 2014, the occupation of the Crimean Peninsula and part of the territories of the Donetsk and Luhansk oblasts[7].

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As of December 2022, the bodies of 1,116 civilians, of which 31 were children, were discovered in the de-occupied territories of Mykolayiv, Donetsk, Kherson and Kharkiv oblasts[8]. In the occupied territories, cases of arbitrary execution of civilians, including a 14-year-old child, have been established[9].

10 torture chambers were also discovered in the de-occupied territories of Kherson oblast, 4 in Kherson itself. In addition, in one of the torture chambers there was a separate cell where children were kept. According to the testimony of people who were there, they knew that there were minors next to them in the so-called "children's cell". The children were given water every other day, in fact they were not given food. They used psychological pressure, told that their parents had abandoned them, that they would not return[10].

Thus, during the Commissioner's visits to the torture chambers found in the liberated territories of the Kherson oblast, testimony was received that children were also in the torture chambers. The Secretariat of the Ukrainian Parliament Commissioner for Human Rights received the testimony of a 14-year-old boy who spent 10 days in such a torture chamber in the building of the Kherson Court of Appeal.

The boy, together with his uncle, wanted to see and photograph the broken equipment of the occupiers, but four Russian soldiers approached them and, seeing that they were taking photos, accused them of surrendering Russian positions to the Ukrainian military. The boy and his uncle were tied up and thrown into a car and taken to Kherson. According to the boy, he did not eat anything for four days. Food was brought, but not to him. On the fifth day, he received two spoons of buckwheat and two spoons of pasta. After that, he was fed once a day. The boy also talked about the fact that he was threatened with criminal liability for the photos taken. The child heard sounds and saw the consequences of torture.

According to the Ministry of Health of Ukraine, as of 2 January 2023, out of the total number of injured children, 843 received mine-explosive and gunshot injuries. Among the affected children, 28 cases of amputations at various levels of the upper and lower limbs were recorded, which is 3% of the total number of affected children. 4 children with amputation died, 17 children need prosthetics of upper and lower limbs.

In many cities, children cannot receive proper medical care at their place of residence because of constant shelling by the Russian Federation and systematic destruction of critical infrastructure (more on this later). Therefore, parents with children are forced to move or leave Ukraine in search of proper medical treatment, prosthetics and rehabilitation.

1.2 Recruiting children into the enemy's armed forces and using them in hostilities.

International law strictly prohibits the recruitment or use of children under the age of 15 as soldiers or allowing them to participate in hostilities. This rule has a customary character[11]. The conscription and mobilization of children under the age of 15, or their use in hostilities, is a war crime under Article 8 (2) (b) (xxvi) of the Rome Statute of the ICC[12]. Both Ukraine and the Russian Federation, having ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed

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Conflict, undertook to take all possible measures to ensure that persons under the age of 18 do not direct participation in the armed conflict[13].

According to the data of Ukrainian law enforcement agencies, the Russian Federation involves minors in the armed conflict in the role of spies and correctors of shelling[14], as well as in the campaign of forced mobilization of Ukrainian citizens in the temporarily occupied territories[15]. A number of tools are used to recruit children: from video games to the militarization of education, recreation in military-patriotic camps, membership in the Young Army Movement and other military-patriotic movements. In addition, according to Deputy Prosecutor General Viktoriia Lytvynova, the facts of inciting children to participate in the armed conflict have been recorded, namely: setting up roadblocks, using them as spies, recruiting by the Russian military[16]. In particular, according to the Unified Register of Pre-Trial Investigations, since the beginning of the full-scale invasion of the Russian Federation on the territory of Ukraine, 5 criminal proceedings, in which the facts of the use of minors in the armed conflict are investigated by involving them in the collection of information on the movement or placement of the Armed Forces of Ukraine, ensuring the livelihood of military personnel of the aggressor country and arrangement of facilities for military purposes, forced issuance of Russian passports to minors illegally displaced from the Kherson oblast to the Autonomous Republic of Crimea, and their involvement in military exercises, have been registered.

1.3 Rape and other forms of sexual violence

Article 3, common to the four Geneva Conventions, requires humane treatment of all civilians, including children, prohibiting rape and sexual violence[17]. Article 77 of Additional Protocol I to the Geneva Conventions provides for that Children shall be the object of special respect and shall be protected against any form of indecent assault[18]. This norm has a customary character[19]. Rape, sexual violence and exploitation of children are prohibited by a number of international and regional treaties[20]. Moreover, the International Criminal Tribunal for the former Yugoslavia adapted the approach, according to which rape is also recognized as torture and categorically prohibited[21].

Sexual and gender-based violence can be classified as a war crime (Article 8 (2) (b) (xxii), a crime against humanity (Article 7(1)(g) and genocide (Article 6 (b), for which the perpetrators must bear individual criminal responsibility under international law[22].

The UN Independent International Commission of Inquiry on Ukraine has established that sexual violence, tantamount to torture, and threats of such violence were essential aspects of the torture used by the Russian authorities[23]. Experts also emphasized that family members, including children, were sometimes forced to witness these crimes, which amounts to torture[24].

According to the information of the Office of the Prosecutor General as of 11 May 2023, facts of sexual violence against 12 girls and 1 boy aged 6 to 17 years were recorded, in particular: attempted rape of a 10-year-old boy in the Kherson oblast, rape of seven girls aged 15 to 17 years, one girl aged 6 years, in

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the territory of Kyiv, Mykolayiv and Kherson oblasts, attempted rape of three girls aged 15 to 17 years in the territory of Donetsk and Chernihiv oblasts. In addition, two girls aged 10 and 16 witnessed sexual violence in Kyiv and Kherson oblasts.

1.4. Child abduction

International humanitarian law and international human rights law prohibit the child abduction and arbitrary deprivation of liberty of children. According to Article 3 common to the four Geneva Conventions, taking hostages is violation of the laws and customs of war. Article 49 of the Geneva Convention relative to the Protection of the Civilian Persons in Time of War prohibits the illegal mass forcible transfers, as well as deportations of civil population, in particular, children from the occupied territory[25]. Such acts constitute a war crime and a crime against humanity under Articles 7(1)(d), 8(2)(a)(vii), 8(2)(b)(viii) of the Rome Statute[26]. Acts that may accompany child abduction during armed conflict exacerbate the violation, including sexual and gender-based violence, recruitment and forced mobilization.

Minors may be detained only in accordance with urgent military necessity. If a child is detained, he should always be treated humanely, preventing torture or abusive treatment[27]. According to Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the temporary transfer of children is allowed exclusively to guarantee their safety or in connection with particularly compelling reasons of a military nature. In addition, Article 77 of Protocol Additional I to the Geneva Conventions prohibits the evacuation of children to the territory of a foreign country, except in cases of temporary evacuation necessary for urgent reasons related to the health or treatment of children or their safety. In case of such an evacuation, written consent of the minor's legal representative shall be required in agreement with the state the citizens of which are being evacuated. In order to facilitate the reunification of families with evacuated children, the receiving party shall send a detailed information card for each minor to the ICRD Central Tracing Agency[28]. Considering the possible abuse of the evacuation provision by the parties to the armed conflict, the experts of the Moscow Mechanism emphasized: "...The main approach of international humanitarian law is not to evacuate the civilian population to allow the military to conduct operations unhindered, but to oblige the military conduct hostilities taking into account the presence of the civilian population."[29]

According to the data of The Children of War state portal, as of 25 April 2023, 19,393 deported children were identified, and 361 children were successfully returned to Ukraine[30]. According to data published by the Russian Federation, up to 744 thousand Ukrainian children were displaced to the territory of the Russian Federation[31]. The majority of them were transferred with one of their legal representatives, but some of the children are orphans, children deprived of parental care or children unaccompanied for other reasons created by Russia (murders of parents, divorce from parents, rest in camps, dispensation[32], etc.). The presence of children was recorded in 57 regions of the Russian Federation[33], in 16 regions - at least 380 children were victims of forced placing in Russian families[34][35]. Cases of abduction of children by the Russian military in the temporarily occupied territories for the purpose of intimidation, pressure on

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relatives, and intelligence gathering have also been recorded.

1.5. Attacks on schools and hospitals

Schools and hospitals are civilian objects that care about the needs of children and can provide shelter. Deliberate attacks on educational or medical facilities are a serious violation of the Geneva Conventions and a war crime under Article 8(2)(b)(ix) of the Rome Statute[36]. In case of doubt in the context of the distinction, it is always assumed that schools and hospitals remain civilian objects protected from attack[37].

According to Articles 24 and 28 of the Convention on the Rights of the Child, minors have the right to education and the highest attainable level of physical and mental health. In the event of an armed conflict, states are obliged to make their best efforts to ensure the aforementioned rights[38].

During the war, 3,198 educational institutions were damaged by bombing and shelling, 286 of them were completely destroyed[39]. According to the information of the Ministry of Education and Science of Ukraine at the request of the Commissioner, since the beginning of the armed aggression of the Russian Federation, 127 preschool education institutions were destroyed and 940 were damaged; 211 institutions of general secondary education were destroyed and 1,327 were damaged. Most of such institutions are located in Donetsk, Kharkiv, Mykolayiv, Kyiv and Luhansk oblasts. 22 buildings of institutions for orphans and children deprived of parental care (centers for social and psychological rehabilitation of children, centers for social support of children and families, orphanages, boarding houses, children's homes, etc.) were also damaged and destroyed, including 6 of them in the Donetsk oblast[40]. According to the information provided at the Commissioner's request, as of 21 March 2023, the prosecutor's office is conducting a pre-trial investigation in 1,642 criminal proceedings on the facts of damage (2,688) and destruction (438) of educational institutions as a result of massive bombings and shelling. Thus, according to the specified category of proceedings, a pre-trial investigation is ongoing in Vinnytsia (1), Dnipropetrovsk (104), Donetsk (520), Zhytomyr (29), Zaporizhzhia (148), Kyiv (79), Kirovohrad (1), Luhansk (86), Mykolayiv (70), Odesa (4), Poltava (2), Sumy (68), Kharkiv (224), Kherson (246), Chernihiv (32) and Kyiv (28) oblasts.

Considering the threat of shelling of educational institutions, the educational process at institutions is interrupted because of the need to go to shelters during the announcement of an air raid alert. The alternative way of conducting the educational process remotely also has its challenges: the lack of access to technology, internet and electricity for some children because of attacks on the energy infrastructure, or internal displacement and the inability to equip a space for learning in a new place of residence means that many pupils do not have access to education. In connection with the targeted attack of the Russian Federation on energy infrastructure facilities during October 2022 - January 2023, Ukraine could not fully guarantee the right to education for almost 4 million children[41].

In addition, 1,218 medical facilities were damaged, and 173 of them were completely destroyed. Most of the destroyed and damaged institutions are located in Kharkiv, Donetsk, Mykolayiv and Kyiv oblasts[42].

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During the year of the war in Ukraine, 1,206 objects of medical infrastructure were affected (of which 1,035 objects were damaged and another 171 objects were destroyed without the possibility of further restoration)[43]. Almost 70% of all attacks on healthcare facilities in the world in 2022 — fell on Ukraine[44]. In 10 oblasts, 48 hospitals were shelled multiple times, underscoring not only the indiscriminate nature of the attacks, but also the possibility that the strikes were deliberate. For example, Severodonetsk town multifield hospital in Luhansk oblast suffered at least 10 attacks from March to May 2022. One of the hospitals in the Kharkiv oblast was hit five times, another – four times[45]. According to the WHO, almost half of the medical facilities in the east and south of Ukraine in the Donetsk, Zaporizhzhia, Mykolayiv and Kharkiv oblasts are partially or completely non-functional[46].

Thus, on 9 March 2022, the Russian side launched an attack on a maternity hospital and a children's hospital in Mariupol. As a result of the attack, the institution suffered significant destruction, and 17 people were injured - women in labor and medical workers. Three people died, including a child[47]. Considering the obvious signs that the medical facility was operational and performing its main function, as well as the public statements of the representatives of the Russian Federation regarding the attack, the shelling of the maternity hospital and the children's hospital in Mariupol is a war crime[48].

Together with the general difficult situation in the field of health care caused by the full-scale invasion, this had an impact on the vaccination processes of the population, in particular children. According to the results of 2022, the level of vaccination coverage in Ukraine remains lower than recommended by the World Health Organization[49]. In addition, because of displacement, stress, illness, not only the schedule of vaccinations is disrupted, but also medical documents confirming vaccinations are lost, often there is no information about the need for vaccinations, which is caused by the loss of communication with family doctors.

1.6. Denial of access to humanitarian aid

As the occupying power, Russia is obliged to provide children under its effective control with the opportunity to attend educational institutions, to ensure the normal functioning of medical facilities and to maintain public order with the help of local police forces. Russia should promote the proper functioning of institutions responsible for the care of children in the occupied territory. It is obliged to ensure the supply of food products and medicines to the population in the occupied territories, and, if necessary, to allow third parties to provide humanitarian aid. However, Russia systematically refuses to grant access for international organizations to the temporarily occupied territories of Ukraine[50].

Starting from 24 February 2022, the Russian military has consistently hindered the activities of humanitarian corridors: they shoot objects with the inscription "Children", they do not agree with or violate the regime of evacuation of the civilian population[51], they do not provide access to the occupied territories for humanitarian aid (food, water and medicines)[52].

Children in the occupied territories also have limited access to medicines, and often to food and drinking

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water, caused by the refusal of the Russian Federation to allow humanitarian convoys into these territories[53]. A case of death of a child from dehydration was recorded in Mariupol[54].

Among the documented crimes of the military forces of the Russian Federation against children, not the only facts of the death and injury of children during evacuation attempts, in particular from Kyiv, Kharkiv oblasts, etc., were revealed. Russian soldiers opened fire on cars marked with the words "children" and moving with white flags during the evacuation[55].

In the conditions of the need for evacuation, the Russian Federation did not provide an opportunity to safely leave the occupied territories to the territory under the control of the Government of Ukraine. According to the information of the Coordination Center under the management of the head of the Donetsk regional military-civilian administration, Pavlo Kyrylenko, the evacuation of civilian persons of Mariupol was to take place on 5 March 2022. However, because of the fact that the Russian side did not observe the regime of silence and continued shelling both Mariupol itself and its surroundings, the evacuation of the population for the sake of safety did not take place[56]. The Russian Federation systematically refused to organize evacuation corridors from the Kherson and Zaporizhzhia oblasts[57]. At the only crossing point from the occupied territories to the territory under the control of the Government of Ukraine in the town of Vasylivka, Zaporizhzhia oblast, the Russian side artificially created queues[58] in which people wishing to evacuate were forced to stand for several days, including under fire. Because of waiting conditions, four people died in the queue[59]. In addition, on 31 August 2022, the Russian occupiers fired mortars at an evacuation column in Vasylivka, Zaporizhzhia oblast. Thus, the Russian military allowed people along the route without checking, hiding in a safe place at that time[60]. This checkpoint has been blocked since January 2023[61].

The impossibility of evacuating from the occupied territories is also caused by constant shelling of civilian vehicles and humanitarian corridors. The UN Independent International Commission of Inquiry on Ukraine established the recurrence of cases of shelling of civilians when they tried to leave, as a result of which children died[62].

In particular, in the Kyiv oblast, the Russian military fired at a car with a family trying to leave the area of hostilities. The mother and father, as well as the 18-year-old son of the couple, died. The occupiers took a 5-year-old girl with a bullet wound to the head to Belarus[63].

During March 5-6, 2022, the Russian military shot 10 civilian cars in the Kyiv oblast. Local residents together with small children tried to escape from Irpen, but instead became a target of the Russian military. As a result of the shootings, 9 people died, 12 more were injured[64].

On 8 April 2022, the armed forces of the Russian Federation carried out missile strikes on the Kramatorsk railway station. At that time, the station was carrying out a pre-announced evacuation of the civilian population - Kramatorsk railway station was the largest evacuation point for residents of the Donetsk, Luhansk oblasts and some districts of the Kharkiv oblast. As a result of shelling of the railway station, where at that time there were almost 4,000 civilians, most of whom were women and children[65], 61 people died and 121 were injured[66]. 9 children died[67].

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