

**ACTIVITIES OF THE JUVENILE PREVENTION UNITS
OF THE NATIONAL POLICE IN THE FIELD OF CHILDREN'S
RIGHTS PROTECTION UNDER THE CONDITIONS
OF THE STATE OF MARTIAL**

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INTRODUCTION

Ukraine positions itself in the international "legal arena" as a social and legal state, therefore one of the basic tasks of our country is the protection of human rights and interests, as well as the provision of social and legal assistance to vulnerable groups of the population – children. According to the Convention on the Rights of the Child, children, due to their physical and mental immaturity, need special protection and care, including adequate legal protection both before and after birth¹. After the full-scale invasion of the country by an aggressor, protecting the rights and interests of children became another challenge for our state. Children, together with their parents, and often with other adult relatives and acquaintances, from the first minutes of the war, are forced to leave their homes, flee from the Russian troops to safer places and abroad, hide in bomb shelters for several days, live in the occupation without the most necessary things – water and food. The number of orphans and children without parental care is increasing. However, the situation in temporarily occupied territories and with Ukrainian children forcibly deported to Russia is still unknown.

Unfortunately, war is not only physical violence, but also the destruction of life, in particular, the lives of children. In the conditions of martial law, children become especially vulnerable, their rights and interests require increased protection. After all, children during war are exposed to an increased risk of physical violence, injuries and death. They also suffer from psychological trauma, stress, anxiety and depression, which can have long-term effects on their development.

Statistical data eloquently testify to the cruelty and desolation of the invader.

Thus, according to data from the Prosecutor General's Office, as of June 2022, 550 children were killed and more than 1,914 were injured as a result of Russian shelling. At the same time, children were the most affected in such

¹ Пісоцька К. О. Діяльність підрозділів ювенальної превенції Національної поліції України: адміністративно-правовий аспект : монографія. Дніпро : Видавець Біла К. О., 2023. 158 с.

regions as Donetsk – 534, Kharkiv – 389, Kherson – 152, Dnipropetrovsk – 139, Kyiv – 130, Zaporizhia – 108, Mykolaiv – 107. Prosecutor General's Office². That is why children need comprehensive protection of their rights and interests.

The authorized juvenile prevention units of the National Police of Ukraine are one of the key law enforcement agencies that take responsibility for ensuring the safety and protection of minors in the face of a full-scale invasion. At the same time, juvenile police officers faced many problems that still do not have a clear algorithm and solution. In particular, we are talking about the evacuation of children from the zone of active hostilities, the documentation of crimes committed by the military of the Russian Federation against children, the return of deported children from the territory of Russia, or children who were deported to the temporarily occupied territory, the search for children in the de-occupied territories, the increase in the number of cases of parents not fulfilling their obligations ties regarding the proper upbringing of children and the increase in the facts of child crime. In addition to the above, an important aspect in the activities of juvenile police officers is control by police officers in ensuring the necessary living conditions, education, upbringing by parents (guardians or other legal representatives) of children.

The war against our state was the cause of unprecedented acts of violence against children, therefore, today, in the conditions of martial law, requires increased protection of the rights and interests of children from new threats and challenges. Juvenile prevention plays a key role in ensuring their safety and well-being. Therefore, today, the protection of children's rights under martial law is one of the basic tasks of the juvenile prevention division of the National Police of Ukraine.

1. Tasks and powers of juvenile prevention units regarding the protection of the rights and legitimate interests of the child

The main goal of the day-to-day work of juvenile prevention units is to protect the rights of citizens of Ukraine who have not reached the age of eighteen and are under the full custody and care of their parents or persons who replace them.

The basic international legal acts in the field of protection of the rights and legitimate interests of children, in particular those that regulate the activities of juvenile prevention, are: Declaration of the Rights of the Child Adopted by

² Ювенальні прокурори: 550 дітей загинули в Україні внаслідок збройної агресії РФ. Сайт Офісу Генерального прокурора. URL: <https://www.gp.gov.ua/>

Resolution 1386 (XIV) of the UN General Assembly ³, the Constitution of Ukraine ⁴, the Code of Ukraine on Administrative Offenses⁵, the Law of Ukraine "On Countering human trafficking" ⁶, Family Code of Ukraine ⁷, Law of Ukraine "On the National Police" ⁸, Law of Ukraine "On Education" ⁹, Law of Ukraine "On Prevention and Combating Domestic Violence" ¹⁰, Law of Ukraine "On State Assistance to Families with Children"¹¹, Law of Ukraine " On bodies and services for children and special institutions for children" ¹², Law of Ukraine "On childhood protection" ¹³, Law of Ukraine "On social work with families, children and youth" ¹⁴.

Today in Ukraine, the protection of the rights and interests of the child is a whole system, which includes measures of a state and non-state (public, international organizations) nature aimed at ensuring a full-fledged life, comprehensive upbringing and development of the child and protection of his rights.

The task of juvenile prevention, like all police units, state representatives, teachers, educators, representatives of health care institutions, the social sphere and the police, is the direct implementation of the above-mentioned

³ Міжнародний документ : ООН; Декларація прийнята від 20.11.1959 Декларація прав дитини Прийнята резолюцією 1386 (XIV) Генеральної Асамблеї ООН від 20 листопада 1959 року. URL: https://zakon.rada.gov.ua/laws/show/995_384#Text

⁴ Конституція України, прийнята на п'ятій сесії Верховної Ради України 28 червня 1996 р. Відомості Верховної Ради України. URL: <http://zakon2.rada.gov.ua/laws/show/254к/96-вр>

⁵ Кодекс України про адміністративні правопорушення від 07.12.1984 № 8073X. URL: <https://zakon.rada.gov.ua/laws/show/8073110#Text>

⁶ Про протидію торгівлі людьми» Закон України від 20.09.2011 № 3739-VI URL: <https://zakon.rada.gov.ua/laws/show/3739-17#Text>

⁷ Сімейний кодекс України від 10.01.2002 №2947III URL: <https://zakon.rada.gov.ua/laws/show/294714#Text>

⁸ Про Національну поліцію України : Закон України від 02.07.2015 року № 580VIII URL: <https://zakon.rada.gov.ua/laws/show/58019#Text>

⁹ Про освіту : Закон України від 05.09.2017 № 2145-VIII URL: <https://zakon.rada.gov.ua/laws/show/2145-19#Text>

¹⁰ Про запобігання та протидію домашньому насильству: Закон України від 07.12.2017 № 2229-VIII. URL: <https://zakon.rada.gov.ua/laws/show/222919#Text>

¹¹ Про державну допомогу сім'ям з дітьми: Закон України від 21.11.1992 № 2811-XII <https://zakon.rada.gov.ua/laws/show/2811-12#Text>

¹² Про органи і служби у справах дітей та спеціальні установи для дітей : Закон України від 24.01.1995 № 20/95-ВР URL: <https://zakon.rada.gov.ua/laws/show/20/95-%D0%B2%D1%80#Text>

¹³ Про охорону дитинства: Закон України від 26.04.2001 № 2402-III URL: <https://zakon.rada.gov.ua/laws/show/2402-14#Text>

¹⁴ Про соціальну роботу з сім'ями, дітьми та молоддю : Закон України від 21.06.2001 № 2558-III. URL: <https://zakon.rada.gov.ua/laws/show/2558-14#Text>

laws and regulations. However, in addition to this, the police itself should "control" the quality of the performance of these tasks assigned to the above-mentioned subjects in relation to the protection of children's rights. It should be noted that when a child becomes a member of society, he is automatically given certain rights and responsibilities, he has the right to life, to social protection, he has the right to development, he has the right to cultural and spiritual enrichment, to education, to receiving quality medical care services. However, under certain circumstances, sometimes this or that mechanism does not work, and it is the units of juvenile prevention that, in cooperation with such services and bodies as education, services for children, the center of social services for families, children and youth, public organizations, etc., have to ensure in a timely manner protection of the violated rights of the child. These institutions must identify poor performance of duties for care, upbringing or development of the child. That is, if the fact of poor performance of one's duties regarding the protection of the child's rights is discovered, the units of juvenile prevention take response measures.

First of all, this is prevention, which involves informing, responding, as well as providing explanations regarding the commission of illegal behavior. For example, parents, due to certain troubles in their personal life or in their social life, begin to underperform, so to speak, avoid fulfilling their child care responsibilities. This involves several stages of response. First of all, there is a preventive conversation and, at the same time, joint cooperation with the children's service to find out the reasons that contributed to the fact that parents avoid fulfilling their duties. If such reasons, at the time of their establishment, are not dangerous, that is, they can be corrected with the help of a preventive conversation, an explanatory conversation with a mandatory warning about what may happen in the event of a repeated offense and what consequences certain actions will have parents regarding the child directly and which will affect the child itself – then such a family is taken under supervision, certain social support is observed and the goal of preventive measures is observed for some time.

If the situation does not change or worsens, for example, the parents continue to abuse alcoholic beverages, or continue not to take care of the general health of the child, do not provide and do not implement the rights to which the child is entitled, then measures of administrative influence are taken. This is provided for by Article 184 of the Code of Ukraine on Administrative Offenses¹⁵, which is called "Failure by parents or persons who replace them to fulfill their duties regarding raising children." This article also

¹⁵ Кодекс України про адміністративні правопорушення від 07.12.1984 № 8073X.
URL: <https://zakon.rada.gov.ua/laws/show/8073110#Text>

provides for a number of measures of administrative influence, from warnings to fines.

In the event that parents perform their parental duties poorly or insufficiently or evade their duties, which has a negative effect on the development of the child itself, or in the event that such measures do not give the expected result, and the child continues to suffer from parental negligence, then we begin to apply all possible measures. For example, a child can be removed from the family and in the future, if possible, certain work continues with the parents to restore their awareness of their responsibilities and the understanding that their every action has a certain impact on the child and shapes the child into an adult. These measures necessarily require cooperation with the children's affairs service and cooperation with other relevant institutional institutions. After finding out all the conditions and circumstances, measures of criminal influence may be taken against the parents, especially if their actions or inaction led to traumatic consequences for the child.

Another area of activity of juvenile prevention is taking an active part in the formation of the legal consciousness of a child, who will later become an adult – a citizen, and will fully understand what rights and responsibilities he has, how he can use these rights and how he must fulfill his duties. For this purpose, there are juvenile police officers who directly perform an additional, auxiliary function of educating the child. This happens by conducting preventive lectures in educational institutions, on cultural platforms in which the police and other institutional institutions, public organizations are involved in cooperation, creating cultural traditions, teaching children the history of Ukraine, their state, teaching children the rules of behavior, teaching children to understand that there is such a law in her life, specifically in the life of every child, that there is a law in the life of the whole society and what is its function. However, there are cases when a child at a certain age already comes into conflict with the law. This can happen both at the level of administrative offenses and at the level of criminal offenses.

The system legislates a certain number of actions aimed not at punishing the child, but at correcting the situation and still getting out of the conflict. It can be both measures of administrative influence, which are also provided for by the current legislation in case the child has reached the age of sixteen, and it can also be measures provided for by the Criminal Code of Ukraine, if the child has reached the age of 14.

In the event that the child nevertheless committed a criminal or administrative offense, but did not reach the age from which such responsibility arises, then the responsibility, accordingly, for his actions rests entirely with the parents, and again we return to Article 184 of the Administrative Code. Which provides in parts 3 and 4 this certain

liability. Another problem and challenge for juvenile police officers is, on the one hand, the massive internal displacement of persons, including children, who are forced to change their place of residence due to active hostilities, on the other hand, the transition to distance learning caused by the introduction of martial law, significantly affects the behavior of children, creating conditions for the growth of juvenile delinquency. Therefore, it is necessary to find ways to ensure effective prevention during martial law. For example, one of the effective tools can be the active dissemination of preventive information in the mass media and on Internet platforms popular with children. Such an information campaign can help reduce the level of delinquency among children and promote their safe development in difficult conditions.

2. Activities of the juvenile prevention units of the National Police of Ukraine in terms of evacuating children from the war zone

One of the priority tasks of the modern legal society is a special attitude to the child due to the fact that he is unable to defend his interests and rights on his own. After all, children depend on the decisions of their parents or other adults who take care of them, and they cannot always seek legal help and are emotionally vulnerable. Comprehensive protection of the rights and interests of children is extremely important for our society and the state, since the child's development as a full-fledged citizen in the future directly depends on the protection of the child today. And therefore, today in the conditions of martial law, the task of legal institutes is to ensure a safe environment for children.

Today, the main tasks of the police units in general and juvenile prevention in the de-occupied territories are:

1. documentation of crimes committed by the military of the Russian Federation against children;
2. study of the needs of families with children living in the de-occupied territories (needs may be different: food, clothing, office supplies, educational gadgets, etc.);
3. involvement in meeting the humanitarian needs of children of volunteer organizations, international humanitarian missions, etc.;
4. return of deported children from the territory of Russia, or children who were deported to the temporarily occupied territory;
5. search for children in the de-occupied territories;
6. checking the living conditions of children in the de-occupied territories, how they take part in the educational process, how it is ensured by the parents;
7. another important task of the police (as a rule, police officers of juvenile prevention units are involved in this) is the evacuation of children from the combat zone;

In connection with the full-scale invasion of Russia, the following rights and interests of the child are most often violated: obstacles in obtaining education and medical care; provision of safe shelter and assistance; protection against exploitation and human trafficking; access to education and medicine. There is currently no normative confirmation of the algorithm of actions of police officers and state authorities in case of refusal of forced evacuation of families with children in their care. However, the police and state authorities act within the limits of current legislation and in the interests of the child.

Let's consider the algorithm for the evacuation of children, which is carried out by the police in practice during the evacuation of children with their parents from the combat zone in the Kherson region.

Thus, by the decision of the military administration, mandatory or forced evacuation of families with children begins. As a rule, this evacuation is carried out from dangerous zones. And the task of the police, including the evacuation of families with children from this territory. First of all, an information and clarification campaign is being conducted about the fact that the evacuation will take place, where families with children can go to carry out their evacuation.

The next step is to conduct direct explanatory work with the families and children living in these territories together with the military administration and, if possible, with the bodies of the State Emergency Service, other interested agencies and institutions. For this purpose, juvenile prevention units, in particular, receive lists of children of families with children in territorial communities. Further, in accordance with these lists, explanatory work is carried out with these families, namely evacuation is offered. After clarification, it is necessary to obtain consent from families with children, after which the date, place and time of evacuation of these families is determined. The next day, at the specified time, a crew of at least 3 policemen, one of whom has first aid skills, arrives in an armored car to such a family with means of protection for children and adults who will be evacuated. These families are being evacuated in an armored car in protective gear to an intermediate evacuation point. Then, for example, volunteer transport takes children and their families directly to their final destination. Problem

Evacuation is currently the only mechanism to protect our children, protect their lives and health.

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3. Prevention of delinquency among minors during martial law in Ukraine: strategies and challenges

Prevention of juvenile delinquency is the most important aspect of maintaining order and security in peacetime. However, in wartime, the role of juvenile prevention units becomes even more important, because, in addition to everyday tasks, juvenile police officers face new challenges caused by armed aggression. Currently, the priority directions in the work are, on the one hand, the prevention of juvenile delinquency, and on the other hand, the creation of a safe environment for children, evacuation from dangerous cities where active hostilities are taking place.

In this paragraph, we will examine the peculiarities of the activities of juvenile prevention units under martial law.

Military aggression on the territory of our country significantly changed the day-to-day activities of the juvenile prevention units of the National Police of Ukraine. It should be noted that the nature of the activities of juvenile police also depends on the region, because some cities and villages faced a large number of displaced persons, others with occupation (de-occupation), and still others with active hostilities in their cities and villages.

Therefore, the features of the administrative activities of juvenile police officers in the conditions of martial law include, first of all, the creation of a safe environment for children, in particular:

1. Cooperation with other units of the National Police regarding the identification and promotion of the evacuation of children from dangerous

regions. For example, today there are many police units, crews that help juvenile prevention units to protect children from the threat of shelling in cities and villages. Thus, in the units there is such a police crew as "White Angel", which is engaged in the evacuation of children and their parents from dangerous regions and territories of Ukraine, due to military operations. Law enforcement officers also monitor every family in which children are raised, and constantly urge them to evacuate. For example, there are eight such police evacuation teams working in the Bakhmut community. All these crews interact with juvenile prevention units.

2. Preventive measures aimed at the prevention of military cybercrimes, information hygiene of children from IPSO (special information and psychological operation);

3. Identification of children in need of psychological and social assistance who suffered as a result of the war. Due to the armed aggression of the Russian Federation, children who lived in the region of active hostilities faced massive destruction, casualties, etc. Therefore, children who are evacuated must be provided with psychological and social support from the state and law enforcement agencies. Such measures should be aimed at providing both immediate assistance and long-term support to children in need. This problem should be provided comprehensively, juvenile police officers should carry out preventive measures aimed at increasing awareness and understanding of the problems faced by children and their families. These measures should be carried out together with state bodies.

4. Identification of children who became victims of violence in the occupied territories. Perpetration of sexual violence against children in the temporarily occupied territories, offenses against sexual freedom and sexual integrity, and others – during the war also did not disappear anywhere. And the children who suffered need coordinated services and consolidated assistance of all state institutions, public and international organizations, which should be worked out by juvenile police officers together with other related services.

For example, after the start of a full-scale invasion, a Center for children who suffered from violence under martial law and/or while in temporarily occupied territories was created, the main task of which is to create the most child-friendly conditions in the justice process. This center combines the justice system and the social sphere, and represents a "mixed form of organization" where the practices, rules and beliefs of various institutions are combined "under one roof".

5. Interaction with other units of the National Police regarding the creation and maintenance of a safe environment in peaceful regions (educational, social, etc.). For example, today police officers together with teachers conduct safety classes in newly created interactive classes "Safety Class" across the

country. Its purpose is to create safe conditions for the participants of the educational process in the conditions of martial law. For example, in this class, you can conduct preventive work with children and parents on issues of mine safety, explaining the algorithm of actions in case of detection of explosive objects and weapons, etc.

6. Implementation of a number of initiatives to ensure the humanitarian needs of families with children, for example, together with volunteers (who needs it, both internally displaced and residents of occupied/de-occupied territories, where there is a need for food, hygiene products, clothes and other household items).

So, with the beginning of a full-scale war, juvenile prevention units faced new challenges and threats in the field of protection of children's rights, which required solutions and were reflected in the following:

- creating safe environments for children in conditions of constant threat, establishing the location of missing children and providing assistance to affected children;

- safe evacuation of children from the territory of hostilities;

- preventive work with children and parents on issues of mine safety, clarification of the algorithm of actions in case of detection of explosive objects and weapons;

- improvement of the system of finding children, for example, by introducing a system of informing citizens of Ukraine who may have information about a child. An example of the implementation of such a task is a notification for users of mobile communication companies, social networks, taxis and carriers, a network of establishments and a ticket sales site (Uklon, OnTaxi, Taxi838, Taxi OPTI, GLOVO). PJSC "Kyivstar", "Meta Platforms Inc .", LLC "UKLON UKRAINE", IS "OnTaxi", VST "TAXI 838", PE "Optimalne Taxi" and LLC "Glovoapp of Ukraine".

In addition to juvenile prevention activities aimed at ensuring a safe environment, one of the main tasks of police officers is the prevention of administrative offenses, preventing the involvement of children in war crimes, preventive work with children in relation to youth movements (it is necessary to clarify that such actions are subject to both administrative and criminal liability).

Yes, new youth movements "Redan", "Anti-Redan" are gaining popularity in Ukraine, the members of which organize mass riots in cities. the spread on the Internet of youth movements that provoke conflicts, call for physical confrontation and involve children in illegal activities, which shook the whole country with their gatherings. In total, over three days, about 41 gatherings of youth took place in Ukraine in different regions of the country.

In summary, the work of juvenile prevention units is important for ensuring public order and supporting youth in peacetime and wartime. During

martial law, their tasks become even more critical and they must work to protect minors and maintain social order. Interacting with other organizations, police units – juvenile prevention units can make a significant contribution to the safety of children under martial law.

CONCLUSIONS

Today, the activity of juvenile prevention units is extremely important, because in addition to the tasks and powers established by the law, juvenile police officers daily face numerous challenges in the field of protection of children's rights caused by war.

The key areas of activity of the juvenile prevention units of the National Police regarding the protection of the rights and interests of children who need special attention and legal regulation in the conditions of martial law are: ensuring the safety of children in the zone of active hostilities, by accompanying children who are evacuated, and ensuring their safe relocation and accommodation in safe places; identification and protection of homeless children in the de-occupied territories; investigation of crimes committed against children; creating safe environments for children in conditions of constant threat, establishing the location of missing children and providing assistance to affected children; carrying out preventive measures by conducting educational work with children and their parents about threats and methods of protection in war conditions.

We offer the following suggestions for improving the protection of the rights and interests of the child in the following areas:

1) Create a "Center for children who have suffered from violence under martial law and (or) are in temporarily occupied territories", the main task of which is to create the most child-friendly conditions in the process of justice. The center will combine the justice system and the social sphere, and will represent a "mixed form of organization" where all practices are combined. This is an important step towards effective enforcement of children's rights by minimizing the possibility of re-traumatization. Sexual violence against children in the temporarily occupied territories, offenses against sexual freedom and sexual integrity did not disappear during the war either.

2) Involve minors who commit offenses and are inclined to commit them to volunteer and humanitarian activities, instilling in them a sense of responsibility for the need for socially useful activities.

3) Development of training methods with specialists of other bodies and institutions, which are entrusted with the functions of implementing measures in the field of protection of the rights of children who suffered during hostilities, namely: services for children's affairs; education management bodies, educational institutions, institutions and organizations of the education

system; center for providing free secondary legal assistance, courts; prosecutor's office; authorized bodies on probation.

4) Assistance to children who suffered from violence during the period of martial law should be comprehensive, including not only legal, psychological, but also pedagogical support, which can be provided by representatives of the completely new for Ukraine profession "pedagogue-psychologist".

5) Improving the legal basis for creating a safe environment for children in the field of information and communication technologies.

SUMMARY

The chapter examines the activities of the juvenile prevention units of the national police in the field of protection of children's rights under martial law.

The tasks and powers of the juvenile prevention units in protecting the rights and legitimate interests of the child, as well as the activities of the juvenile prevention units of the National Police of Ukraine in terms of evacuating children from the war zone, were analyzed.

The algorithm for the evacuation of children carried out by the police during the evacuation of children with their parents from the war zone was considered.

The activity of juvenile prevention in the field of ensuring a safe environment is characterized. It was determined that one of the main problem areas that require increased attention of the police is the prevention of administrative offenses, prevention of the involvement of children in war crimes, preventive work with children in relation to youth movements (it is necessary to clarify that such actions are subject to both administrative and criminal liability).

Areas of improvement in the activities of juvenile prevention units have been determined.

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