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CIVIL LAW PRINCIPLES FOR THE PROTECTION OF CHILDREN'S RIGHTS IN THE CONTEXT OF ARMED AGGRESSION

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1 The legal status of the child in the context of armed aggression: a civil law perspective

Today's landscape of Ukrainian society's development is determined by the armed aggression against Ukraine, which has a systemic impact on all areas of social relations, in particular, on the provision and protection of children's rights. In these circumstances, children, as special subjects of civil legal relations, find themselves in a state of high vulnerability, which requires a re-examination of their legal status and the development of the effective civil law mechanisms for their protection[273].

[273] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. *Законодавство України. Верховна Рада України.* URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026); Про затвердження Порядку надання статусу дитини, яка постраждала внаслідок воєнних дій та збройних конфліктів : Постанова Каб. Міністрів України від 05 квіт. 2017 р. № 268. *Законодавство України. Верховна Рада України.* Ред. від 03.09.2025. URL: https://zakon.rada.gov.ua/laws/show/268-2017-п#Text (дата звернення: 10.04.2026); Питання діяльності органів опіки та піклування, пов'язаної із захистом прав дитини : постанова Каб. Міністрів України від 24 верес. 2008 р. № 866. *Законодавство України* / Верховна Рада України. URL: https://zakon.rada.gov.ua/laws/show/866-2008-п#Text (дата звернення: 10.04.2026).

Armed aggression leads to *systemic violations of children's rights*, in particular, the right to life, health, a safe environment, family upbringing, education, an adequate standard of living, as well as personal non-pecuniary rights. These rights are enshrined in the 1989 Convention on the Rights of the Child[274] as well as in national legislation, primarily in the Constitution of Ukraine[275] and the Law of Ukraine "On the Protection of Children"[276]. Yet, during periods of armed conflicts, their realisation becomes more challenging, which highlights the need for their effective civil-law protection.

Thed issues relating to the protection of children from violence, exploitation, forced displacement, deportation and the loss of parental care, which are expressly prohibited by the norms of international humanitarian law, in particular, the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War[277] and Additional Protocol I of 1977[278] are of high importance. The Ukrainian civil law plays a key role in ensuring the protection of children's rights through the institutions of legal capacity, capacity to act, representation, protection of personal non-pecuniary rights and compensation for damage. At the same time, traditional civil law constructs are insufficiently adapted to the conditions of martial law, which requires their rethinking in light of the provisions of the Law of Ukraine "On the Legal Regime of Martial Law"[279].

The regulatory framework for the protection of children's rights in Ukraine is multi-layered and includes the provisions of the Constitution of Ukraine[280], the Civil and Family Codes of Ukraine, special laws, in par-

[274] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[275] Конституція України : від 28 черв. 1996 р. № 254к/96-ВР. *Відомості Верховної Ради України*. 1996. № 30. Ст. 141. Ред. від 01.01.2020. URL: https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text (дата звернення: 10.04.2026).

[276] Про охорону дитинства : Закон України від 26 квіт. 2001 р. № 2402-III. *Законодавство України* / Верховна Рада України. Ред. від 04.03.2026. URL: https://zakon.rada.gov.ua/laws/show/2402-14#Text (дата звернення: 10.04.2026).

[277] Женевська конвенція про захист цивільного населення під час війни : міжнар. документ від 12 серп. 1949 р. *Законодавство України. Верховна Рада України.* URL: https://zakon.rada.gov.ua/laws/show/995_154#Text (дата звернення: 10.04.2026).

[278] Додатковий протокол до Женевських конвенцій від 12 серпня 1949 року, що стосується захисту жертв міжнародних збройних конфліктів (Протокол I) : від 8 черв. 1977 р. *Законодавство України. Верховна Рада України.* URL: https://zakon.rada.gov.ua/laws/show/995_199#Text (дата звернення: 10.04.2026).

[279] Про правовий режим воєнного стану : Закон України від 12 трав. 2015 р. № 389-VIII. *Законодавство України* / Верховна Рада України. Ред. від 04.03.2026. URL: https://zakon.rada.gov.ua/laws/show/389-19#Text (дата звернення: 10.04.2026).

[280] Конституція України : від 28 черв. 1996 р. № 254к/96-ВР. URL: https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text (дата звернення: 10.04.2026).

ticular, the Law "On the Protection of Children"[281], the Law "On Ensuring the Rights and Freedoms of Internally Displaced Persons"[282], as well as legislation on the legal regime of temporarily occupied territories[283]. The above acts form the basic legal status of the child, which, during a period of armed aggression, is supplemented with new elements linked to the emergence of special legal categories, such as the child as an internally displaced person or a child affected by hostilities.

Therewith, international legal instruments establish minimum standards for the protection of children's rights to be implemented in national legislation. These include, in particular, the provisions of the Convention on the Rights of the Child[284], the 1951 Convention Relating to the Status of Refugees[285], as well as "soft law" instruments, notably UN Security Council resolutions on children in armed conflict[286]. The interaction of these norms forms a comprehensive system of guarantees for children's rights, combining universal international standards with national mechanisms for their implementation.

A distinctive feature of the civil law protection of children's rights in the context of armed aggression is the combination of traditional contractual and non-contractual mechanisms with new forms brought about by digitalisation. The issues concerning the use of electronic evidence, the protection of personal data, access to digital services and the state's liability for harm caused by military actions are becoming increasingly relevant. Thus, civil law fulfils not only a restorative but also a preventive function. However, the academic

[281] Про охорону дитинства : Закон України від 26 квіт. 2001 р. № 2402-III. URL: https://zakon.rada.gov.ua/laws/show/2402-14#Text (дата звернення: 10.04.2026).

[282] Про забезпечення прав і свобод внутрішньо переміщених осіб : Закон України від 20 жовт. 2014 р. № 1706-VII. *Законодавство України* / Верховна Рада України. Ред. від 04.04.2025. URL: https://zakon.rada.gov.ua/laws/show/1706-18#Text (дата звернення: 10.04.2026).

[283] Про забезпечення прав і свобод громадян та правовий режим на тимчасово окупованій території України : Закон України від 15 квіт. 2014 р. № 1207-VII. *Законодавство України. Верховна Рада України.* Ред. від 19.05.2024. URL: https://zakon.rada.gov.ua/laws/show/1207-18#Text (дата звернення: 10.04.2026).

[284] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[285] Конвенція про статус біженців : прийнята Ген. Асамблеєю ООН 28 лип. 1951 р. *Законодавство України* / Верховна Рада України. URL: https://zakon.rada.gov.ua/laws/show/995_011#Text (дата звернення: 10.04.2026).

[286] Children and armed conflict : Resolution 1261 (1999) Adopted by the Security Council at its 4037th meeting, on 25 August 1999. *United Nations*. URL: https://undocs.org/S/RES/1261(1999) (last accessed: 07.04.2026); Children and armed conflict : Resolution 1882 (2009) Adopted by the Security Council at its 6176th meeting, on 4 August 2009. *United Nations*. URL: https://undocs.org/S/RES/1882(2009) (last accessed: 07.04.2026); Children and armed conflict : Resolution 1998 (2011) Adopted by the Security Council at its 6581st meeting, on 12 July 2011. *United Nations*. URL: https://undocs.org/S/RES/1998(2011) (last accessed: 07.04.2026); Children and armed conflict : Resolution 2225 (2015) Adopted by the Security Council at its 7466th meeting, on 18 June 2015. *United Nations*. https://undocs.org/S/RES/2225(2015) (last accessed: 07.04.2026).

doctrine lacks a unified approach to defining the content of the civil law framework for the protection of children's rights in the context of armed aggression, which requires the development of a comprehensive concept of the legal status of the child that would combine international standards, national legal mechanisms and the contemporary challenges of the digital society[287].

The relevance of this study stems from the need to improve mechanisms for the civil-law protection of children's rights, in particular, the development of legal protection, alternative dispute resolution methods, procedures for compensation for damage, and safeguarding the principle of the child's best interests as a fundamental guiding principle of legal regulation, as enshrined in international law[288].

Accordingly, in the context of armed aggression the child's legal status undergoes a significant transformation, manifested in expanding its scope, strengthening guarantees and increasing the complexity of implementation mechanisms. In the civil law dimension, this requires new approaches to the protection of children's rights, capable of ensuring a balance between the interests of the child, society and the state.

Particular attention is drawn to *the transformation of the child's legal capacity*, which determines the limits of the exercise of their rights in private law relations. Armed aggression *alters the conditions for the exercise of legal capacity and capacity to act*, necessitating a re-examination of these concepts in light of national and international standards for the protection of children's rights.

The transformation of a child's legal personality in the context of armed aggression is a complex phenomenon, necessitating the re-examination of classical civil law approaches to determining their legal status as a subject of private law relations. Traditionally, legal personality encompasses legal capacity and capacity to act, which are realised through the institution of legal representation. At the same time, under martial law, these elements undergo significant changes under the influence of the circumstances that disrupt

[287] Про затвердження Порядку надання статусу дитини, яка постраждала внаслідок воєнних дій та збройних конфліктів : Постанова Каб. Міністрів України від 05 квіт. 2017 р. № 268. URL: https://zakon.rada.gov.ua/laws/show/268-2017-п#Text (дата звернення: 10.04.2026); Питання діяльності органів опіки та піклування, пов'язаної із захистом прав дитини : Постанова Каб. Міністрів України від 24 верес. 2008 р. № 866. URL: https://zakon.rada.gov.ua/laws/show/866-2008-п#Text (дата звернення: 10.04.2026); Про утворення Координаційного штабу з питань захисту прав дитини : Постанова Каб. Міністрів України від 17 берез. 2022 р. № 302. *Законодавство України. Верховна Рада України.* Ред. від 09.07.2024. URL: https://zakon.rada.gov.ua/laws/show/302-2022-п#Text (дата звернення: 10.04.2026); Про Координаційну раду з питань захисту та безпеки дітей : Указ Президента України від 08 серп. 2022 р. № 568/2022. *Законодавство України. Верховна Рада України.* Ред. від 07.07.2023. URL: https://zakon.rada.gov.ua/laws/show/568/2022#Text (дата звернення: 10.04.2026).

[288] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

already established social and legal ties, which is consistent with the provisions regulating the legal regime of martial law[289].

First and foremost, *the conditions for exercising a child's legal capacity change*. Although its scope formally remains unchanged, *the actual possibility of exercising rights is significantly limited* due to the loss of the family environment, displacement, the destruction of infrastructure, and restrictions on access to education and medical care. In this case, legal capacity acquires the character of a potential possibility, the realisation of which depends on the effectiveness of state support mechanisms, in particular those provided for by legislation on internally displaced persons. These circumstances are linked to the consequences of armed conflict and are reflected in international instruments, in particular the Convention on the Rights of the Child[290] and the Convention Relating to the Status of Refugees[291]. In such conditions, legal capacity takes on the properties of a "potential possibility", whose realisation depends on the effectiveness of state support mechanisms provided, in particular, by legislation for internally displaced persons[292].

The transformation of a child's legal capacity requires particular attention. In the context of armed aggression, there is an increase in children's actual participation in civil life, linked to the need to make independent decisions in situations where legal representatives are absent or unable to properly fulfil their functions. This itself manifests in children taking actions that aim at meeting essential needs, interacting with state bodies, obtaining social assistance, and using digital services. This situation indicates a gap between the legally defined scope of legal capacity and its actual exercise, which requires the adaptation of legal regulation in accordance with the principle of the best interests of the child, enshrined in international law[293].

Furthermore, *the transformation of a child's legal capacity is reflected in the changing role of the legal representation institution*. In armed conflict situations, it is common for children to lose parental care, for families to be separated, or for representation to be impossible for objective reasons. This highlights the need to engage alternative forms of representation, in particular guardianship and care authorities, whose activities are regulated by subordinate

[289] Про правовий режим воєнного стану : Закон України від 12 трав. 2015 р. № 389-VIII. URL: https://zakon.rada.gov.ua/laws/show/389-19#Text (дата звернення: 10.04.2026).

[290] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[291] Конвенція про статус біженців : прийнята Ген. Асамблеєю ООН 28 лип. 1951 р. URL: https://zakon.rada.gov.ua/laws/show/995_011#Text (дата звернення: 10.04.2026).

[292] Про забезпечення прав і свобод внутрішньо переміщених осіб : Закон України від 20 жовт. 2014 р. № 1706-VII. URL: https://zakon.rada.gov.ua/laws/show/1706-18#Text (дата звернення: 10.04.2026).

[293] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

legislation[294], as well as state and international institutions. In this context, the key guiding principle is ensuring the best interests of the child as a fundamental principle that takes precedence over formal procedures[295].

Consequently, *the transformation of a child's legal capacity in the above context does not lie in a change to their legal nature, but in the substantial modification of the conditions and methods for exercising legal capacity and* capacity to act. Such a transformation necessitates the adaptation of civil law mechanisms to contemporary challenges, ensuring their flexibility and effectiveness, as well as the harmonisation of national legislation with international standards for the protection of children's rights. In this regard, the development of a comprehensive model of legal regulation must be based on a combination of private law instruments with public law guarantees, ensuring the effective exercise of children's rights even under martial law.

At the same time, the transformation of a child's legal capacity in the context of armed aggression directly *affects the content and means of exercfising their personal non-pecuniary rights*, which form the basis of a child's legal status under civil law. It is these rights that are most vulnerable to being impacted by hostilities, as they are closely linked to the child's physical existence, mental state and social environment, consistent with the approaches stipulated in international law, in particular in the Convention on the Rights of the Child[296] and the Convention for the Protection of Human Rights and Fundamental Freedoms[297].

A child's personal non-pecuniary rights traditionally encompass the right to life and health, the right to respect for honour and dignity, the right to a name, individuality, and the inviolability of private and family life, and the right to a safe environment and development. These rights are enshrined both in international instruments[298] and in the national legislation, including the Constitution of Ukraine[299] and the Law of Ukraine "On the Protection

[294] Питання діяльності органів опіки та піклування, пов'язаної із захистом прав дитини : Постанова Каб. Міністрів України від 24 верес. 2008 р. № 866. URL: https://zakon.rada.gov.ua/laws/show/866-2008-п#Text (дата звернення: 10.04.2026).

[295] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[296] Lbid.

[297] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). *Законодавство України. Верховна Рада України.* URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026).

[298] Загальна декларація прав людини : прийнята резолюцією 217 A (III) Ген. Асамблеї ООН від 10 груд. 1948 р. *Законодавство України. Верховна Рада України.* URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 10.04.2026); Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[299] Конституція України : від 28 черв. 1996 р. № 254к/96-ВР. URL: https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text (дата звернення: 10.04.2026).

of Children"[300]. In the context of armed aggression, *these rights* are subject to *systematic violations, manifested in threats to children's lives and health, their forced displacement, loss of family environment, psychological trauma*, as well as a reduction in the level of guarantees of privacy and security.

A distinctive feature of exercising child's personal non-pecuniary rights in the martial law state is their close connection with objective circumstances, which often lie beyond the control of the parties to the legal relationship. These circumstances fall squarely within the scope of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War[301] and Additional Protocol I[302], which establish the obligation of states to ensure special protection for children. This necessitates strengthening the role of the state as the guarantor of the exrcising such rights, as well as expanding the mechanisms for their civil-law protection.

War does not alter the scope of children's rights at the normative level, as is directly evident from the provisions of international law[303], but it does have a significant impact on the actual conditions for their exercise, leading to a gap between formally enshrined legal guarantees and the actual possibility of their realisation.

The negative impact of armed aggression predominantly affects the child's fundamental personal non-pecuniary rights, in particular the right to life, health and a safe environment. The continuous threat to life, being in a combat zone, the destruction of homes and infrastructure, and limited access to healthcare and education significantly hinder the realisation of these rights, which contravenes both international standards[304] and constitutional guarantees[305].

Furthermore, *a significant number of children suffer psychological trauma*, which affects their development and their ability to fully exercise their rights;

[300] Про охорону дитинства : Закон України від 26 квіт. 2001 р. № 2402-III. URL: https://zakon.rada.gov.ua/laws/show/2402-14#Text (дата звернення: 10.04.2026).

[301] Женевська конвенція про захист цивільного населення під час війни : міжнар. документ від 12 серп. 1949 р. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text (дата звернення: 10.04.2026).

[302] Додатковий протокол до Женевських конвенцій від 12 серпня 1949 року, що стосується захисту жертв міжнародних збройних конфліктів (Протокол I) : від 8 черв. 1977 р. URL: https://zakon.rada.gov.ua/laws/show/995_199#Text (дата звернення: 10.04.2026).

[303] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[304] Загальна декларація прав людини : прийнята резолюцією 217 A (III) Ген. Асамблеї ООН від 10 груд. 1948 р. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 10.04.2026); Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[305] Конституція України : від 28 черв. 1996 р. № 254к/96-ВР. URL: https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text (дата звернення: 10.04.2026).

this is also recognised by the international community as a key issue within armed conflicts[306].

The impact of war on a child's right to family upbringing and proper care is *also* significant. The separation of families, the loss of parents or their forced displacement lead to a reduction in the effectiveness of the institution of legal representation and create additional risks for exercising children's rights in civil proceedings. In such circumstances, the activities of guardianship and care authorities become especially importance; the legal framework for their operation is set out in by-laws[307], as well as the mechanisms provided for by legislation for the protection of children affected by hostilities[308].

The impact of armed aggression also extends to the realisation of children's property rights. The destruction of property, loss of housing, restricted access to financial and social services, and the complication of procedures for obtaining social benefits and compensation highlight the need to improve the mechanisms for the civil-law protection of such rights. In this context, issues of compensation for harm caused by military operations become particularly relevant; such compensation must be provided taking into account the special status of the child as a vulnerable subject of legal relations and the relevant international standards of protection[309].

Furthermore, war brings about *a transformation in the ways in which children's rights are realised due to the digitalisation of social relations*. The shift to distance learning, the active use of electronic services and communication via digital platforms create new opportunities for exercising children's rights, yet giving rise to new risks associated with violations of the right to privacy, security and the protection of personal data. Such challenges are directly linked to the need to ensure the guarantees enshrined in international law, in particular, in the Convention for the Protection of Human Rights

[306] Children and armed conflict : Resolution 1261 (1999). URL: https://undocs.org/S/RES/1261(1999) (last accessed: 07.04.2026); Children and armed conflict : Resolution 1882 (2009). URL: https://undocs.org/S/RES/1882(2009) (last accessed: 07.04.2026); Children and armed conflict : Resolution 1998 (2011). URL: https://undocs.org/S/RES/1998(2011) (last accessed: 07.04.2026).

[307] Питання діяльності органів опіки та піклування, пов'язаної із захистом прав дитини : Постанова Каб. Міністрів України від 24 верес. 2008 р. № 866. URL: https://zakon.rada.gov.ua/laws/show/866-2008-п#Text (дата звернення: 10.04.2026).

[308] Про затвердження Порядку надання статусу дитини, яка постраждала внаслідок воєнних дій та збройних конфліктів : Постанова Каб. Міністрів України від 05 квіт. 2017 р. № 268. URL: https://zakon.rada.gov.ua/laws/show/268-2017-п#Text (дата звернення: 10.04.2026).

[309] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026); Конвенція про статус біженців : прийнята Ген. Асамблеєю ООН 28 лип. 1951 р. URL: https://zakon.rada.gov.ua/laws/show/995_011#Text (дата звернення: 10.04.2026).

and Fundamental Freedoms[310], as well as in the Convention on the Rights of the Child[311], which obliges the state to protect the child against any form of interference in their private life.

To summarise the above, it should be noted that the impact of armed aggression on exercising children's rights is complex in nature and requires the adaptation of civil law mechanisms to the conditions of martial law, taking into account the principle of the child's best interests. The use of rights in such conditions is complicated, leading to an imbalance between legal guarantees and their actual implementation[312].

The child's personal non-pecuniary rights are most severely affected, in particular, the right to life, health and a safe environment, which are under threat due to hostilities, the destruction of infrastructure and limited access to medical and social services, in breach of international standards and national guarantees. At the same time, psychological trauma among children is widespread and recognised both internationally, notably in UN Security Council resolutions[313], and under national guarantees[314], highlighting the need of strengthening the mechanisms to ensure these rights.

The right to family upbringing may be significantly violated due to family separation, loss of parental care and forced displacement, which contravenes the norms of international humanitarian law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War[315]. This requires strengthening the role of child welfare authorities and improving mechanisms for the protection of children[316].

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[310] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026).

[311] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[312] Lbid.

[313] Загальна декларація прав людини : прийнята резолюцією 217 А (III) Ген. Асамблеї ООН від 10 груд. 1948 р. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 10.04.2026); Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026); Конституція України : від 28 черв. 1996 р. № 254к/96-ВР. URL: https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text (дата звернення: 10.04.2026).

[314] Про правовий режим воєнного стану : Закон України від 12 трав. 2015 р. № 389-VIII. URL: https://zakon.rada.gov.ua/laws/show/389-19#Text (дата звернення: 10.04.2026).

[315] Женевська конвенція про захист цивільного населення під час війни : міжнар. документ від 12 серп. 1949 р. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text (дата звернення: 10.04.2026).

[316] Children and armed conflict : Resolution 1261 (1999). URL: https://undocs.org/S/RES/1261(1999) (last accessed: 07.04.2026).

War also profoundly affects children's pecuniary rights: the destruction of homes, loss of property and the difficulty of obtaining compensation raise the issue of redress under civil law and international standards.

A separate area concerns the transformation of the way rights are exercised through digital technologies, which, alongside new opportunities (education, access to information), gives rise to risks of privacy breaches and the personal data processing that require improvements to civil law protection mechanisms[317].

Thus, the impact of armed aggression on invoking children's rights is systemic and multidimensional in nature, manifesting itself in a comprehensive violation of the conditions for exercising both personal non-pecuniary rights and property rights. This creates an objective need for a holistic enhancement of civil law mechanisms to ensure these rights, taking into account contemporary challenges.

Effective protection of children's rights in wartime is possible only through a coordinated combination of international standards, national legislation and sound law enforcement practice. The guiding principle in this area must be the best interests of the child, which should ensure that their rights and needs are prioritised both in law-making and in the process of law enforcement[318].

2 Mechanisms for the civil law protection of children's rights in armed conflict situations

The mechanisms of the civil law protection of children's rights in armed conflict situations constitute a complex, multi-tiered system of legal remedies aimed at ensuring, restoring and safeguarding the violated or disputed rights of the child as a special subject of private law relations. In this context, civil law performs a key function of individualised protection of children's rights, guided by the principles of their reality and effectiveness, which corresponds to the international standards enshrined in the Convention on the Rights of the Child[319].

A fundamental mechanism of civil law protection is *court protection*, which is enforced through bringing a claim before the court seeking recognition, cessation or restoration of the child's infringed rights. In accordance with the constitutional guarantees of the right to court protection, as well as the provisions

[317] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026); Конвенція про статус біженців : прийнята Ген. Асамблеєю ООН 28 лип. 1951 р. URL: https://zakon.rada.gov.ua/laws/show/995_011#Text (дата звернення: 10.04.2026).

[318] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[319] Ibid.

of civil legislation, the child is entitled to the protection of their personal non-pecuniary and property rights. To that end, claims for the protection of the right to life and health, honour and dignity, and privacy, as well as claims for paying pecuniary and non-pecuniary damages caused by armed aggression, are becoming of particular importance. Case law confirms a trend towards broadening approaches to the protection of the rights of persons affected by hostilities, including children[320].

A distinctive feature of court protection in wartime is *the transformation of the evidentiary process*, linked to the active use of electronic evidence. Photographic and video evidence, digital records, log files, metadata and other electronic data are increasingly serving as the primary means of proving infringements of children's rights. This approach aligns with contemporary trends in developing the law of evidence, requires legislative consolidation and procedural adaptation.

An important element of the civil law protection mechanism is *the institution of compensation for damage*, which serves as the key means of restoring violated rights. In cases where harm is caused to a child as a result of armed aggression, the question *of determining the liable party* is particularly significant. It may include the aggressor state, as well as other entities responsible for the violation of rights. At the same time, *establishing a causal link between unlawful acts and the harm is complicated by the conditions of war*, which requires flexible approaches to evidence. Special attention should be paid to *compensation for non-pecuniary damage*, which in the case of children is profound and long-lasting. Further, it also requires special assessment criteria, in line with international standards for the protection of children's rights[321].

The institution of *legal* representation occupies a distinct place within the protection system. In the context of armed conflicts, its significance increases substantially, as a child does not always have the opportunity to exercise their rights independently. Yet, situations where parental care is lost or representation cannot be exercised are common, highlighting the need to involve guardianship and care authorities, whose activities are regulated by relevant legal regulations and bylaws[322], as well as other authorised bodies.

[320] Про внесення змін до деяких законодавчих актів України щодо посилення соціального захисту дітей та підтримки сімей з дітьми : Закон України від 26 січ. 2016 р. № 936-VIII. *Законодавство України. Верховна Рада України.* Ред. від 01.01.2020. URL: https://zakon.rada.gov.ua/laws/show/936-19#Text (дата звернення: 10.04.2026).

[321] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[322] Питання діяльності органів опіки та піклування, пов'язаної із захистом прав дитини : Постанова Каб. Міністрів України від 24 верес. 2008 р. № 866. URL: https://zakon.rada.gov.ua/laws/show/866-2008-п#Text (дата звернення: 10.04.2026).

Consequently, the principle of the best interests of the child is gaining importance as the defining criterion for exercising representation.

An important area for the development of civil law protection mechanisms is *ensuring children's access to justice*. This entails not only the formal possibility of bringing a case before the court, but also the creation of practical conditions for the effective protection of their rights, including the simplification of procedures, the provision of free legal aid, and the adaptation of court proceedings to the child's age and psychological characteristics. This approach is in line with international standards on the access to justice and the provision of effective legal remedies[323].

Alongside judicial mechanisms, *alternative means of protecting children's rights* are becoming increasingly important, in particular, *mediation and other forms of out-of-court dispute resolution*. Although their application in the field of child rights protection is subject to limitations linked to the need to ensure the best interests of the child, they can be effective in resolving conflicts not involving violence or gross violations of rights.

The digital dimension of civil law protection of children's rights should be addressed. The use of electronic services and digital platforms creates new opportunities for the realisation and protection of rights, but at the same time gives rise to risks of violations of the right to privacy, unlawful processing of personal data and digital violence. In this context, it is essential to improve the legal framework for the protection of children's personal data, ensure their information security, and recognise electronic evidence as fully valid means of proof in civil proceedings, in line with the general standards for the protection of privacy[324].

It is also important *to take into account international legal standards* that set out minimum safeguards for the protection of children's rights in armed conflicts. In particular, the Geneva Convention relative to the Protection of Civilian Persons in Time of War and other instruments of international humanitarian law establish the obligation of states to ensure special protection for children, which must be implemented in national civil law protection mechanisms.

Thus, mechanisms for the civil law protection of children's rights in armed conflict are comprehensive in nature and encompass judicial, extrajudicial, restorative and preventive measures. Their effectiveness depends on the approximation of international standards to national legislation, sound

[323] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026); Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[324] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026).

law enforcement practices, and the focus on the principle of the child's best interests as the cornerstone of their rights protection[325].

The means of civil law protection of children's rights in situations of armed conflict constitute a set of legal measures provided for by law, aimed to stop violations of rights, restore them and provide compensation for the caused damage. Under martial law, the significance of such remedies increases substantially, because they truly ensure the practical implementation of legal guarantees and act as a key element of the effective protection of children's rights, in line with international standards, particularly, the Convention on the Rights of the Child[326].

Traditionally, in civil law, remedies are defined as universal legal instruments, specified, in particular, in Article 16 of the Civil Code of Ukraine[327], which provides for an open list of remedies for civil rights. However, their application to children's rights in case of armed aggression acquires its special features, due to the high vulnerability of this category of individuals and the nature of the violations, which are systemic and widespread.

One of the fundamental means of protection is *the recognition of rights*, which takes on particular significance in cases of legal uncertainty that arise from the loss of documents, internal displacement or family separation. This approach allows for the restoration of legal certainty and ensures the continued realisation of children's rights, particularly in the domain of the access to social, educational and other services guaranteed by law[328].

An important measure is *the cessation of actions* that violate the law or pose a threat of such violation. In the context of armed aggression, this may concern unlawful interference in a child's private life, the unlawful use of their personal data, the dissemination of information that undermines honour and dignity, or other forms of infringing personal non-pecuniary rights, which contravenes both national regulations and international standards of privacy protection[329].

[325] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[326] Lbid.

[327] Цивільний кодекс України : від 16 січ. 2003 р. № 435-IV. *Законодавство України. Верховна Рада України.* Ред. від 01.02.2026. URL: https://zakon.rada.gov.ua/laws/show/435-15#Text (дата звернення: 10.04.2026).

[328] Про охорону дитинства : Закон України від 26 квіт. 2001 р. № 2402-III. URL: https://zakon.rada.gov.ua/laws/show/2402-14#Text (дата звернення: 10.04.2026); Про забезпечення прав і свобод внутрішньо переміщених осіб : Закон України від 20 жовт. 2014 р. № 1706-VII. *Законодавство України. Верховна Рада України.* URL: https://zakon.rada.gov.ua/laws/show/1706-18#Text (дата звернення: 10.04.2026).

[329] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026); Факультативний протокол до Конвенції про права дитини щодо участі дітей у збройних конфліктах : міжнар. Документ від 01 січ. 2000 р. *Законодавство України. Верховна Рада України.* URL: https://zakon.rada.gov.ua/laws/show/995_795#Text (дата звернення: 10.04.2026).

Restoring the situation that existed prior to the right violation is a priority, insofar as this is possible in wartime conditions. Although full restoration is often compliacated or impossible (particularly in cases of losing homes, family or safe environment), this approach retains its value as a legal benchmark, especially, in the matters of returning children, family reunification or the restoration of access to basic social and educational services. In this regard, international standards play an important role, in particular, the provisions of international humanitarian law on the protection of civilians[330].

Compensation for pecuniary and non-pecuniary damage caused to a child occupies a central place among the means of protection. In cases of armed aggression, damage may be both pecuniary (loss of property, housing) and non-pecuniary (psychological trauma, suffering, loss of a sense of security). A key feature is the need to take into account the child's age, psycho-emotional and social characteristics when determining the extent of non-pecuniary damage, as well as the difficulty of establishing a causal link in conditions of martial law. This approach is consistent with international standards for the protection of children's rights as an especially vulnerable group[331].

It is also essential to delve into issue of *refuting false information* that violates the child's honour, dignity and private life. In the context of information warfare and the digital environment, this method of protection is particularly relevant, given the spread of false or harmful information that may have a lasting negative impact on the child's mental state.

Another important means of protection is *the declaration of a transaction as invalid* if it was concluded in violation of the child's rights and interests, in particular without the proper involvement of legal representatives or under circumstances that restricted the freedom of expression of will. Conditions of martial law significantly increase the risk of such transactions being concluded, necessitating enhanced judicial oversight.

In the current context of the digital society development, special means of protection related to the digital environment are of particular importance. This refers, inter alia, to the requirements to delete child's personal data, restricting access to harmful content, and blocking the unlawful use of information about the child, which is directly linked to ensuring the right to privacy and information security[332].

[330] Женевська конвенція про захист цивільного населення під час війни : міжнар. документ від 12 серп. 1949 р. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text (дата звернення: 10.04.2026).

[331] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[332] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026).

Consequently, the methods of civil law protection of children's rights in the context of armed conflict *are complex and multi-layered in nature and require adaptation to the specific nature of contemporary challenges*. Their effective application is possible only through a systematic approach that combines national legal regulation, international standards and law enforcement practice, focused on ensuring the best interests of the child as the guiding principle in the area of protecting their rights[333].

At the same time, *compensation for damage* occupies a special place among the means of civil law protection of children's rights, acting as a key instrument for the restoration of violated rights in the realm of private law relations. It is this method that provides compensation for the negative effects of violations, which, in case of armed aggression, become more intense and widespread, in line with the general principles of the protection of children's rights enshrined in international law[334].

In this respect, compensation for damage should be regarded as *an independent civil law mechanism for the protection of children's rights*, which has specific characteristics determined by the nature of the harm caused as a result of military actions, as well as by the special legal status of the child as a vulnerable individual. Unlike classic tortious obligations, establishing liability in these legal relationships is significantly complicated, as the damage is frequently caused by the actions of the aggressor state, which extend beyond national jurisdiction. Therefore, the importance of both domestic compensation mechanisms and international legal protection instruments, as provided for, in particular, by the norms of international humanitarian law[335] and general standards for the protection of human rights[336], is growing.

The damage caused to a child may be of both a pecuniary and non-pecuniary nature. Pecuniary damage manifests itself in the loss of housing, property and means of subsistence, which corresponds to a violation of property rights and social guarantees provided for by national legislation[337]. At the same time,

[333] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[334] Ibid.

[335] Женевська конвенція про захист цивільного населення під час війни : міжнар. документ від 12 серп. 1949 р. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text (дата звернення: 10.04.2026).

[336] Загальна декларація прав людини : прийнята резолюцією 217 А (III) Ген. Асамблеї ООН від 10 груд. 1948 р. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 10.04.2026).

[337] Про внесення змін до деяких законодавчих актів України щодо посилення соціального захисту дітей та підтримки сімей з дітьми : Закон України від 26 січ. 2016 р. № 936-VIII. URL: https://zakon.rada.gov.ua/laws/show/936-19#Text (дата звернення: 10.04.2026); Про затвердження Порядку надання статусу дитини, яка постраждала внаслідок воєнних дій та збройних конфліктів : Постанова Каб. Міністрів України від 05 квіт. 2017 р. № 268. URL: https://zakon.rada.gov.ua/laws/show/268-2017-п#Text (дата звернення: 10.04.2026).

non-pecuniary damage encompasses physical and mental suffering associated with the traumatic experience of war, the loss of loved ones, forced displacement and the disruption of one's normal way of life. The distinctive feature of non-pecuniary damage in the case of children lies in its long-lasting and profound impact on personality development, which requires the application of special approaches to its assessment.

When determining the extent and methods of compensation for damage, the principle of the child's best interests, enshrined in international law[338], that underpins all legal decisions in this area, is of paramount importance. This means that compensation mechanisms must be aimed not only at formal compensation for losses, but also at ensuring the restoration of the child's physical and psycho-emotional well-being, their social adaptation and further development.

An important aspect is proving the fact of the harm caused and its extent. Provided armed aggression, electronic evidence is becoming increasingly significant, notably photographic and video materials, digital records, and data from information systems confirming the destruction of property, harm to health, or other violations of children's rights. This practice aligns with contemporary trends in the development of civil procedure and requires further legislative consolidation and refinement.

The effectiveness of compensation for harm depends to a large extent on the existence of effective mechanisms for implementing relevant decisions, including the setup of special compensation funds, the simplification of the procedures for receiving payments, and ensuring access to legal aid. Accordingly, it is important to combine civil law instruments with public law mechanisms for supporting affected children and reflecting the comprehensive nature of legal regulation.

Thus, compensation for damage in the context of armed conflict is a central element of the civil law system for the protection of children's rights, whose effectiveness is determined by the ability to ensure not only the formal restoration of violated rights, but also a real improvement in the child's situation, following the principle of the child's best interests[339].

Alongside compensation for damage, the *institution* of *legal representation* plays a significant role in the system of civil law protection of children's rights, ensuring the exercise of the child's rights whilst taking into account their age and limited legal capacity. Legal representatives – parents, adoptive parents,

[338] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[339] Ibid.

guardians or carers – act as the primary agents through whom the child uses their rights in civil legal relations.

In case of armed aggression, the role of legal representatives becomes significantly more important; however, the effectiveness of this institution is often hampered by objective circumstances, such as the death or disappearance of parents, family separation, forced displacement or residence outside the country. In this regard, there is a pressing need to adapt representation mechanisms, in particular through the active involvement of guardianship and care authorities, whose activities are regulated by relevant regulations and bylaws[340], as well as other authorised entities.

At the same time, it is important *to simplify the procedures for confirming the powers of legal representatives in crisis situations*, which will facilitate a prompt response to violations of children's rights. In this regard, the principle of the child's best interests[341] must determine the scope and limits of representation, ensuring a balance between the protection of the child's rights and the consideration of their views depending on their age and development level.

An important element of the civil law protection system is court protection, which serves as the universal and most effective means of restoring a child's violated rights. In the context of armed aggression, this type of protection takes on specific characteristics related to the need of adapting procedural rules to crisis conditions. In particular, there is a growing need for remote participation in court proceedings, the simplification of evidentiary procedures, the expansion of opportunities to use electronic evidence, and ensure access to justice for children who are in a combat zone or are internally displaced, according to the provisions of legislation on the protection of internally displaced persons[342].

Particular attention should be paid to the implementation of *a child-centred approach in court proceedings*, which entails *taking into account the child's age and psychological characteristics, minimising their re-traumatisation, and creating a safe environment for them to express their views and participate in the proceedings*. This approach is consistent with international standards for the protection of children's rights, inter alia, the provisions of the Convention

[340] Питання діяльності органів опіки та піклування, пов'язаної із захистом прав дитини : Постанова Каб. Міністрів України від 24 верес. 2008 р. № 866. URL: https://zakon.rada.gov.ua/laws/show/866-2008-п#Text (дата звернення: 10.04.2026).

[341] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[342] Про забезпечення прав і свобод внутрішньо переміщених осіб : Закон України від 20 жовт. 2014 р. № 1706-VII. URL: https://zakon.rada.gov.ua/laws/show/1706-18#Text (дата звернення: 10.04.2026).

on the Rights of the Child[343], which require child's views to be considered and provided with adequate protection in legal proceedings.

An important contemporary element of the civil law mechanism for the protection of children's rights is the use of electronic evidence, which is driven by the digitalisation of social relations and the specific nature of recording offences during wartime. In many cases, it is electronic data that serves as the key or sole source of information regarding violations of children's rights, particularly in cases of the destruction of homes, harm to health, violence or forced displacement.

Electronic evidence covers a wide range of digital information, including photographs and video recordings, data from mobile devices, CCTV footage, information from social media, log files, metadata and other digital traces. Their use in civil proceedings ensures the prompt recording of offences and enhances the effectiveness of evidence, which is especially important where access to traditional evidence is limited.

Yet, the use of electronic evidence in cases concerning the children's rights protection requires compliance with a number of requirements, in particular, ensuring its authenticity, relevance and admissibility, as well as guaranteeing the protection of the child's personal data. In this context, it is vital to comply with the privacy standards set out in international law[344], as well as prevent the child from being re-traumatised during the use of materials that may contain sensitive information.

Furthermore, the effectiveness of civil law protection of children's rights in situations of armed aggression depends to a large extent on the observance and implementation of international legal standards. These standards provide general guidelines for national legal regulation and define minimum safeguards for the protection of children's rights in situations of armed conflict, e.g. within the framework of international humanitarian law[345] and the universal human rights system[346].

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[343] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[344] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026).

[345] Женевська конвенція про захист цивільного населення під час війни : міжнар. документ від 12 серп. 1949 р. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text (дата звернення: 10.04.2026).

[346] Загальна декларація прав людини : прийнята резолюцією 217 A (III) Ген. Асамблеї ООН від 10 груд. 1948 р. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 10.04.2026); Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

The principle of the child's best interests is of key importance in this respect, since it is crucial in applying any protection mechanisms and takes precedence over other considerations. Furthermore, the standards relating to the protection of children from violence, safeguarding their right to life, development and education, as well as the right to an effective remedy are highly important[347].

Thus, the mechanisms for the civil-law protection of children's rights in situations of armed conflict are characterised by their complexity and dynamism, and they require continuous improvement in light of contemporary challenges. Their effectiveness is ensured only through the combination of national legislation, international standards and sound law enforcement practices aimed at ensuring the effective protection of children's rights.

International legal instruments *establish the obligation of states to ensure appropriate conditions for the protection of the rights of the children affected by armed conflicts*, particularly, by establishing effective legal mechanisms, ensuring access to justice and providing appropriate assistance. This obligation stems directly from the provisions of the Convention on the Rights of the Child[348], which enshrines the principle of the best interests of the child, as well as from the norms of international humanitarian law, inter alia, the Geneva Convention relative to the Protection of Civilian Persons in Time of War[349], which provides for a special regime of protection for children as a vulnerable civilian population category. At the same time, these instruments contribute to the development of the unified approaches to assessing violations of children's rights and determining responsibility for such violations, which is of great importance for the development of national legal protection mechanisms.

Consequently, the integration of international legal standards into the national legal system is a prerequisite for enhancing the effectiveness of civil law protection of children's rights. It ensures the harmonisation of legal regulation, consistency in law enforcement practice, and alignment with universally recognised principles of human rights protection, as specified,

[347] Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026); Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[348] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[349] Женевська конвенція про захист цивільного населення під час війни : міжнар. документ від 12 серп. 1949 р. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text (дата звернення: 10.04.2026).

in particular, in international instruments[350]. The use of electronic evidence, combined with a focus on international legal standards, is an integral part of the modern model of civil law protection of children's rights in situations of armed conflict. Their integration into the national legal system contributes to enhancing the effectiveness of the protection of children's rights, ensuring an adequate level of evidentiary reliability, legal certainty and compliance with international requirements in the field of human rights protection.

The study found that mechanisms for the civil law protection of children's rights in armed conflict are undergoing significant transformations, driven by children's high vulnerability and the limitations on their practical ability to exercise their rights. This necessitates the adaptation of traditional protection methods to the conditions of martial law, taking into consideratrion the specific nature of contemporary challenges.

It is argued that the system of civil law protection of children's rights is holistic in nature and includes both classical remedies provided for by civil legislation (compensation for pecuniary and non-pecuniary damage, cessation of the violation of a right, declaration of actions as unlawful, restoration of the situation that existed prior to the violation), as well as special mechanisms aimed at ensuring a higher level of safeguards for the child as a particularly vulnerable individual.

It has been demonstrated that institutions for compensation for the damage caused by armed aggression play a key role in ensuring effective protection; these must take into account both direct property losses and significant non-pecuniary consequences associated with the violation of the child's physical, mental and social well-being. In this context, broadening approaches to compensation for non-pecuniary damage and simplifying the procedures for proving it gain particular significance.

It has been established that the effectiveness of civil law protection depends, to a high degree, on the proper implementation of the institution of legal representation, since it is legal representatives who ensure the exercise and protection of the child's rights in civil legal relations. At the same time, in wartime conditions, there is a need to improve the legal regulation of their activities, considering situations of the loss or restriction of the family environment.

The justified growing role of judicial protection of children's rights is to be mentioned. It aims to ensure not only the formal resolution

[350] Загальна декларація прав людини : прийнята резолюцією 217 А (III) Ген. Асамблеї ООН від 10 груд. 1948 р. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 10.04.2026); Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : (Рим, 4.XI.1950). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 10.04.2026); Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

of disputes but also the actual restoration of violated rights, taking into account the principle of the child's best interests. An important element of modern judicial protection is the use of electronic evidence, in particular digital traces reflecting instances of rights violations in the digital environment.

It is emphasised that the integration of international legal standards into the national legal system is a necessary condition for enhancing the effectiveness of the protection of children's rights, in particular through the implementation of approaches to assessing harm, ensuring access to justice, and establishing special safeguards for children affected by armed conflict.

To summarise the above, it should be noted that the development of an effective mechanism for the civil-law protection of children's rights under armed conflicts must be based on a combination of traditional legal instruments and modern approaches designed to ensure the effective, timely and full restoration of violated rights, as well as prevention of their violation in the future.

3 Violence against a child under armed aggression as a basis for the emergence of tortious legal relations and liability

The contemporary transformational processes taking place in Ukraine under the influence of armed aggression necessitate not only a reassessment of the functional purpose of civil law, but also a substantial updating of its conceptual foundations. At the heart of these changes, a human-centred paradigm is becoming increasingly prominent. According to it, the priority is given not to the formal observance of legal constructs, but to ensuring the real, effective and timely protection of human rights, above all those of the most vulnerable groups – children [20].

Armed aggression creates a qualitatively new context for the functioning of civil law institutions, as it is accompanied by systematic violations of fundamental rights and freedoms, the destruction of social ties, forced displacement of the population, and the loss of a safe living environment. In these circumstances, children find themselves in a situation of heightened legal and practical vulnerability, which significantly increases their risk of experiencing various forms of violence – both direct and indirect[351]. At the same time, pursuant to Article 3 of the Convention on the Rights of the Child, in all actions concerning children, the best interests of the child must be a primary

[351] Нагнибіда В. І., Мул А. М. Відшкодування шкоди в умовах воєнного стану. Київ : Юстініан, 2023. 256 с.

consideration[352], which requires higher standards of legal protection in these legal relationships.

It is particularly significant here to consider the institution of tort liability, which serves as a key instrument for the restoration of infringed rights and compensation for damage caused. It is through the prism of tort legal relationships that the exercise of an individual's right to compensation for damage, enshrined in Articles 16, 22, 23 and 1166 of the Civil Code of Ukraine, is ensured[353]. At the same time, the application of the classical model of tort liability to situations involving violence against children in wartime reveals a number of theoretical and practical problems, particularly regarding the establishment of the elements of a civil offence.

In particular, in such legal relationships, it is difficult to establish and assess the key elements of a tort – damage, unlawfulness, fault and causation. This is due both to the specific nature of violence against children, which is often prolonged, latent and cumulative, and to the influence of the wartime context, which creates a multifactorial environment for causing damage [20].

Consequently, classical approaches based on the linear "unlawful conduct – damage" model prove insufficient for an adequate legal assessment of such situations.

An additional factor is the influence of international standards for the protection of children's rights. The Convention on the Rights of the Child[354] and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)[355] impose an obligation on the state to ensure the effective protection of children from all forms of violence, including psychological and indirect violence. The case law of the European Court of Human Rights also establishes an approach whereby the state may be held liable even where it is difficult to prove certain elements of the offence, if effective protection of human rights has not been ensured [2; 3]. In this respect, the comprehensive analysis of violence against children in the context of armed aggression as the grounds for the emergence of tortious legal relations becomes

[352] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[353] Цивільний кодекс України : від 16 січ. 2003 р. № 435-IV. URL: https://zakon.rada.gov.ua/laws/show/435-15#Text (дата звернення: 10.04.2026).

[354] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[355] Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) : adopted 11 May 2011. *Council of Europe*. URL: https://rm.coe.int/168008482e (last accessed: 10.04.2026).

particularly relevant, requiring not only the formal application of civil law provisions but also their profound re-examination through the prism of contemporary challenges. This analysis requires clarification of the content and interaction of the basic elements constituting a civil offence: damage, unlawfulness, fault and causation. It is their systematic study that enables the establishment of a modern, human-centred model of civil liability, capable of ensuring effective, real and timely protection of children's rights according to national and international standards [20].

Turning to a doctrinal analysis of this issue, it should be noted that civil law doctrine is gradually drafting away from a formalistic approach to tort liability as a set of rigidly defined elements. Instead, a functional approach is gaining ground, one focused on achieving a fair outcome and the effective remedy of the violated right [21].

This is particularly relevant in cases concerning the protection of children's rights, where priority should be given to the effectiveness of protection rather than the formal proof of each element of the offence.

The academic civil law doctrine also demonstrates evolution in approaches to understanding tort liability. Thus, N. S. Kuznetsova argues that modern civil law should be oriented not towards the formal establishment of the elements of an offence, but towards achieving a just outcome that effectively remedies the violated right [20].

This means that the key criterion for the law application should not be the formal presence of all elements of the tort in their classical form, but the ability of the legal system to ensure real protection for the injured party.

Developing this position, R. A. Maidanik emphasises the compensatory nature of civil liability, which should be directed primarily at remedifying the violated state, rather than at punishing the wrongdoer [21].

In this respect, tort liability is increasingly taking on the features of a socially oriented institution, functionally related to ensuring the fair distribution of the offence negative effects.

At the same time, Ukrainian research expresses reservations regarding the excessive expansion of the grounds for liability. Thus, I. V. Spasibo-Fateeva notes the need to maintain a balance between the interests of the injured party and the principle of legal certainty, stressing that blurring the boundaries of tort liability may lead to a loss of its systematic nature [35]. This position is important in the context of ensuring the stability of civil transactions and preventing the unjustified imposition of liability.

In foreign legal doctrines, these processes take on an even more radical character. Thus, H. Koziol justifies the concept of risk allocation,

according to which liability may be imposed not only on the direct perpetrator of the damage, but also on other entities, including the state, insurance funds and other institutions [9]. In turn, C. von Bar develops the concept of "risk socialisation", according to which compensation for damage must be provided even in the absence of a clearly identified wrongdoer, if this is required by the principles of justice and good faith [1]. Similar approaches are supported by D. Shelton, who emphasises that the effectiveness of human rights protection is determined not by the formal establishment of liability, but by the reality of access to compensation [11].

In this context, it is the outcome that is of key importance – the remedy of the violated right and the provision of an adequate level of protection for the victim.

At the same time, the specific nature of the legal regime under martial law necessitates the adaptation of classical approaches to tort liability. As noted by V. I. Nagnybida and A. M. Mul, in such circumstances there arises an objective need to introduce mechanisms for state compensation for damage, stemming from the state's positive obligation to protect human rights [22].

This is particularly relevant in cases where harm is caused to a child who is unable to exercise their rights independently or obtain adequate protection.

Thus, the scientific approaches outlined above provide a theoretical foundation for further analysis of the classic elements of a civil offence in cases of violence against a child in the context of armed aggression.

First and foremost, damage, as a key element of the tortious offence under domestic law, is determined by the adverse consequences suffered by an individual due to a breach of their subjective rights or legally protected interests. Pursuant to Article 22 of the Civil Code of Ukraine (hereinafter – the Civil Code of Ukraine, or CCU), damage includes actual losses and loss of profit, whilst Article 23 of the CCU provides for the possibility of compensation for non-pecuniary (moral) damage[356]. However, in the context of violence against a child, it is moral harm that takes on priority, as it is complex and multidimensional in nature.

This refers not only to physical pain or short-term emotional distress, but to a systemic disruption of the child's psycho-emotional state, a loss of a sense of security, trust in their immediate environment, and disruption of the processes of socialisation and personality development. As N. S. Kuznetsova rightly notes that harm in modern civil law should be regarded not merely as a legal fact, but aslo as a socially significant consequence of a right violation, requiring adequate compensation under the principles of justice and reasonableness [20].

[356] Цивільний кодекс України : від 16 січ. 2003 р. № 435-IV. URL: https://zakon.rada.gov.ua/laws/show/435-15#Text (дата звернення: 10.04.2026).

International standards also significantly broaden the scope of this category. In particular, the Convention on the Rights of the Child enshrines the state's obligation to ensure the protection of the child from all forms of physical and psychological violence[357], whilst the Istanbul Convention emphasises the comprehensive nature of harm, including psychological, social and even long-term consequences for personality development[358]. This approach highlights the need to assess harm not merely in narrow property terms, but through the prism of violations of the child's fundamental rights and freedoms.

The next element requiring separate consideration is unlawful conduct. The second element is unlawful conduct, which in civil law is understood as an act or omission that violates legal norms or the subjective rights of another person. According to Article 1166 of the Civil Code of Ukraine, damages are subject to compensation where the perpetrator's conduct is unlawful[359]. However, in the context of violence against a child, unlawfulness has a broader meaning, as it is determined not only by the provisions of civil legislation but also by specific regulations.

In particular, the Law of Ukraine "On the Prevention and Combating of Domestic Violence" defines violence as acts or omissions of a physical, psychological, economic or sexual nature[360]. It is important to note that the law recognises a child who witnesses violence as a victim, which significantly broadens the scope of what constitutes unlawful conduct. In this respect, unlawful conduct encompasses not only direct harm to the child, but also the creation of a dangerous, traumatic environment for them.

The Istanbul Convention further expands this concept to include gender-based violence, as well as its newer forms, in particular cyberviolence. The ECtHR judgment in *Buturugă v. Romania* case emphasises that control over a person's private life, particularly digital control, may constitute a form of psychological violence [14]. This is of fundamental importance for the contemporary understanding of unlawfulness, which increasingly extends beyond traditional physical forms of influence.

An equally important element of the tortious offence is fault. The third element is fault, which is defined in civil law as a person's mental attitude towards

[357] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[358] Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) : adopted 11 May 2011. URL: https://rm.coe.int/168008482e (last accessed: 10.04.2026).

[359] Цивільний кодекс України : від 16 січ. 2003 р. № 435-IV. URL: https://zakon.rada.gov.ua/laws/show/435-15#Text (дата звернення: 10.04.2026).

[360] Про запобігання та протидію домашньому насильству : Закон України від 07 груд. 2017 р. № 2229-VIII. *Законодавство України. Верховна Рада України.* Ред. від 19.12.2024. URL: https://zakon.rada.gov.ua/laws/show/2229-19#Text (дата звернення: 10.04.2026).

their conduct and its consequences. According to general provisions, fault may manifest itself in the form of intent or negligence[361]. However, in cases involving violence against a child, fault must be assessed taking into account a higher standard of protection, due to the child's vulnerability.

Modern civil law doctrine emphasises that liability cannot be limited solely to cases where guilt is proven beyond reasonable doubt. As R. A. Maidanik notes, the function of civil liability is transforming into a compensatory rather than a punitive one, which necessitates a more flexible approach to establishing fault [21]. This position is also supported in case law.

Thus, the Supreme Court, in the ruling of the Grand Chamber of 31 October 2018 in case No. 761/19448/15-c, noted that when determining the grounds and amount of compensation for non-pecuniary damage, the court must take into account the nature of the offence, the severity of physical and mental suffering, the duration of the negative consequences, as well as other case facts, being guided by the principles of reasonableness, proportionality and fairness[362]. This approach points to the departure from a formalistic approach to establishing fault as the sole basis for liability and a focus on the effective protection of the individual's infringed rights. A similar approach can be observed in the practice of the European Court of Human Rights, in particular in the case of Opuz v. Turkey, where emphasis is placed on the State's positive obligation to ensure effective protection of the individual even in the absence of direct fault on the part of a specific entity [3].

The final element in this system is the causal link. The fourth element is the causal link between unlawful conduct and damage. In the classical sense, this means that the harm must be a direct consequence of the unlawful conduct. However, in cases of violence against a child, this link is often complex, multifactorial and cumulative in nature.

As noted by N. S. Kuznetsova, in modern civil law, the causal link does not always have to be direct and linear; it is sufficient to establish that the conduct substantially contributed to the occurrence of the harm or exacerbated it [20]. The Supreme Court, in its ruling of 3 June 2021 in case No. 686/34047/19, also emphasised the need to take into account all the circumstances of the case when establishing a causal link[363].

[361] Цивільний кодекс України : від 16 січ. 2003 р. № 435-IV. URL: https://zakon.rada.gov.ua/laws/show/435-15#Text (дата звернення: 10.04.2026).

[362] Крат В. Практика Верховного Суду у справах про компенсацію моральної шкоди : презентація. *Верховний Суд*. 2023. 65 с. URL: https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/2023_prezent/Pract_mor_shkodi_2023_06_17.pdf (дата звернення: 10.04.2026).

[363] Постанова Касаційного цивільного суду Верховного Суду від 03 червня 2021 р. у справі № 686/34047/19. *Протокол : юрид. інтернет ресурс*. URL: https://protocol.ua/ua/postanova_ktss_vp_vid_08_06_2021_roku_u_spravi_686_34047_19/ (дата звернення: 10.04.2026).

A distinctive feature of violence against a child is that the damage develops gradually – through systematic influence, the accumulation of psychologically traumatic factors, and prolonged exposure to a dangerous environment. The conditions of armed aggression further complicate this process, as they introduce factors of instability, fear, loss of social ties and security. At the same time, this does not negate the causal link, but merely complicates its structure.

In this regard, the analysis of the Ukrainian law in force, particularly, the provisions of the Civil Code of Ukraine[364], the Family Code of Ukraine[365], the Law of Ukraine "On the Prevention and Combating of Domestic Violence"[366], as well as international instruments, including the Convention on the Rights of the Child[367] and the Istanbul Convention[368], indicates a gradual shift away from a formal-legal approach to tort liability and a transition towards a human-centred model of civil law protection.

Thus, violence against a child in the context of armed aggression should be deemed not merely as a distinct form of unlawful conduct, but as complex, multi-layered grounds for the emergence of tortious legal relations, within which the classical elements of a civil offence acquire a qualitatively new meaning. This involves the transformation of the traditional model of tort liability, which for a long time was based on a formalised approach to establishing damage, unlawfulness, fault and causation, towards a functional, human-centred framework aimed at the effective protection of the victim's rights[369].

For this purpose, the principle of the child's best interests, specified in Article 3 of the Convention on the Rights of the Child, serves as a key methodological guideline for interpreting all elements of a tortious offence[370]. This

[364] Цивільний кодекс України : від 16 січ. 2003 р. № 435-IV. URL: https://zakon.rada.gov.ua/laws/show/435-15#Text (дата звернення: 10.04.2026).

[365] Сімейний кодекс України : від 10 січ. 2002 р. № 2947-III. *Законодавство України. Верховна Рада України.* Ред. від 04.03.2026. URL: https://zakon.rada.gov.ua/laws/show/2947-14 (дата звернення: 10.04.2026).

[366] Про запобігання та протидію домашньому насильству : Закон України від 07 груд. 2017 р. № 2229-VIII. URL: https://zakon.rada.gov.ua/laws/show/2229-19#Text (дата звернення: 10.04.2026).

[367] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

[368] Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) : adopted 11 May 2011. URL: https://rm.coe.int/168008482e (last accessed: 10.04.2026).

[369] Цивільний кодекс України : від 16 січ. 2003 р. № 435-IV. URL: https://zakon.rada.gov.ua/laws/show/435-15#Text (дата звернення: 10.04.2026).

[370] Конвенція про права дитини : прийнята Ген. Асамблеєю ООН 20 листоп. 1989 р. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text (дата звернення: 10.04.2026).

means that the assessment of whether an offence has been committed must not be carried out in isolation through the formal establishment of legal facts, but through the prism of the impact of the relevant conduct on the child's physical, mental and social well-being. This approach necessitates moving away from an overly narrow interpretation of the tort elements and towards a systematic, integrated understanding of them.

International human rights standards play a particular role in this process, notably the provisions of the Istanbul Convention, which explicitly establishes the state's obligation to ensure effective mechanisms for redressing harm to victims of violence, including in cases where the damage cannot be fully compensated by the actual perpetrator[371]. This provision significantly transforms the classical understanding of tort liability, as it expands its scope through the inclusion of public law elements linked to the state's positive obligations.

In effect, this involves the formation of a mixed model of liability, within which private-law mechanisms for compensation are supplemented by instruments of state intervention. This approach is consistent with the practice of the European Court of Human Rights, which has consistently emphasised that the state is liable not only for its own actions but also for its failure to prevent human rights violations. For instance, in the case *of Opuz v. Turkey*, the Court found a violation of the Convention due to the ineffectiveness of state protection against domestic violence [3], and in the case *of Buturugă v. Romania*, it emphasised the need to take into account modern forms of violence, including digital harassment [2].

Thus, the current trend in the development of civil law lies in the transformation of tort liability from a formalised construct, based exclusively on the four elements of a tort, to a comprehensive, human-centred model. Within this model, the priority is given to the effective protection of the individual's rights, the provision of genuine compensation for the caused damage, consideration of the victim's vulnerability, and the implementation of international standards in national law enforcement. It is this approach that allows violence against a child in armed aggression situations to be regarded as a specific, comprehensive basis for the emergence of tortious legal relations, requiring the adaptation of traditional legal mechanisms to modern conditions.

[371] Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) : adopted 11 May 2011. URL: https://rm.coe.int/168008482e (last accessed: 10.04.2026).

Conclusions

The conveyed study of the civil law foundations for protecting children's rights in the context of armed aggression allowed formulating the conclusions below.

1. It was established that the impact of armed aggression on the exercise of children's rights is systemic and multidimensional in nature, manifesting itself in complex violations of both personal non-pecuniaryand pecuniary rights. Under such conditions, there arises an objective need to develop an integrated model to legally regulate and combine international legal standards, national legislation and effective law enforcement practice.

2. It was demonstrated that armed aggression leads to a transformation of the actual content of a child's legal status without a formal change in the scope of their rights, resulting in the disruption between normative guarantees and the actual possibilities for their implementation. In this regard, civil law assumes an adaptive function aimed at ensuring the effective exercise of children's rights under martial law.

3. It is argued that the transformation of a child's legal capacity manifests itself in changes to the ways, in which legal capacity and capacity to act are exercised, as well as in the increased role of the institution of legal representation. This requires a flexible legal approach to the child's participation in civil legal relations, taking into account the circumstances of displacement, loss of the family environment and limited access to social services.

4. It was found that a child's personal non-pecuniary rights – the right to life, health, dignity, safety and development – are most vulnerable in conditions of armed aggression, which requires the strengthening of civil law mechanisms for their protection. It is especially important to note the expansion of opportunities for compensation for non-pecuniary damage, the improvement of procedures for the protection of honour and dignity, and the provision of a safe environment for the child.

5. It was shown that violations of a child's pecuniary rights in wartime, particularly due to the destruction or damage of their property, and restrictions on access to resources and social benefits, necessitate the development of effective civil law remedies. In this context, institutions for damage compensation and the introduction of special legal regimes to protect children's rights as a vulnerable category of individuals play a key role.

6. It is argued that the digitalisation of social relations under martial law transforms the forms of realisation of children's rights, requiring the adaptation of civil law instruments to the digital environment. This encompasses

issues of personal data protection, privacy, information security and the use of electronic evidence.

7. The discussed approach states that an effective model of civil law protection of children's rights must combine traditional legal institutions with innovative mechanisms adapted to the conditions of armed aggression and digitalisation. Such a model must ensure not only the restoration of violated rights, but also their preventive protection.

8. It is demonstrated that the contemporary development of civil law is characterised by a transition to a human-centred model of tort liability, within which priority is given to the effective protection of the victim's rights, consideration of their vulnerability, and the provision of genuine compensation for damage. In this respect, violence against a child in the context of armed aggression is regarded as a complex basis for the emergence of tortious legal relations, requiring the adaptation of classical legal constructs to contemporary challenges.

9. In summary, the key methodological guideline for improving civil law regulation in the field under study is the principle of the child's best interests, which must ensure that the child's rights and needs are prioritised in shaping both normative and law enforcement decisions.

Abstract

The "Civil Law Principles of Child Rights Protection in Conditions of Armed Aggression" paper offers comprehensive analysis of the transformation of civil law regulation of children's rights in wartime, considering international legal standards and national legislation. Structurally, the study comprises three interrelated sections, which sequentially examine the child's legal status, the mechanisms for their protection, and the specific features of liability for damage caused, particularly in cases of violence.

In the first section, "The legal status of the child in conditions of armed aggression: the civil law dimension", it is argued that in wartime, the legal capacity of the child acquires a special meaning, determined by an increased level of vulnerability and the need for additional safeguards. It is demonstrated that traditional approaches in civil law do not fully account for wartime factors, in particular displacement, loss of family environment, and restrictions on access to basic rights and services.

The second section, "Mechanisms of civil law protection of children's rights in conditions of armed conflict", is devoted to analysing the means of protection, where court protection, representation by legal

representatives, the activities of guardianship and custody authorities, and the use of electronic evidence are within the focus of attention. It was established that the existing mechanisms are fragmented and insufficiently adapted to the digital environment and the conditions of war, which complicates the realisation of the right to effective protection.

Particular attention is paid to the third section, "Violence against children in conditions of armed aggression as the grounds for the emergence of tortious relations and liability", where violence is considered as a legal fact giving rise to tortious obligations. It is argued that violence in wartime is multifaceted (physical, psychological, sexual, digital) and is accompanied by difficulties in proving and identifying the offender's liability. It is determined that the existing model of tort liability requires clarification regarding the composition of the parties involved, the specifics of the causal link, and the assessment of harm caused to the child.

The paper highlights key issues: the absence of a comprehensive civil law framework for the protection of children's rights in wartime; insufficient alignment of national legislation with international standards; the difficulty of proving cases, particularly the use of electronic evidence; the uncertainty regarding the allocation of liability between the state, other entities and private individuals; the absence of specific mechanisms for compensating for the damage caused by military hostilities and violence.

Following the study findings, it is suggested to develop a comprehensive model of civil law protection of children's rights, which provides for: improving the legislative definition of a child's legal status in the context of armed aggression; expanding the means of protection to consider digital tools and electronic evidence; specifying the grounds and limits of tort liability for harm caused to a child; introducing special mechanisms to compensate for damage; harmonising national legislation with international standards for the protection of children's rights. It is concluded that effective protection of children's rights in wartime is possible only through the systematic combination of civil law, international law and institutional mechanisms.

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