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## RECRUITMENT OF CHILDREN UNDER THE AGE OF 15 INTO THE NATIONAL ARMED FORCES OR THEIR USE FOR ACTIVE PARTICIPATION IN HOSTILITIES: QUALIFICATION ISSUES

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**Summary.** The article focuses on a comprehensive analysis of the phenomenon of recruiting children under the age of 15 into the national armed forces or their use for active participation in hostilities in armed conflicts as an expression of exploitation. The main emphasis is on determining the qualification characteristics of this form of exploitation, given that war crimes fall into the category of the most serious international offenses that undermine the foundations of international peace and security.

International humanitarian law, which serves as a regulator of relations between states in the aspect of protecting victims of war and establishing restrictions on methods and means of warfare, acts as a key element of the study. The purpose of the study is to expand the existing understanding of the mechanisms of regulation and responsibility for acts related to the exploitation of children in conditions of armed conflict on the example of Ukraine.

The specific focus of the study is a detailed consideration of the use of children under the age of 15 in armed conflicts as a separate form of human exploitation, taking into account the peculiarities of the article of the Ukrainian criminal legislation, namely Article 438 of the Criminal Code of Ukraine "Violation of laws and customs of war." The study covers the analysis of international legal standards, international humanitarian law, as well as the development of recommendations for eliminating existing gaps in Ukrainian legislation.

The results of such a study are to study the specifics of the exploitation of children in armed conflicts and its correlation with international standards; establishing the boundaries of qualification characteristics as a form of human exploitation; identification of gaps – identification of possible gaps or inaccuracies in legislation, which can help in improving the regulatory framework; recommendations for changes, which is to submit specific recommendations for the legislative bodies of Ukraine in order to improve the norms governing the exploitation of children in war; analysis of the consequences of the exploitation of children in armed conflicts for society and the individual.

The paper presents such a concept as mobilization of children under the age of fifteen and proposes its own norm of criminal legislation as a recommendation for the possible use of this norm in the international legal field, which is aimed at countering the exploitation of children under the age of 15 in armed conflicts.

**Keywords:** use of persons, armed conflicts, human exploitation, war crimes, international crimes, methods of warfare.

### 1. Statement and relevance of the problem

In the light of international conflicts that have arisen in the 21st century, in particular in the Ukrainian context, the problem of the exploitation of children in armed conflicts is becoming especially acute. Against the background of the invasion of the Russian Federation's troops into Ukraine in 2022, there is an urgent issue of analyzing international legal acts on the exploitation of children during armed conflicts, and on the compliance of the criminal legislation of Ukraine with international standards in the context of ensuring the rights of children and responsibility for their violation.

The example of the war in Ukraine has led to acute problems of violations of the rights and freedoms of citizens, including the use of children in the context of armed actions as objects of exploitation. The formulation of recommendations for the improvement of the national legislative corps may be decisive in ensuring an adequate response to such offenses in the future and become an example for other states.

Accordingly, scientific interest in the study, systematization and optimization of legal mechanisms for the protection of children in armed conflicts becomes an imperative to ensure a consolidated, secure and legally regulated state, in which guarantees of fundamental rights and freedoms of citizens are determined not only declaratively, but also practically. Thus, there is a need to raise the problem of qualification of such a crime as the recruitment of children under the age of 15 into the national armed forces or their use for active participation in hostilities, in the context of the exploitation of children in armed conflicts.

The object of the study is public relations in the field of human security and international law and order. The subject of the study is the mechanisms of qualification of a certain criminal offense.

The purpose of the study is a deep analysis of the procedures for qualifying a certain criminal offense in the context of child exploitation, identifying the main challenges and problems in proving this offense, as well as developing proposals for improving the national legislation of Ukraine, taking into account international regulatory requirements and contractual obligations in the field of combating human exploitation.

Methods of research. The logical-legal method of analysis and synthesis is to study and analyze existing legal documents, laws, international treaties, conventions and sources relating to human rights violations in armed conflicts. Using these methods, it is possible to obtain a deep and comprehensive understanding of the problems of violation of children's rights in conditions of armed conflict and methods of their qualification.

## **2. Presentation of the main material**

As part of the presentation of the main material of this article, we consider it appropriate to first turn to the analysis of the main provisions of international humanitarian law and its key principles, to determine the subjective composition of war crimes on the basis of international legal acts. Additionally, the emphasis is on determining the specifics of the subject of the crime.

War crimes represent one of the four most serious international crimes that threaten the overall world order, security and stability. The principle of individual criminal responsibility applies to these offenses, as provided, in particular, by the Rome Statute of the International Criminal Court. In addition, states are obliged to criminalize and prosecute these crimes through national legislation. International humanitarian law, as a complex of international legal norms and principles, regulates the interaction of states in the context of protecting victims of war and limiting available methods of warfare during armed conflicts, with the aim of minimizing destructive impact.

The basic principles of international humanitarian law include: humanity (the prohibition of excessive suffering or destruction, which is not a justified military necessity); military necessity (only those actions that are appropriate to achieve military goals can be used, and they should not exceed the required minimum); distinction (obligation of parties to armed conflict to distinguish between combatants and civilians, as well as between military and civilian objects); caution (constant consideration of the need to minimize losses among the civilian population and objects during the conduct of war); proportionality (attacks must be justified by the expected military superiority and not result in excessive civilian casualties or damage) (Sassòli, 2019).

International humanitarian law defines two fundamental categories of persons in the context of armed conflicts: civilians who, being not actively involved in hostilities, have the right to protection from the consequences of armed confrontation and should not be the target of hostilities; combatants who have the right to actively participate in hostilities and during captivity can receive the status of prisoners of war.

The correct classification of a suspect or accused in relation to their status under International Humanitarian Law can be the key to effectively proving the circumstances in which the crime was committed in the context of an armed conflict.

Civilians – persons who are on the territory of the parties to an armed conflict and do not belong to combatants; constitute the civilian population (in this case, the Additional Protocol to the Geneva Conventions of 12.08.1949 does not apply the criterion of citizenship or belonging to the enemy's side with respect to the concept of "civilian"). Are protected by International Humanitarian Law (I) both during the active phase of the armed conflict (to protect against becoming an object of armed attack and from the consequences of the use of force against military targets and enemy combatants); (ii) and when they fall under the authority of the enemy in particular, when they find themselves on the territory of an opposing state or when the territory in which they live becomes occupied) (Protocol Additional to the Geneva Conventions, 1977).

In addition, there are additionally subgroups of civilians who (I) do not have protection from attack associated with the status of a civilian and (II) who do not have the right to military captivity: – civilians while they are directly involved in hostilities (Article 51 (3) of Additional Protocol I); – spyware 6 (Article 46 of Additional Protocol I); – mercenaries 7 (Article 47 of Additional Protocol I) (Protocol Additional to the Geneva Conventions, 1977).

Combatants include (Art. 4 of the Geneva Convention (III) on the Treatment of Prisoners of War: – a member of the armed forces of the party to the conflict, as well as a member of the militia or volunteer units that are part of these armed forces (Art. 4 (A) (1) of the Geneva Convention (III) if it fulfills the duty

to distinguish itself from the civilian population (Article 44 (4) of Additional Protocol I); – a member of another armed group (other militias and volunteer units, in particular organized resistance movements), a) which belongs to one of the parties to the conflict; b) which meets the following conditions: I) it is commanded by a person who is responsible for his subordinates; II) has a permanent distinctive sign, well recognized at a distance; III) its members carry arms openly; IV) it carries out its operations in accordance with the laws and customs of war (Article 4 (A) (2) of the Geneva Convention (III); (V) if that Member has the duty to distinguish itself from the civilian population (Art. 44 (4) of Additional Protocol I); – a member of another armed group, under the command of a person responsible to this party for the behavior of his subordinates, even if that party is represented by a government or authority not recognized by the opposing party, when that group is subject to an internal disciplinary system which, along with others, ensures compliance with international humanitarian law, if this member at the time of capture performs the duty to distinguish himself from the civilian population (Article 43 (1) of Additional Protocol I); – residents of unoccupied territory who, when the enemy approaches, arm themselves to resist the invader's forces, without having time to form regular troops, provided that they carry weapons openly (in particular, during each military clash and at a time when they are in full view of the enemy during deployment in battle formations preceding the beginning of the attack in which they must take part) (Article 44 (3) of Additional Protocol I) and comply with international humanitarian law (Article 43 (6) of Additional Protocol I) (Protocol Additional to the Geneva Conventions, 1977).

Bodies and units included in the police system, as a general rule, do not belong to combatants. At the same time, in the event of a threat to the state sovereignty of Ukraine and its territorial integrity, as well as in the course of repelling armed aggression against Ukraine, they participate in the performance of territorial defense tasks, therefore they belong to the defense forces (paragraph 18 of part 1 of article 1 of the Law of Ukraine "On National Security of Ukraine," part 2 of article 24 of the Law of Ukraine "On National Police"). As a result, the police acquire the status of a combatant in the case when they directly repel armed aggression, and do not perform law enforcement functions. The notification provided for by Article 43 (3) of Additional Protocol I to a party to an armed conflict on the inclusion, in particular, of police forces in its armed forces is not constitutive of the status of such units, but serves to avoid confusion and strengthen respect for the principle of distinction (paragraph 982 of the Commentary of 2020 to the Geneva Convention (III)) (Commentary of 2020 to the Geneva Convention (III), para. 982).

Victims in war crimes proceedings. War crimes against persons and against property of persons are always committed against persons protected by International Humanitarian Law. International humanitarian law distinguishes several categories of persons under its protection, in particular: 1) combatants hors de combat<sup>12</sup> – wounded, sick or shipwrecked, who ceased to participate or did not participate in hostilities, the protection of which is provided for by the Geneva Convention (I), Geneva Convention (II), Additional Protocol I; 2) prisoners of war – combatants who fell under the power of the enemy (laid down their arms and surrendered or were captured by the enemy), the protection of which is provided for by the Geneva Convention (III), Additional Protocol I; 3) civilians – provisions for the protection of which are provided for by the Geneva Convention (IV), Additional Protocol I<sup>13</sup>; 4) medical and spiritual personnel of the armed forces (Article 15 of Additional Protocol I) are not combatants (Article 43 (2) of Additional Protocol I), but in case of falling under the authority of the enemy they can be detained and in this case enjoy all the rights and benefits of prisoners of war (Article 33 of the Geneva Convention (III)); 5) personnel of civil defense organizations (Articles 51-67 of Additional Protocol I); 6) personnel assigned to protect cultural property (Article 15 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954); and others. Each of these categories of persons protected by international humanitarian law may become a victim of war crimes (victims in criminal proceedings), depending on whether International humanitarian law protects this category from a specific serious violation of International humanitarian law (Commentary of 2020 to the Geneva Convention (III), para. 982).

Under "Geneva law," combatants do not belong to persons protected by international humanitarian law. However, international humanitarian law, establishing prohibitions on the use of certain means and methods of warfare, also implies the protection of combatants in terms of protection from means and methods of war that cause them excessive suffering or make their death inevitable.

The need for a detailed study of the exploitation of children in conditions of armed aggression is as follows. Armed conflicts are always accompanied by human rights violations, but especially unacceptable and cruel are cases of exploitation of children in such conditions. The study of this phenomenon is important on several key grounds:

- humanitarian component (every child has inviolable rights that must be protected regardless of the circumstances);
- legal component (criminal legislation should ensure justice. Analysis of situations of exploitation in armed conflicts makes it possible to improve national and international legislation to ensure responsibility for such crimes);
- political component (identifying and documenting cases of exploitation of children can become an important tool in the hands of international communities in negotiating or imposing sanctions against states or groups that allow such violations).

Also, to solve the tasks, it is necessary to analyze international legislation in the field of protection of children's rights.

The first key document defining the foundations for the protection of children's rights is the 1948 Universal Declaration of Human Rights. It acts as a foundation that lays the principles of special treatment and protection of children as a particularly vulnerable group.

In 1959, the United Nations (UN) adopted the Declaration of the Rights of the Child, which became a specialized document focused on the rights and protection of children. The Declaration reflects the key social and legal principles necessary to ensure the protection, well-being and development of children as a particularly vulnerable category of persons.

The preamble of the declaration focuses on the continuing need of children for specialized protection and support, taking into account their physical and psychological immaturity. It emphasizes the need to ensure adequate legal protection of children at all stages of their development, starting from the period before birth.

On November 20, 1989, the UN General Assembly adopted the Convention on the Rights of the Child, which acts as a global regulatory document focused on the rights of the child. This document articulates and defines the political, economic, social and cultural rights of children under the age of 18, asserting the need for mandatory protection of these rights and the creation of appropriate conditions for their implementation. The Convention requires States that have ratified it to establish a coordinated system for the effective application and implementation of the rights of the child, proposing the use of specialized mechanisms for this purpose. According to Article 44 of the Convention, States Parties are required to report regularly, every four years, on progress made and on challenges to the implementation of the standards and principles defined in this international instrument. The Convention also emphasizes special protection and attention to children in difficult conditions, such as armed conflicts.

In the Geneva Conventions of 1949 and their Additional Protocols of 1977, rule-makers paid attention to the protection of children, which is granted to them in accordance with the provisions relating to both the civilian population as a whole and its specific category – children.

Studying international legal acts in the field of protection of children's rights, we should note that children, remaining a particularly vulnerable category of the population, despite the efforts of most countries of the world, remain the main subjects of systemic discrimination, which is especially aggravated in crisis situations, in particular, during armed conflicts.

Considering the second paragraph of article 38 of the Convention, it can be concluded that the wording of this paragraph could be expressed more categorically. The paragraph contains provisions on "taking all possible measures" to ensure that persons under the age of 15 do not take an active part in hostilities. The modern wording allows different interpretations, including one that does not exclude the voluntary participation of children in hostilities.

Also, the existing wording "direct participation in hostilities" does not cover indirective forms of participation of children, such as the collection or transmission of military information, the transportation of weapons, etc., and, therefore, does not prohibit such forms of participation.



Compared with other international instruments, such as Protocol I and II, Article 38 of the Convention provides only partial guarantees of the protection of children in military conflicts, without providing the same level of protection as provided for in these protocols.

The third paragraph of Article 38 of the Convention, although it repeats some provisions of other international acts, leaves open the question of establishing the age of 18 as the minimum for entry into military service, despite the discussions and proposals put forward during the discussion of the text of the Convention.

The fourth paragraph of article 38 of the Convention states that "States, in compliance with international humanitarian law, shall make every effort to protect and care for children affected by armed conflict in accordance with their international obligations."

Given the importance of the Convention on the Rights of the Child as an international regulatory document, it can be seen that the fourth paragraph of Article 38 to some extent reduces the authority of international humanitarian law. The authors of the article did not make a provision that would categorically prohibit an attack on the civilian population, especially children.

Such a provision does not comply with generally accepted norms of international humanitarian law, which requires a clear distinction between civilians and combatants to ensure the protection of civilians and objects during armed conflicts. The fundamental principle that attacks are permissible only against military targets must always be respected, as reflected in key international treaties such as the Hague and Geneva Conventions, as well as their additional protocols.

According to these agreements, the protection of the civilian population and their right to care and support are unconditional, which is boxed by the provisions of the IV Geneva Convention and Protocols I and II (Article 23 of the Convention, Article 51 of Protocol I, etc.).

So, analyzing Article 38 of the Convention, we see several shortcomings introduced by the authors of the document, which, in the end, do not meet the expectations assigned to this document. Presumably, the presence of such shortcomings contributed to the rapid ratification of the Convention by many states, since possible ways of non-compliance with their obligations were noticed.

Summing up, it can be stated that the Convention has undoubtedly become an important means to ensure stricter compliance with international rules guaranteeing special protection of children during armed conflicts. However, it failed to fully guarantee the protection of children's rights in military conflicts. Therefore, the need to improve international humanitarian norms regarding the protection of minors in armed conflicts remains important to fill these gaps.

### **3. Proposed changes for Ukrainian criminal legislation**

The study of the issue of exploitation of children under the age of 15 in conditions of armed aggression is not only relevant, but also necessary for the development of measures to counter such crimes and support their victims.

Article 438 of the Criminal Code of Ukraine "Violation of laws and customs of war" defines:

1. Ill-treatment of prisoners of war or civilians, expulsion of civilians for forced labor, looting of national values in the occupied territory, the use of means of warfare prohibited by international law, other violations of the laws and customs of war provided for by international treaties, the consent to the binding nature of which is provided by the Verkhovna Rada of Ukraine, as well as giving the order to commit such actions shall be punishable by imprisonment for a term of eight to twelve years.

2. The same acts, if they are combined with intentional murder, shall be punishable by imprisonment for a term of ten to fifteen years or life imprisonment (Kodeks karny Ukrainy, 2001).

From the analysis of this article, such a criminal offense as the recruitment or recruitment of children under the age of fifteen into the national armed forces or their use for active participation in hostilities is not used.

For the legal qualification of this criminal offense, it is necessary to clearly outline its boundaries.

Thus, the objective criteria are the actions of the subject, which are expressed in the forced mobilization or recruitment of such persons to the ranks of the national armed forces, or involvement in direct participation in military operations.

A special qualifying feature is the age of the victim – the person must be younger than fifteen years. According to subjective criteria, the subject of the crime will have the intention to mobilize or recruit

a person or group into the ranks of the national armed forces, or use them for direct participation in military operations; the subject of the crime had the consciousness that in the usual order of things his actions would lead to the mobilization, recruitment or use of a person or group to participate in hostilities; the subject of the crime was aware or had rational grounds to believe that the person or group was younger than fifteen years. Contextual elements include the following criteria: the existence of an international armed conflict; the actions of the subject of the crime were committed within the framework of this conflict and were associated with it; awareness of the subject of a criminal offense of actual circumstances that indicated the existence of an armed conflict.

Recruitment or mobilization of minors who are not yet fifteen years old to the ranks of the national armed forces, as well as their involvement in direct participation in military conflicts, constructs violations of international humanitarian law, which are enshrined in international agreements ratified by Ukraine. In accordance with sub-paragraph 77 (2) of Additional Protocol I, in the context of international armed conflicts, the parties to the conflict have an obligation to take all possible measures to avoid the direct participation of children under fifteen years of age in hostilities, including to refrain from their recruitment into armed groups (Protocol Additional to the Geneva Conventions, 1977). Since Ukraine is a state party to Additional Protocol I, this prohibition, in accordance with Article 438 of the Criminal Code of Ukraine, is considered as a violation of international legal norms on warfare that have direct effect on the territory of Ukraine.

Under the term "recruitment" in the field of exploitation of children in conditions of military conflict, we must understand as enrollment in a military formation or voluntary acceptance of children under the age of fifteen into the armed forces or formations. In particular, unless the armed formation is a conventional military organization, recruitment should not be narrowly defined as a formal process; rather, it should include any action that involves the admission of a person under fifteen years of age to the armed forces or formations. To prove the fact of recruitment "there must be a connection between the actions of the accused and the entry of the child into the armed forces or armed formation" (Judgment of Special Court for Sierra Leone, 2008).

Under the term "mobilization" in this area, based on the term "mobilization" defined in the Law of Ukraine "On mobilization training and mobilization," we propose the following interpretation – the involvement of children under the age of fifteen in a set of measures aimed at the systematic transfer of various spheres of national activity to work in a special period. This may include their involvement in the reorientation of the national economy, as well as the involvement in the activities of military formations and other structures that switch to the mode of operation in wartime. Such mobilization can be either full or partial, and can also be carried out both openly and in a hidden order.

Another feature of this military criminal offense, we can distinguish its ongoing nature, that is, it continues until the child leaves the armed forces or reaches the age of fifteen.

After analyzing all the above elements of a criminal offense, it seems necessary to propose its own rule of criminal law, which is aimed at countering criminal offenses of child exploitation. Ukraine's ratification of international treaties, in particular Additional Protocol I, underlines its obligation to ensure the rights and safety of children in the context of hostilities. Article 77 (2) of the STI specifically requires measures to be taken to prevent children from participating in hostilities (Protocol Additional to the Geneva Conventions, 1977). This makes the legal justification for the inclusion of such an article in the Criminal Code of Ukraine inalienable. Equally important is the social aspect: children are the most vulnerable part of the population that needs special protection. Interfering with their childhood by engaging in armed conflict can have long-term negative effects on their mental and physical health as well as overall development. Criminalization of such actions corresponds to social values and norms that support the protection of childhood. The inclusion of this article in the Criminal Code of Ukraine in the context of the political aspect emphasizes Ukraine's commitment to democratic values, human rights and international law. It also demonstrates the country's readiness to engage with the international community on the basis of mutual respect for standards and commitments.

Thus, taking into account international obligations, national values, social and political aspects, there is a reasonable proposal to include the proposed article in the Criminal Code of Ukraine in section XX "Criminal offenses against peace, security of mankind and international law and order":

Article.... Recruitment, mobilization or recruitment of children under the age of fifteen into the national armed forces or their use for active participation in hostilities

1. Recruitment, mobilization or recruitment of a child under fifteen years of age into the national armed forces, as well as their use for active participation in hostilities, shall be punishable by imprisonment for

up to three years, with deprivation of the right to occupy certain positions or engage in certain activities for up to three years.

2. The same acts committed against several children, or if they caused serious consequences for the physical or mental health of the child, shall be punishable by imprisonment for up to five years with deprivation of the right to occupy certain positions or engage in certain activities for up to three years.

3. Actions provided for in parts one or two of this Article, committed by an organized group, shall be punishable by imprisonment for a term of five to ten years with deprivation of the right to occupy certain positions or engage in certain activities for up to five years.

Note 1. Mobilization of children under the age of fifteen should be understood as involving children of this age in a set of measures aimed at the systematic transfer of various spheres of national activity to work in a special period, such as involvement in the reorientation of the national economy, in the activities of military formations and other structures that switch to work in wartime conditions, etc.

Therefore, the addition of the Criminal Code of Ukraine with the article "Recruitment, mobilization or recruitment of children under the age of fifteen into the national armed forces or their use for active participation in hostilities" has an academic basis and is the result of a deep analysis of international legal acts in the field of combating war crimes and the prohibition of exploitation of children.

#### **4. Recommendations on possible adaptation of criminal legislation of other states on the example of changes in Ukrainian legislation**

The introduction of such an article into the legislation of other states is appropriate, since it can improve the protection of children from participation in military conflicts and other forms of hostilities.

Scientific substantiation of the main directions of adaptation.

Effectiveness of measures: the adoption of such legislative norms can effectively prevent the involvement of children in military conflicts by establishing strict sanctions and punishments.

International obligations: taking into account international obligations and standards, the proposed norm will help states fulfill their obligations to protect children from participation in hostilities.

Socio-cultural features: each country has its own socio-cultural, economic and political features that should be taken into account when implementing such legislative norms.

Legislative system: Laws and regulations that function effectively in one country may require adaptation and modification to be acceptable and effective in another jurisdiction.

Strengthening the legal framework: the implementation of this article can contribute to improving and strengthening the legislative framework of states in terms of protecting children from participation in military conflicts.

International cooperation can contribute to the improvement of international cooperation and coordination in this area, stimulating the exchange of best practices and experience between different countries.

Consequently, this article seems to be very reasonable for implementation in the legislation of different states, taking into account national peculiarities, in order to ensure the highest level of protection of children from participation in hostilities.

#### **5. Conclusions**

The problems of child exploitation in the context of armed conflict are certainly the subject of deep scientific analysis in the context of interdisciplinary research. The main aspects of such research cover legal, social, psychological, and possibly cultural approaches.

The war in Ukraine has become a cross-cutting example of human exploitation, in particular the taking of children as hostages, illegal detention, their physical or psychological violence, and other forms of humiliation of human dignity.

Studying this problem on the example of Ukraine will provide an opportunity to understand the mechanisms by which the exploitation of children in armed conflicts takes place, as well as to develop methods for its prevention and restoration of the rights of victims.

Taking into account the scale and consequences of such exploitation, the inclusion of this issue in the scientific agenda is not only relevant, but also critical for the development of effective mechanisms for the protection of human rights in conditions of military conflict.

The study of the issue of recruitment, mobilization and recruitment of children under the age of fifteen into the national armed forces of Ukraine, as well as their use for active participation in hostilities, reveals a deep aspect of national and international security. The existing standards governing this area at the national level require specification and clarification, in particular, taking into account the specifics

of the military conflicts of the 21st century. Ways to overcome this problem involve active cooperation with international organizations, scientific institutions and human rights experts.

The inclusion of a new rule in the Criminal Code of Ukraine regarding the protection of children from recruitment and participation in hostilities is a logical step towards adapting Ukrainian legislation to the requirements of international standards. It also reflects positive integration processes in Ukraine regarding compliance with the principles of children's rights protection and affirmation of its position in the international arena as a state that adheres to the highest standards of human rights.

The rationale for such implementation is based on numerous aspects: legal, social and political.

In the light of the above-mentioned conclusion, it is recommended to actively promote the adoption and implementation of a new article in the Criminal Code of Ukraine, which will provide additional guarantees for the protection of children from use in armed conflicts.

The use of children in armed conflict is vital and relevant in the context of international humanitarian law. It requires special attention and priority consideration in the context of international norms and standards.

As for the improvement of international legislation, the analysis shows that existing international conventions and agreements have gaps that can slow or limit their effective implementation. In particular, the age of children who can be mobilized or recruited into the armed forces requires attention.

The proposed article should be consistent with existing international norms and conventions, such as the Geneva Conventions and their additional protocols, to ensure its effective implementation. States should demonstrate readiness to adapt their national legislation in accordance with new international norms.

In addition, monitoring and reporting mechanisms should be established to verify compliance by states with the new article, as well as to identify and respond to its violation.

Taking into account all the above, the adaptation of international legislation, taking into account the proposed article, is a step forward in strengthening the protection of children's rights in armed conflicts and contributes to the implementation of the obligations of international humanitarian law.

### Bibliography

1. Budapest Memorandum on Security Guarantees in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons dated December 5. 1994. № 998\_158. (1994). (<https://treaties.un.org/doc/Publication/UNTS/Volume%203007/Part/volume-3007-I-52241.pdf>).
2. Charter of the International Military Tribunal – Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis (Charter of the International Military Tribunal) (1945). (<https://www.refworld.org/docid/3ae6b39614.html>).
3. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949. (United Nations Convention). (1949). (<https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949>).
4. Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949. (United Nations Convention). (1949). (<https://ihl-databases.icrc.org/en/ihl-treaties/gcii-1949>).
5. Convention for the protection of cultural property in the event of armed conflict (United Nations Convention). (1954). ([https://en.unesco.org/sites/default/files/1954\\_Convention\\_EN\\_2020.pdf](https://en.unesco.org/sites/default/files/1954_Convention_EN_2020.pdf)).
6. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III) (United Nations Convention) (1980). ([https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XXVI-2&chapter=26&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-2&chapter=26&clang=_en)).
7. Criminal Code of Ukraine. (2001). Retrieved from (<http://zakon.rada.gov.ua/laws/show/2341-14>) [in Ukrainian].
8. Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part) (United Nations Convention) (1949). (<https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>).
9. Judgment of Special Court for Sierra Leone. 28 May 2008 (<https://www.rscsl.org/Documents/Decisions/CDF/Appeal/829/SCSL-04-14-A-829.pdf>).
10. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. (<https://ihl-databases.icrc.org/en/ihl-treaties/api-1977?activeTab=undefined>).
11. Rome Statute of the International Criminal Court (<https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>).