CHILDREN
IN ARMED CONFLICT:
HOW CAN THEY BE PROTECTED
IN A MULTILEVEL INTERNATIONAL
FRAMEWORK?

A Joint Commitment by National and
International Institutions and Organizations
Together With the Academic Community

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To the best of this author's knowledge, while there is an increasing number of studies on the broader digital risks faced by children and on children affected by armed conflict, very limited evidence-based research and analysis seems to be available specifically on the digital risks children face in armed conflict. To address this gap, more in-depth analyses are needed to gather evidence and data regarding the origins and impacts of such risks and to develop guidance to address the concerns mapped above. These findings can then be used to guide policy decisions, improve humanitarian programming, and enhance digital protection measures for children in armed conflict.

Humanitarian organizations need consider taking a more proactive role in promoting digital literacy among children and their caregivers in areas affected by humanitarian emergencies. This includes teaching them about potential risks and harms online, the importance of privacy and data protection, and concrete ways to navigate the digital space safely and responsibly. The in-depth analyses called for above, will also be key in providing substance and concrete elements for these digital literacy programmes.

Children Affected by Armed Conflict and Forced Displacement: International Actions and Domestic Policies in the Ukrainian Case

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The Russian invasion of Ukraine has comprehensibly provoked strong distress in the Ukrainian people, involving civilians in many ways. Starting last winter, the war, due to a change in the Russian military leadership's strategy, has been devastatingly impacting civilian infrastructure and access to basic services. In fact, since last November, the Russian Armed Forces has started to massively attack power stations, bridges, roads, railways, and public buildings. This situation, accompanied by the logical fear of a situation that the people of Ukraine have never experienced before, has pushed many Ukrainians to abandon their homes. More than a migration, we can define what has happened in the period included between February 2022 and March 2023 such as a kind of forced displacement.

It is quite difficult to estimate how many Ukrainians have left their country. As of September 2022, there were 11,9 million cross-border movements (this number should be considered a bit exaggerated, because it does not refer exclusively to individuals, but includes also non-Ukrainians and those with multiple crossings) from Ukraine to neighboring countries, and 6.1 million similar border crossings into Ukraine since February 28, 2022.

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As of June 2022, the United Nations (UN) also noted 6,9 million internally displaced people. Regarding refugees abroad, in October 2022 the UN listed 7,6 million Ukrainian located in many European countries, including 2,85 million in Russia — many of the latter were sent there by Russian occupiers, or more simply they were obligated to go in the direction of the Russian territory because, due to the impossibility to pass the front line, this was the only possibility to reach a safe zone. More recent figures, related to the situation on April 16th, 2023, record 8,2 million Ukrainian refugees registered across Europe.

Due to these exceptional circumstances, in March 2022 the European Union (EU) activated the Temporary Protection Directive, an emergency scheme that assures displaced people many relevant rights, such as a residence permit, access to the labor market and housing, medical assistance, and education for children, up for three years. The aim is also to provide immediate and collective protection to displaced persons and to reduce pressure on the national asylum systems of the EU countries. Due to these favorable conditions, in Germany 350,000 Ukrainian refugees were eligible to be registered as looking for employment. With 900,000 job vacancies, surveys suggest that up to 50 percent of Ukrainians have found a job, but the Federal Employment Agency cites unfortunately instead a 10% figure. This disappointing result has been caused by a gap between job offers (sectors, where demand is higher, are transport and logistics, sales, services, and health care; elder care is a strong option, mainly for female workers, but salaries are quite low and working conditions are demanding) and existing skill and knowledge levels. Few refugees speak the German language, some jobs require professional certification, and employers desire to have long-term employees immediately ready to work accurately and efficiently.

At the moment (March 2023), four million people from Ukraine are benefiting from this temporary protection mechanism, a number that is slightly less than that recorded at the end of the last summer. Most refugees are now in wealthier EU countries after first crossing mainly into neighboring Poland and Hungary, Romania, Slovakia, and Moldova. Now the top ten EU countries hosting Ukrainian refugees (excluding Russia) are, in this order: Germany, Poland, the Czech Republic, Bulgaria, Spain, Italy, Romania, the Netherlands, Slovakia, and Austria. The first three countries host almost 2,5 million refugees: the others a figure largely lower. In all, in more than a year of hostilities, nearly one-third of Ukrainians have been relocated, considering also internal movements. Regarding displacement abroad, men 18-60 years old are prohibited to leave Ukraine, a condition that has created painful separations inside families. A further thirteen million are stranded within Ukraine due to fighting, impassable routes, or lack of resources to move. This situation worsened last winter, due to the lack of electricity and water in many Ukrainian cities and the failures of heating centralized systems.

It is the case to remember that EU countries and people have been much more welcoming to Ukrainians than to asylum seekers from other, poorer, regions of the world. The Polish government decided to build a wall at the border with Belarus some years ago. Now this wall is particularly useful to face the danger of a Russian invasion, using Belarusian territory, of Poland, but at the beginning, this wall was conceived to contain the flux of migrants originating mainly from the Middle East. Migrations, also from Africa through the Mediterranean Sea or from Asia, using the so-called "Balkan Route," have continuously provoked strong reactions in most of the EU public opinion, with sometimes violent pushbacks, particularly in some Eastern and Central European countries, where migrants are considered a menace for the social stability and economic prosperity. The welcome afforded

Ukrainian refugees has been positively impressive but does not presage a change in the policies adopted by some EU countries, which are continuing to refuse to allow asylum to many seekers from regions different than Ukraine. EU institutions and members have surely developed since the beginning of the Nineties relevant knowledge in the management of migration fluxes, but it appears evident that these policies are particularly dependent on the support that governments receive from domestic public opinions, case by case. EU societies have been strongly impressed by a war fought in Europe, close to their countries (the perception about the Syrian civil war was, in fact, quite different), and it has had a positive impact on the support of the refugees. But it is difficult to imagine (and hard to say) that, in the future, because of the Ukrainian refugee crisis, the common perception of the EU public opinion towards migrants and migrations will change.

Beyond what is written above, the Ukrainian refugee crisis has some elements and involves some specific challenges that put it in a different position than other crises experienced before, even in recent times. Women and children comprise up to 90 percent of the Ukrainian refugees. Due to this situation, EU authorities have had to manage new kinds of emergencies, such as providing schooling for children, childcare and jobs for caretakers, and emotional and psychological support. This war has been devastating for Ukraine's children. Not only because essential infrastructures, on which children depend, have been attacked by Russian armed forces. But also, because these children had largely lived, before February 24th, 2022, except in Donec'k and Luhans'k regions, in places relatively safe, not recently involved in crises or wars, following a lifestyle very similar to that adopted inside the EU, without having the idea that their lives could be completely overwhelmed by this situation. In a certain sense, we can assert – it is hard to say but, in the end, it is sadly true – that

they were not mentally prepared to accept and manage a such dramatic condition.

The Office of the High Commissioner for Human Rights of the United Nations (OHCHR) estimates that, since the beginning of the war, the number of civilian casualties in the conflict is around 8.500 people killed and 14.400 injured. It is comprehensively difficult to verify these figures, which are probably lower than the real ones, especially considering "collateral victims", or people who lost their lives not because involved in fighting or due to bombing or other armed attacks (especially the use of wide impact explosive weaponry in residential neighborhoods) but hit by the indirect consequences of the conflict. It is also difficult to have official figures about the number of children who have been killed, or more simply lost their lives, in this war. Always according to OHCHR, seventy-eight children were killed, and 105 were injured in Ukraine in just the first two months of the war. Catherine Russell, United Nations International Children's Emergency Fund (UNICEF)'s Executive Director, recently declared that almost five hundred children have been killed since the beginning of the conflict. These figures represent only those that the UN has been able to confirm, and the true toll is likely far higher: Volker Türk, UN High Commissioner for Human Rights has affirmed that «these figures are just the tip of the iceberg».

Regarding the displacements, international organizations estimate that more than half of the country's estimated 7,5 million child population (around 4,3 million children) escaped into neighboring countries just one month after the beginning of the war. Other 2,5 million children were relocated to the Ukrainian regions farther from the areas more interested in fighting. This has been the fastest and widest large-scale displacement of children since World War II. The consequences of this tragedy will last for generations and, not considering how will become difficult to guaran-

tee children's safety, well-being, and access to essential services, the psychological impact of this trauma will need particular and skilled approaches to be adequately cared for.

A platform called the "Children of War" was created on behalf of the Office of the President of Ukraine by the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine together with the National Information Bureau, the Office of the Prosecutor General, the National Police, the Secretariat of the Rada Commissioner for Human Rights. The main objectives are to identify children dead or injured, victims of crimes, deported, escaped, or – more tragically – simply lost. Many children, sometimes due to the death of their parents, have remained unaccompanied and, fallen in this condition, have been forcibly deported. In some cases, their citizenship was changed, to permit them to be assigned or adopted more easily by Russian families. In this tragic situation this platform has positively favored the creation of a permanent interaction between national and regional authorities, children care organizations, NGOs, international organizations, and foreign governments.

Among the international organizations, UNICEF has had the most relevant role in the management of this emergency, also thanks to the sending of mobile child protection teams, active even in acute conflict zones. It has delivered medical supplies particularly dedicated to improving access to healthcare for almost 400.000 mothers, newborns, and children; water and hygiene items have been sent also to communities under siege or strongly interested in fighting. Unfortunately, not much has been possible to do to maintain adequate levels of services in fields like vaccination coverage. This will have in the future a hard impact on the health of Ukrainian children, which will experience a level of immunization lower than that in the rest of the European continent. The last spring UNICEF also started emergency cash transfers to

the most vulnerable families and establish child-friendly spaces in key locations across the country.

To protect and support the millions of children and families who have fled Ukraine, UNICEF, and the United Nations High Commissioner for Refugees (UNHCR), in partnership with governments and civil society organizations, have created "Blue Dots", which are one-stop safe spaces for children and women. These spaces have been located in Poland and Moldova, and Ukrainian locations are at the borders of these two countries. This initiative is aimed to provide key information to traveling families, help to identify unaccompanied and separated children, and ensure their protection. Even some EU countries have disposed of centers to manage the trauma of the war suffered by children located in their territories. Austria has launched an intercultural program with mobile units provided by psychologists and educators. The Pharos program organized by the Netherlands government provides social-emotional support. Belgium, France, and Denmark – among others – have mobilized their social care units to take care of distressed Ukrainian children.

The institutions of the EU countries have unsurprisingly been able to supply educational services to the two million Ukrainian children displaced in their territories in 2022. In cooperation with the UNHCR, UNICEF, and representatives of ministries of education and other stakeholder organizations, the European Commission has given relevance to some key principles and practices for the inclusion of Ukrainian-displaced children in national education systems within the EU. Key actions include, among others: the provision of school places for all displaced children; preparation of schools and teachers to be able to meet the psychosocial, educational, and linguistic needs of displaced children; engagement with displaced families and communities and support for children to maintain their links with Ukraine; targeted activities to

encourage feelings of belonging; measures to promote inclusive education and prevent discrimination and segregation. The European Commission has also proposed the adoption of useful multilingual tools to teach local languages and has created, a School Education online Gateway that offers resources and materials, including articles, tutorials, and online courses. It also provides links to learning and teaching materials in Ukrainian.

Facing this relevant need for Ukrainian children, Nordic countries, such as Sweden and Finland, have been particularly active. Their education authorities have developed individualized learning plans significantly appropriate. France and the United Kingdom launched immersion programs. Germany faced the issue of enrolling 150.000 Ukrainian students, while Poland offered 300.000 places in its classrooms: these two countries experienced some difficulties because they were facing a vast number of teaching vacancies. Romania has instead used its existing network of more than fifty schools where, already before the war, was taught the Ukrainian language. In other countries, local authorities have positively cooperated with organizations and associations linked to the Ukrainian diaspora. In Italy, for example, where the Ukrainian community is well integrated for many years, particularly in some regions of the South, education institutions have hosted Ukrainian teachers, in some cases already located in the country before the beginning of the war, and – due to this condition – able to speak Italian language and to interact effectively with local authorities. Some summer camps were organized with Ukrainian organizations not only in the EU but also in Moldova and Turkey. Even considering that young people older than 18 years old cannot exit from the Ukrainian territory because they are eligible for enrollment in the armed forces, the EU university system has hosted Ukrainian professors and students, using some existing programs (such as KA107 and KA171, or bilateral intra-academic

agreements), or with the allocation of specific funds.

Particular attention must be dedicated to the issue of children who were, when the war began, subject to institutional care, also due to the decision of the International Criminal Court (ICC) to issue an arrest warrant for Russian president Vladimir Putin, accused to have ordered to take forcibly Ukrainian children to deport them in Russia. Human Rights Watch has documented Russia's forcible transfer of children from Ukrainian residential institutions. In December 2022, a Russian official in charge of children's rights stated in an interview that almost 400 Ukrainian children had been "adopted" by Russian families.

When Russia invaded Ukraine there were almost 100.000 Ukrainian children hosted, either full-time or part-time, by a national network that counted more than seven-hundred institutions, called "orphanages" or "internats." Ukraine had the highest rate of children institutionalized in Europe, according to the data of the EU and UNICEF: almost 1% of the child population, a number that since 1990 has increased fourfold (while in the rest of Europe, it was flat or it fell), as a consequence of the widespread of poverty in some areas (particularly affected by de-industrialization processes) where 80% of families fall below the poverty line after the birth of their second child. Considering that most of them had an age which was between 6 and 15 years old, and half of the children in Ukraine's orphanages had some disabilities, the rate respect the total of the Ukrainian population between 0 and 17 years old is 861 children every 100.000. Incredibly high figures. Western European countries have a rate included between 361 (France) and 108 (United Kingdom): Italy is at 136.

The condition of the institutionalized children was not particularly satisfactory already before the beginning of the war: structures were quite old and chronically under-budget; workers were often poorly skilled; data about where the children were hosted

were uncertain. In 2017, also to facilitate the negotiation process to join the EU, the Ukrainian parliament drew up legislation to reduce the number of children in orphanages, but Zelenskiy's government partially backtracked it in 2021, excluding some categories of institutions, children under the age of three years old, some others with special needs. This move was justified to draw and launch a plan to support financially families. Closing institutions is also a politically sensitive affair in Ukraine, due to orphanages being a provider of jobs and cash to local communities. In a 2021 report, the former Commissioner for Children's Rights said maintaining one child in them costs more than $5.400 a year on average. For comparison, Ukraine's GDP per capita was that year $4.835, according to the World Bank.

Due to war, Ukraine says it dismissed almost all the children institutionalized, but – especially in areas of fighting – authorities seem to have lost contact with many of them. A mass dismissing occurred already at the start of the COVID-19 pandemic, in 2020, when 42.000 children, including those with disabilities, were discharged from care without checking their family conditions. Ukraine's National Social Service, tasked with overseeing children's rights, affirmed that it had done everything possible to save children and to avoid them to be taken out zone of hostilities by the Russian Armed Forces. But Ukraine's state record-keeping system, known as UIAS "Children," was not capable of tracking or tracing children sent home from institutions, according to many NGOs involved or formerly contracted by the Ukrainian government to support some projects. It is sad to write that some of them have certainly suffered acts of violence and have been exposed to human trafficking.

UNICEF asked Ukraine's government to adopt a software, already in use in the world and able to record also medical conditions and health needs, to produce a digital trail following children.

This software has also the capability to store general information about children (if they had siblings or disabilities or are eligible for adoption) and it is quite easy to be used (it interfaces with Google Forms and sheets). An issue is that this action is under the responsibility of three ministries, and it also involves regional authorities. Considering that at the moment more than 100.000 Ukrainian children have been sent home (sometimes to families with parents who have criminal records or are simply not able to educate them) or evacuated, almost 3.000 have remained in institutions. UNHCR has highlighted that there is a certain alarm about the conditions of these children and a strong lack of information. UNICEF, at the end of the last summer, has identified 13.000 children, between those returned to families, who need 24-hour care, due to their vulnerability and disabilities. Ukraine's authorities are now not able to guarantee the well-being of these children. Due to this situation, the international community should immediately act through the launch of a wide comprehensive plan.

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Children Affected by Armed Conflict and the Risk of Child Trafficking and the Smuggling of Migrants during Displacement: Existing Challenges

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Introduction

Children displaced during an armed conflict are at a high risk of being trafficked for various exploitative purposes or might end up in the hands of ruthless smugglers of migrants. The aim of this brief study is to understand if transnational human trafficking and smuggling of migrants' standards existing at the universal level, i.e. the two Additional Protocols to Prevent, Suppress and Punish Trafficking in Persons, in Particular Women and Children, and Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the Convention against Transnational Organized Crime, are adequate supplementary standards to guarantee the protection of children escaping from the violence of armed conflicts. While their importance is certainly to be acknowledged, their implementation is to be promoted side by side with the one of a combination of international norms existing *inter alia* in the areas of international humanitarian law, international human rights law, and international refugee law. Therefore, while the relevance of these branches of international law in a vision of complementarity is

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