

THE RIGHT OF THE CHILD TO EDUCATION DURING ARMED CONFLICT

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Summary

Education is one of the most important components of every child's life. Ongoing armed conflicts complicate the process of obtaining education, if not stop it altogether. In this case, the state, represented by authorized public administration entities, should assume the function of creating possible mechanisms to ensure children's right to education during armed conflict. The purpose of the article is to analyze the mechanisms established to ensure children's right to education during the armed conflict in Ukraine. The author of the article examines the legal basis for education in Ukraine both in peacetime and wartime. The problems faced by Ukrainian children in the field of education in connection with the armed conflict are highlighted. The article considers the mechanisms introduced by authorized public administration entities to continue education during the armed conflict.

Key words: child, education, armed conflict, public administration entities.

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1. Introduction

Education is one of the most important components of every child's life. The period of education and the place where it is obtained is the period of life when every child learns and receives the amount of knowledge that is necessary for the rest of his or her life, the ability to communicate with both peers and older people. Education is one of the pillars that ensures the level and quality of a child's future adult life. A continuous and uninterrupted educational process is the key to a healthy and educated future for the state.

Ongoing armed conflicts complicate the process of education, if not stop it altogether. In this case, the state, represented by authorized public administration entities, should assume the function of creating possible mechanisms to ensure children's right to education during armed conflict.

The purpose of the article is to analyze the mechanisms introduced to ensure children's right to education during the armed conflict in Ukraine.

2. Education System in Ukraine

A child is a person under the age of 18 (majority), unless, according to the law applicable to him or her, he or she acquires the rights of an adult earlier (Article 1 of the Convention on the Rights of the Child (*Convention on the Rights of the Child, 1989*), Article 1 of the Law of Ukraine "On Protection of Childhood" (*About the protection of childhood, 2001*)).

The international community, with the adoption of the Convention on the Rights of the Child in 1989, provided for the right of every child to education among the fundamental rights of the child (Article 28).

This right is also enshrined in national legislation. The Basic Law (*Constitution of Ukraine, 1996*) stipulates that everyone has the right to education. Moreover, obtaining a complete general secondary education in Ukraine is not just a right, but also an obligation for every child aged 6-7 (Article 53).

Education in Ukraine is available in the following sequence (Article 10¹ of the Law of Ukraine “On Education” (*About education process, 2017*)):

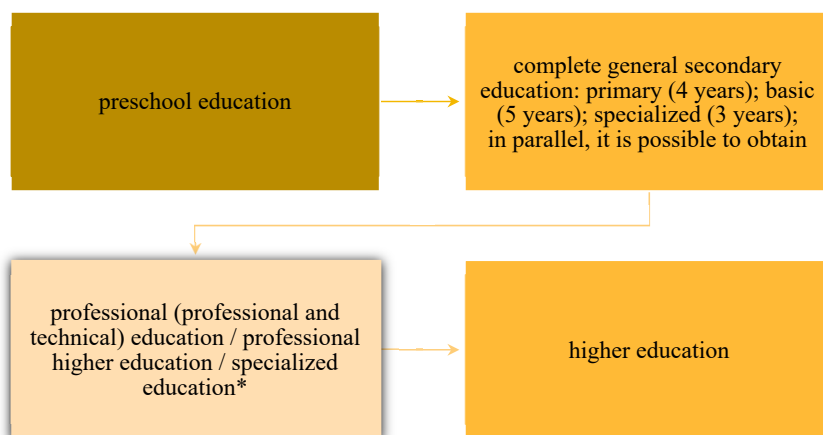


Fig. 1. Levels of education in Ukraine

The state ensures accessibility and free of charge of pre-school, complete general secondary, professional and technical, and higher education in state and municipal educational institutions; development of pre-school, complete general secondary, out-of-school, professional and technical, higher and postgraduate education, and various forms of education; provision of state scholarships and benefits to pupils and students.

The general rule enshrined in the Law of Ukraine “On Education”, which is valid both in peacetime and wartime, is to create and ensure a secure educational environment². The central

¹ Preschool education is the process and result of comprehensive development, upbringing, education, training, socialization of children and the formation of their necessary life skills and competencies before they start primary education.

Primary education is usually obtained from the age of six. Children who are seven years old at the beginning of the school year must start primary education in the same school year.

Out-of-school education can be obtained simultaneously with pre-school, complete general secondary, vocational (vocational-technical) and professional higher education.

Specialized education is education in the arts, sports, military or science.

The levels of professional (professional and technical) education are: the first (initial) level of professional (professional and technical) education; the second (basic) level of professional (professional and technical) education; the third (higher) level of professional (professional and technical) education.

Professional higher education is obtained on the basis of complete or basic secondary education.

Higher education is obtained on the basis of complete general secondary education.

² Secure educational environment – a set of conditions in an educational institution that make it impossible to cause physical, property and/or moral harm to participants in the educational process, in particular as a result of non-compliance with sanitary, fire and/or building codes, legislation on cybersecurity, personal data

executive authority in the field of education and science provides regulatory and legal support for the functioning of the education and science system and issues orders on the creation of a secure educational environment, organization of education, the educational process and other issues in the field of education and science not regulated by law in conditions of martial law, emergency or state of emergency (special period). Such orders may not exceed the duration of the special period.

Ukraine has a system of state bodies responsible for the functioning of the educational system and the formation of a secure educational environment, including: The Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine, the structural unit of education in each state administration, etc. In addition, Ukraine has introduced the institution of an educational ombudsman (Article 73 of the Law of Ukraine "On Education"). The Educational Ombudsman is an official entrusted by the Cabinet of Ministers of Ukraine with the task of protecting rights in the field of education. The Education Ombudsman is appointed and dismissed by the Cabinet of Ministers of Ukraine upon the proposal of the Minister of Education and Science for a term of five years without the right to be reappointed (*Resolution of the Cabinet of Ministers of Ukraine, 2018*).

The adoption of forecast³ and program⁴ documents (concepts, strategies, etc.) are typical for Ukrainian public policy. The education sector is no exception.

Forecast documents in the field of education:

Concept for the Implementation of the State Policy in the Field of General Secondary Education Reform "New Ukrainian School" for the period up to 2029 (*Order of the Cabinet of Ministers of Ukraine, 2016*);

Concept for the Development of Mental Health Care in Ukraine for the period up to 2030 (*Order of the Cabinet of Ministers of Ukraine, 2017*), etc.

Program documents in the field of education:

On the Sustainable Development Goals of Ukraine for the period up to 2030 (one of the goals is to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all) (*Decree of the President of Ukraine, 2019*);

On urgent measures to improve children's health (*Decree of the President of Ukraine, 2019*);

On the National Strategy for Building a Secure and Healthy Educational Environment in the New Ukrainian School (*Decree of the President of Ukraine, 2020*).

protection, food safety and quality and/or the provision of poor quality food services, through physical and/or psychological violence, exploitation, discrimination on any grounds, humiliation of honor, dignity, business reputation (in particular through bullying, dissemination of false information, etc.), propaganda and/or agitation, including through the use of cyberspace, and also make it impossible to use alcoholic beverages, tobacco products, narcotic drugs, psychotropic substances on the territory and premises of the educational institution.

*The mentioned level of education is not mandatory. Transition to higher education is possible without this level.

³ Forecast documents of public policy are developed to determine the prospective legal regulation of social relations, improve the efficiency of planning lawmaking activities, unify and systematize the legislation of Ukraine.

⁴ Programmatic documents of public policy are documents of a programmatic and targeted nature that reflect the priority directions of public policy development, define and justify the strategic goals of public policy.

3. Ukrainian mechanisms for realizing children's right to education during armed conflict

The period of armed conflict complicates the realization of children's right to education and requires the introduction of special mechanisms by public administration entities for its continuous and safe provision.

The international community has developed the Safe Schools Declaration (*An inter-governmental political commitment, 2015*), recognizing that ensuring the right to education for children is a problem in most armed conflicts. The Declaration emphasizes that during armed conflicts, school buildings are attacked, and children are the first to suffer. The declaration also states that during armed conflicts, school infrastructure is used by combatants for military purposes. This and other factors make it impossible for children to realize their right to education.

In Ukraine, the creation of a secure educational environment, the organization of education, and the educational process in conditions of martial law, emergency or state of emergency (special period) within their competence are carried out by:

executive authorities, military command bodies, military, civil-military administrations and local self-government bodies, their representatives, officials (heads, chairmen, chiefs), management bodies (structural units) in the field of education;

educational institutions, educational institutions, research institutions, their founders;

public associations, charitable organizations and individuals engaged in charitable (volunteer) activities.

Ukrainian case studies have shown the following problematic issues.

Starting on February 24, 2022, a significant number of Ukrainians, including children, went abroad. According to UN data, the number of Ukrainian citizens abroad is 6.33 million. In the European Union, there are 4.24 million citizens who have been granted temporary protection in EU countries, 33.4% of whom are children, so that means that there are at least 1.4 million children abroad in European countries. But please note that these figures are only for families and children who have been granted temporary protection in the EU. But not all Ukrainians receive it. And this statistic does not include data from the UK, the US, Canada, Turkey, Switzerland, Norway, and many other countries to which Ukrainian families have also traveled (*Analytical report of the Ukrainian Parliament Commissioner for Human Rights, 2025*).

According to the EU report, in March 2024, 4.2 million people from Ukraine have been granted temporary protection in the Member States of the European Union, 1.3 million of whom are minors (*On minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Council Directive, 2001*).

In this regard, the question arose: how can Ukrainian children who have left abroad due to the armed conflict continue their education?

In 2023, the Ministry of Education and Science of Ukraine adopted recommendations for children of Ukrainian citizens who are forced to stay abroad on options for obtaining education in the context of martial law (*Order of the Ministry of Education and Science of Ukraine, 2023*):

1) study only in the educational institution of the student's country of residence on a full-time basis;

2) to combine full-time education in the educational institution of the country of residence and in a general secondary education institution of Ukraine, in particular the State

Lyceum “International Ukrainian School”⁵, in one of the forms of education provided for by law (distance, family (home), external);

3) study at institutions/classes organized in the host countries on the initiative of Ukrainian public organizations with the assistance of the educational authorities of these countries and local authorities and providing educational services in cooperation with the International Ukrainian School State Lyceum in accordance with the concluded agreement;

4) if it does not contradict the legislation of the host country, study only in an educational institution of Ukraine in one of the forms of education provided for by law (distance, family (home), external).

The armed conflict has also forced a large number of Ukrainian children to change their place of residence within Ukraine and obtain the status of internally displaced persons⁶. According to the data as of 13.06.2025, 940,489 children are registered and accounted for as internally displaced persons (*Information and Computing Center of the Ministry of Social Policy of Ukraine, 2025*).

This situation also raises the question of what options are available to continue their education.

Children who have been granted the status of internally displaced persons and registered have the right to continue their education in other regions of Ukraine at the expense of the state budget or other sources of funding (Article 7, part 9 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (*About Internally Displaced Persons, 2014*)).

In addition, in March 2022, the Ministry of Education and Science of Ukraine, due to the armed conflict, granted permission to enroll general secondary education students who were forced to change their place of study and/or residence (stay) and reside (stay) in Ukraine or abroad, to educational institutions upon application (its scanned copy or photocopy) submitted to the educational institution by one of the parents, guardian, other legal representative, relative of the applicant or an adult applicant in person, by fax, e-mail, other means of communication or in any other way (at the applicant's option).

In particular, the Ministry of Education and Science of Ukraine has granted permission for students to receive general secondary education in any form that can be provided by the educational institution and is the safest for them (*Order of the Ministry of Education and Science of Ukraine, 2022*).

Modern armed conflicts are characterized not only by the direct line of contact between the parties to the conflict, but also by the enemy's ability to strike anywhere in the country at any time of the day with modern military equipment and weapons.

In view of the ongoing armed conflict, in 2024, the Ministry of Education and Science of Ukraine approved the Procedure and Conditions for Obtaining General Secondary Education in Municipal General Secondary Education Institutions in the Conditions of Martial Law in Ukraine

⁵ The International Ukrainian School was created to provide educational services to Ukrainian citizens temporarily or permanently residing abroad, according to an individual curriculum, in order to create conditions for the realization of the right to complete general secondary education of Ukrainian citizens.

⁶ An internally displaced person is a citizen of Ukraine, a foreigner or a stateless person who is legally on the territory of Ukraine and has the right to permanent residence in Ukraine, who was forced to leave or abandon his or her place of residence as a result of or in order to avoid the negative consequences of armed conflict, temporary occupation, widespread violence, human rights violations and natural or man-made emergencies.

(*Order of the Ministry of Education and Science of Ukraine, 2024*), which provides for “blended learning” – a way of organizing the education of students, which involves organizing the education of students by combining full-time (full-time) and distance learning in a certain order (week after week, day after day, etc.), determined by the schedule of classes in the institution.

In addition, the Ministry of Education and Science of Ukraine defines one of the main requirements for an educational institution to function is the presence of a protected civil defense structure in the educational institution or at a distance of no more than 500 meters from it, which is suitable for sheltering participants in the educational process and to which they have unimpeded access.

In the territory of Dnipro, Donetsk, Zaporizhzhia, Luhansk, Mykolaiv, Odesa, Sumy, Kharkiv, Kherson, Chernihiv regions (except for the temporarily occupied territories of these regions), general secondary education in full-time (daytime) form, including mixed learning, is organized on the basis of: 1) a decision of the regional defense council and/or an order of the head of the relevant regional military administration on the implementation of educational activities by educational institutions in full-time (daytime) form, including the use of mixed learning; 2) a decision of the pedagogical council of an educational institution on the implementation of educational activities in full-time (daytime) form, including the use of mixed learning, put into effect by the order of the head of such an institution.

By the way, the requirement to have shelters is also defined for preschool education institutions. The creation of a safe educational environment in state (municipal) preschool education institutions is provided for in Article 57-1 of the Law of Ukraine “On Education” (*About education process, 2017*) and the Regulation on Preschool Education Institutions (*Resolution of the Cabinet of Ministers of Ukraine, 2003*). Access to shelters in state (municipal) preschool education institutions during educational activities is provided exclusively for participants in the educational process.

The issue of shelters in educational institutions is also highlighted in the Action Plan for the Implementation of the National Strategy for the Development of a Safe and Healthy Educational Environment in the New Ukrainian School for 2024 (*Order of the Cabinet of Ministers of Ukraine, 2024*), where one of the measures to ensure the safety, accessibility and inclusiveness of the educational environment is the arrangement of protective civil defense structures (shelters) in general secondary education institutions in accordance with the State Building Norms B.2.2-5:2023 “Protective Civil Defense Structures”.

If educational institutions do not have an appropriate object of the civil defense fund, the organization of general secondary education is carried out in the distance form in accordance with the Regulation on the distance form of obtaining full general secondary education (*Resolution of the Cabinet of Ministers of Ukraine, 2020*).

The organization of distance education is carried out exclusively at the request of students and their parents. Parents shall create appropriate and safe conditions for the education, upbringing and development of a child who receives education by distance learning.

The same procedure applies to pupils residing in the temporarily occupied territory of Ukraine or in one of the individual forms of general secondary education (including distance learning technologies) (*Order of the Ministry of Education and Science of Ukraine, 2016*).

4. Conclusions

Summarizing the above, it can be stated that during the armed conflict, the process of obtaining education is significantly complicated. The state, represented by authorized bodies,

creates additional mechanisms for the realization of the right to education. The Ukrainian case study has shown that as a result of the armed conflict, a significant number of children are forced to change their place of residence: traveling abroad or internal displacement. Ukrainian public administration entities have proposed mechanisms for obtaining education in various forms: distance, family (home), and external education.

In addition, the creation of a secure educational environment and ensuring a continuous educational process is carried out through the formation of a fund of protective civil defense structures.

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