

**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*



**EASTERN-UKRAINIAN
CENTRE FOR CIVIC INITIATIVES**

**INVOLVEMENT
OF CHILDREN IN
ARMED FORMATIONS
DURING THE MILITARY
CONFLICT IN DONBAS**

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"JUSTICE FOR PEACE IN DONBAS" COALITION

The Coalition was established in December 2014 and includes 17 NGOs, mainly from the Ukrainian regions of Donetsk and Luhansk.

The Coalition members are:

Alchevsk Human Rights Analytical Centre, Centre for Civil Liberties / Euromaidan SOS, Civic Organization "Kharkiv Human Rights Protection Group," Donbas SOS, Donetsk "Memorial," Eastern-Ukrainian Centre for Civic Initiatives, Ecological and Cultural Centre "Bakhmat," Human Rights Centre "Postup" / Vostok SOS, Luhansk Regional Human Rights Centre "Alternative," Luhansk Rights Defence Group, Public Committee for Protection of Constitutional Rights and Freedoms of Citizens, Public Movement "Ochyshchennya," Public Organization "Mirny bereg," "Social Action" Centre NGO, Starobilsk District Public Human Rights Women's Organization "Victoria," Starobilsk Public Organization

CONTEXT

The armed conflict in the east of Ukraine has significantly increased the risk of children participation in armed formations. Before the conflict started, the recruitment of children to armed formations was not considered as a serious problem in Ukraine. As a result, the existing gaps in legislation and the unpreparedness of governmental ministries to react to the problems became visible at the start and in the course of the armed resistance. It is enough to become acquainted with the outcomes of the 56th session of the UN Committee on the Rights of the Child (17 January - 4 February 2011) to conclude that there are issues in legislation and practice which in the conditions of the armed conflict lead to negative consequences. For example, this concerns the recommendation of the explicit prohibition in the Criminal Code of recruiting and involving children in hostilities etc.¹

In open internet resources from time to time there is information about the involvement of children in armed formations. However, there has been no monitoring nor collection of data about the number or age of children in armed formations. At present, there are only individual reports of the involvement of people under the age of 18 both in non-governmental armed formations on the territory of Donetsk and Luhansk regions not controlled by Ukraine and in the armed formations on the territory controlled by Ukraine.

International organizations and observers also report that they do not have evidence of children fighting in the east of Ukraine. If there are such cases, they are few.² But the longer the conflict continues and if the economic situation deteriorates, the risk will rise of children's involvement. The most common violations of the rights of the child in the east include teaching children how to use weapons, involving children in armed formations/groups, which affects a series of other rights (right to education, right to life, right to a standard of living adequate for physical, mental, spiritual, moral and social development of the child, etc.).

The practice of involving/recruiting children in the armed formations is contradictory with the international standards. In accordance with the Protocol Additional II to the Geneva Convention³ children who have not attained the age of 15 are not subject to recruitment in the armed forces or groups and are not allowed to participate in hostilities (Article 4 of the Protocol).

The Optional Protocol to the Convention on the Rights of the Child, concerning the participation of children in the armed conflicts establishes the minimum age for emergency conscription and participation in hostilities and for voluntary conscription at 18 years.⁴ Armed groups, other than armed forces of the state, should under no circumstances recruit persons who have not attained the age of 18 (Article 4).

The Rome Statute of the International Criminal Court⁵ contains provisions on qualification of individual actions with regard to children as war crimes: conscription and engagement in military service of children aged under 15; their use in hostilities in both international and non-international armed conflicts; intentional attacks on hospitals and schools.

Convention No. 182 of the International Labour Organization concerning the prohibition and immediate action for the elimination of the worst forms of child labour (ratified by Ukraine on 5 October 2000) stipulates that the use of children as soldiers is one of the worst forms of child labour, and prohibits forced or compulsory recruitment of children for the use in armed conflicts (Article 3).

¹ Concluding remarks regarding the reports presented by member states in conformity with article 8 of the Optional Protocol to the Convention on the Rights of the Child, concerning the participation of children in the armed conflicts (CRC/C/OPAC/UKR/1) of 11.04.2011. – available at: www.goo.gl/Cvd2fv

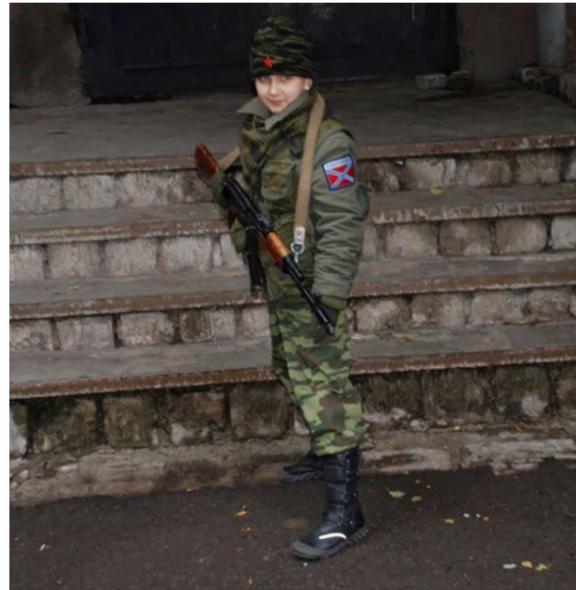
² Petrenko V. UNICEF has no proof of any children soldiers in Ukraine (in English) // Kyivpost / – available at: <http://www.kyivpost.com/article/content/ukraine/unicef-osce-have-no-proofs-about-child-soldiers-in-ukraine-379014.html>

³ Protocol Additional to the Geneva Convention of 12 August 1949, concerning the protection of victims of non-international armed conflicts (Protocol II) of 8 June 1977.

⁴ Optional Protocol to the Convention on the Rights of the Child, concerning the participation of children in the armed conflicts of 01.01.2000 (ratified by Ukraine's law of 23.06.2004 N 1845-IV), article 2.

⁵ The Rome Statute of the International Criminal Court, adopted on 17.07.1998, article 8.

Information in the media indicates an increase in the number of military camps on both sides of the conflict, but this phenomenon is the most pronounced on the territories of Donetsk and Luhansk regions not controlled by Ukraine, where it is in fact stimulated by the authorities. Such camps in themselves are not prohibited by international rules; they existed in Ukraine before the conflict started, however, some reports indicate that children are taught there not only how to use weapons, but also of the tactics of combat, camouflage, as well as planting and removing mines.



Monitoring is an indispensable component for preventing recruitment of children in armed formations and for documenting relevant war crimes in connection with the armed conflict in the east of Ukraine. It is particularly important in the conditions when the state pays insufficient attention to the problem of the participation of children in armed formations.

MONITORING METHODOLOGY

The increase on the reports in the involvement of children in illegal armed formations made the Coalition of human rights organizations “Justice for Peace in Donbas” pay attention to the problem and initiate thematic monitoring. The monitoring is coordinated by the East-Ukrainian Centre for Civic Initiatives. This brief presents its preliminary outcomes.

The monitoring is conducted to prevent the recruitment of children in armed formations in connection with the armed conflict in the east of Ukraine and to document war crimes related to such recruitment, bring to justice those guilty of recruitment of children, as well as form governmental policy which will prevent such phenomena.

In the course of monitoring:

- cases of children’s participation in armed formations are collected and documented;
- cases of recruiting children into armed formations, which bare the attributes of war crimes, are documented;
- recommendations are prepared for national and international institutions to prevent the involvement of children in armed formations which takes place in the armed conflict in the east of Ukraine.

The monitoring methodology is limited by insufficient data collection at state level on children recruited in armed formations and the lack of access on the part of monitoring groups to the territories not controlled by the state.

One of the basic methods of research is, therefore, content analysis of open sources, in particular of websites and social media. Additionally, considering that the Coalition “Justice for Peace in Donbas” collects witness reports from soldiers and civilians who were held captive in illegal places of deprivation of liberty during the armed conflict, the outcomes of those interviews were also one of the sources for the research. Also, especially for the purposes of this monitoring, a questionnaire was developed to conduct semi-structured interviews with persons who witnessed the recruitment of children into armed formations. Experts from the research group also developed a methodology for conducting a focus group interviews with children from the conflict zone in order to obtain information from the children, taking into account their age and the provisions of the Ukrainian legislation concerning the conduct of such research projects. The monitoring also included an analysis of the regulations of the national and international law.

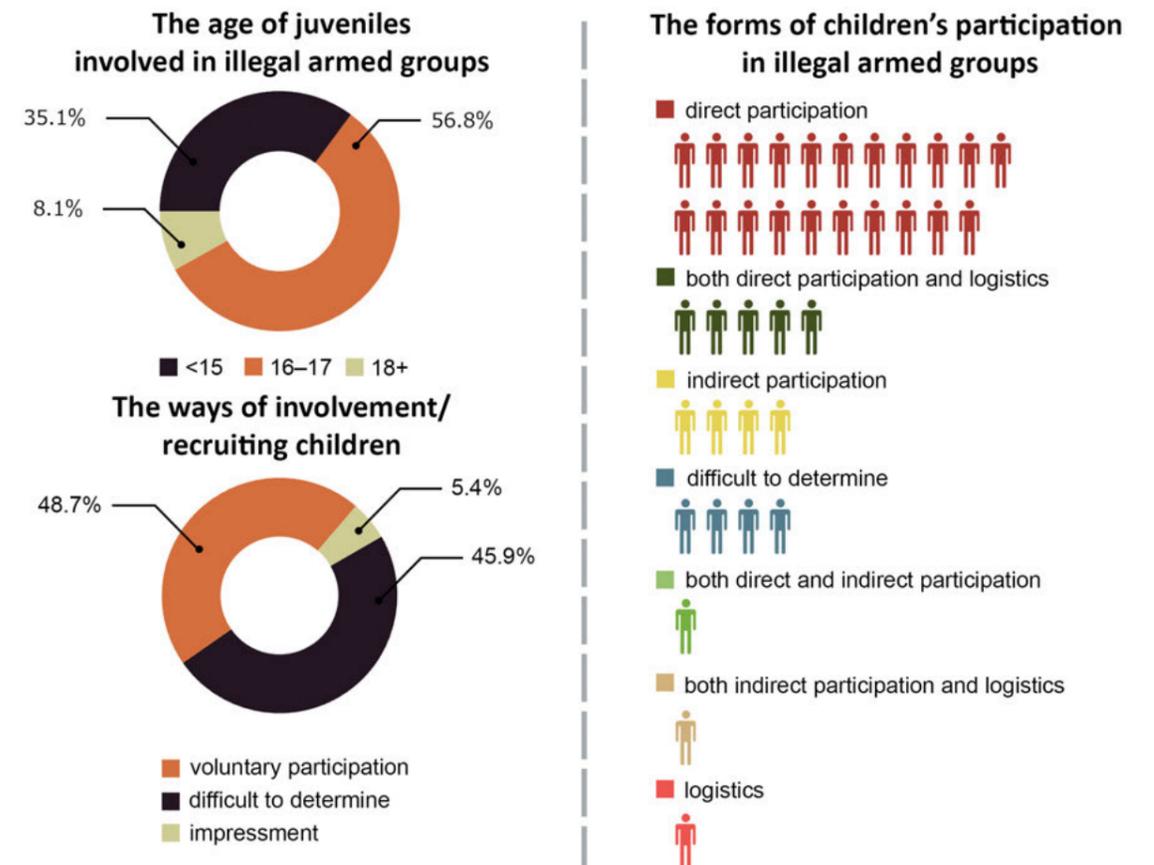
MONITORING RESULTS

SCALE AND CHARACTERISTICS OF THE RECRUITMENT OF CHILDREN TO ARMED FORMATIONS

It is difficult to draw a full picture of the scale of the involvement of children in the armed formations, since there are no governmental statistics on the subject. At the same time, the material collected during the monitoring allows for the conclusion that the phenomenon is quite widespread. This applies in particular to the parts of Donetsk and Luhansk regions not controlled by the Ukrainian government.

On the territory of Donetsk and Luhansk regions not controlled by Ukraine children were and still are recruited and continue to participate directly or indirectly in the armed formations. On the territory controlled by the state, children participated in voluntary armed formations at the initial stage of the armed conflict. In his speech to the students of the Ivan Bohun military secondary school in January 2016, Ukrainian President Petro Poroshenko announced that 21 teenagers aged under 18 had been killed during the armed conflict in the east of Ukraine. However, the President by the Coalition “The Rights of the Child in Ukraine” concerning the facts on which his statement in that speech had been based. At present a systemic recruitment of children into armed formations on both sides of the conflict is conducted in militarised training camps, which as a rule officially have the nature of military and patriotic preparation.

Over a period of 3 months, based on open sources and interviews, the monitoring group registered 41 individual cases of recruitment of children into armed formations where it was possible to identify the persons who were recruited and determine more or less accurately their age, forms of recruitment, functions held within the formation, as well as identify the persons who did the recruiting. Out of those, 37 concern the participation of children in



armed formations on the territory not controlled by Ukraine and 4 on the territory controlled by Ukraine. Moreover, 31 cases were registered where the amount of data is insufficient to identify the child, but there are all grounds for claiming that the recruitment of children into armed formations had taken place. In total, the situations described above indicate the trends and the scale of the problem and, obviously, require a thorough investigation.

In the documented cases of recruitment of children into armed formations on the territory controlled by Ukraine most cases (57%) concerned people aged 16-17 and 35% concerned children aged under 15. In 8% of cases the age of children was not determined. Among the children there were 33 boys and 4 girls.

Some of the reports indicate the existence of a system of recruitment of children to armed formations on the territories of the Donetsk and Luhansk regions not controlled by the Ukrainian government. Also, individual reports contain information about episodes indicating possible reasons why children join armed formations and what functions they perform there. Based on the obtained data, it is possible to identify the armed formations which recruited children and individuals involved in the recruitment.

"On 30 August 2014, we were brought to the Ukrainian Security Service building at Shchorsa street. A crowd of citizens had already gathered there and behaved aggressively. There were old people and children. They pushed us. I remember two boys aged 13-14 with weapons in their hands. With Kalashnikov machine guns. They passed by. Those children did not come up to me. But to our people, who were farther on, it seems, they did come up and said something. Then they stood before me. At the back of the crowd"

From an interview (C-174d)

"In Snizhne on the premises of a militia unit there was a boy who served as a guard. Very short, very thin. He was wearing a camouflage uniform with the stripes of Novorossiia. [Age] – the exact age is not known but he looked about 14. ... He said he was a schoolboy. That the school was still whole and still worked. He said he no longer went to school because it was all the same to him where he would die: at school or here"

From an interview (C-174d)



During the monitoring at least 5 cases were documented containing all elements of a war crime in the form of using and recruiting children in the armed conflict.

FORMS OF RECRUITMENT OF CHILDREN IN THE ARMED FORMATIONS

Three categories of recruitment of children to armed formations were considered within the monitoring:

- forced recruitment (by the armed formations in the form of kidnapping and/or threats, or with the use of violence or other repressive measures with regard to individuals or their family members);
- conscription (conscription to the regular state armed forces);
- voluntary participation (conditional on ideological beliefs or on such causes as the need to get food, shelter, money to live on; revenge for lost relatives, etc.).

As on the territory controlled by Ukraine there is no conscription to the regular state armed forces of persons who have not attained the age of 18, all cases of recruitment were analysed as either being of voluntary nature or as forced recruitment.

Four registered cases of the participation of children in armed formations on the territory controlled by the Ukrainian government were of voluntary nature and were related to personal opinions of the minors. All four children aged 17 started with the participation in activities in support of Maidan, and then by various means they tried to enrol in voluntary formations, where they were rejected on the grounds of their age and where they usually managed to get after having hidden their age. All those cases are described in open information sources – they were broadcasted on TV, and two cases are published on the website “Memory Book for the Fallen for Ukraine.”⁶

Among 37 cases gathered by the monitoring group concerning the recruitment of children in the armed formations on the territories of the Donetsk and Luhansk regions not controlled by Ukraine,⁷ in most cases it is either difficult to determine the forms of recruitment (17 cases) or the participation is declared as voluntary (18 cases).

At the same time, it should be noted that sometimes the boundary between voluntary participation and forced recruitment is not clear. The authors of the report classified as voluntary participation those cases when the decision had been made by the child in connection with the child’s beliefs. But in many cases, such beliefs were imposed by adults (teachers, coaches in sports teams, parents who themselves serve in illegal armed formations etc.). There are also clearly expressed cases of forced recruitment. They mostly involve psychological pressure and forcing. The recruitment often occurred online via social media and in personal conversations. In 2 cases, the forced nature of recruitment is obvious.

"During my captivity I saw that the fighters of the so-called Orthodox Army used minors of age. At least I personally had the possibility of seeing and once talked with a boy who said he was not yet 16. More exactly, he was 15 then. Parents tried to get him out of there. That was not the only case like that, but I was not able to talk to everyone and ask their age. About 25 people who appeared to be minors of age were both boys and girls. I cannot say that they were younger than 16, but they looked very young. There were a lot of girls who were being prepared to become snipers. There was this girl Natalya, a sniper, in a conversation she told me that she had killed 9 of our soldiers of the Ukrainian army. Yes, I managed to talk to her once, after she was wounded. She was put on a military position from where she could not be taken out and where she was wounded with a shrapnel from a missile which exploded nearby. When they dragged her out of there, she broke down psychologically, she could no longer be a sniper and moved to a diversion group.

There [in captivity] I understood that many specialists in the work on human consciousness had worked on them, talking psychologically. They asked what they needed. Psychological recruitment. It is the easiest to work precisely on the young people.

⁶ <http://memorybook.org.ua>

⁷ As of 10 September 2016, the data collected in 37 individual cases allow the identification of the child.

Vadim, a member of KGB "Smersh". A boy who completed 8 classes at school and went to college, I just did not understand whether it was in Antracit or Krasny Luch, but he was from Antracit. They took him by force from his parents, gave him weapons so that he served in LNR and defended, as they said, his country ... they dragged him from college home to his parents ... he said it had happened twice, he ran away, but later they said he should anyway serve in the army and they took him, saying that if he did not, they would deal with his parents ..."

From an interview (C-29d)

"The children [two minors of age (aged 16-17) who worked as guards in the municipal unit of militia in Gorlovka] had been promised a salary of about 300-400 dollars after they completed training in the Russian Federation"

From an interview (C-129d)



Meetings are often conducive, everybody likes celebrations, concerts. They try to bring to those events well-known actors, musicians, Chicherin.

For them it is a moment of becoming a hero. Or a desire for profit. After all, a high pay is promised. They mention amounts of the order of 15,000 roubles. Some billboards in Luhansk – or advertisements how one can go from Luhansk to Rostov, or there is a lot of advertising of a contract army, with an indication where to go and how much they would pay. [Considering the fact that the service of minors in armed groups is prohibited by the law], I think they do not even think, they do not know that there are such laws.

From an interview (C-168d)

FORMS OF PARTICIPATION/USE OF CHILDREN (FUNCTIONS CHILDREN PERFORM)

Article 38 (2) of the UN Convention on the Rights of the Child imposes on the member states the obligation to ensure that children under the age of 15 do not participate directly in hostilities. Protocol II to the Geneva Conventions prohibits the participation of children under the age of 15 in the armed conflicts in any form – directly (fighters, guards, weapon carriers, live targets etc.) or indirectly (spies, messengers, burden carriers, secretaries, cooks, workers, for sexual services, back support).

The outcomes of the monitoring show that children recruited into armed formations on the territory of the Donetsk and Luhansk regions not controlled by Ukraine participate in the armed conflict both directly and indirectly. Children are recruited to serve with weapons at checkpoints, as fighters or guards, etc. There are many cases of indirect participation by spying, carrying messages, acting as secretaries as well as back support (for example, work in the kitchen). Out of 37 documented cases, on which the greatest amount of information is known, 21 children participated directly in the conflict carrying weapons, in 5 cases that was indirect participation consisting in back support, in 4 cases that was indirect participation consisting in spying, passing on messages, administering arms store etc., and in one case direct and indirect participation was combined (back support).

For example, 15-year-old Oleksiy was the group moderator in the social network "V Kontakte" (InTouch), which gathered local youths for spying activities in the interests of the terrorist organizations in DNR and LNR. Together with other teenagers, he was supposed to obtain information about the locations of checkpoints of Ukrainian soldiers, movements of soldiers and military equipment of the Ukrainian armed forces; he also made explosives. There are no doubts as to information available in open sources concerning the service at the checkpoint

in Krasny Luch of a 15-year-old Artem and Bohdana, who started to serve in the armed group at the age of 14 (Makiivka). In one of the videos, 10-year-old Bohdana says she prepares food, brings tea and coffee to soldiers, learns to provide first medical aid to the wounded. Another video shows the participation of Bohdana in an armed patrol of an inhabited area.

Among the collected information there are also reports of the use of children for sexual purposes.

"[...] I witnessed a situation when a young girl, aged about 14 to 16, was put in the basement. The prisoners were totally prohibited from going out of their cells to the corridor without the guard's permission and that was only in the case of extreme need. This girl sometimes ignored those requirements and during one of her trips from the cell to the corridor "Manyak" (Maniac) came to the basement. He was the regular executioner of this unit – "Batman" and, so to speak, "Batman's" right hand. When he saw that girl in the corridor, he went furious and started yelling at her. He said she had to be punished for such cheekiness. And as a punishment he decided to send her as a gift for the frontline separatist fighters to satisfy their sexual needs. Then they took the girl from the basement. After some time they brought her back there and she did not hide that they had taken her to the frontline in an armed vehicle".

From an interview (C-134d)

As regards the forms of participation of children in armed formations on the territory controlled by Ukraine, the 4 reported cases involved direct participation as fighters. Two 17-year-olds were killed. The other two were also 17 when they left the armed formations. Evhen was injured and was sent to hospital, Andriy returned to his mother when he found out that a criminal case had been brought in connection with his participation in the armed conflict.

THE RECRUITER

The recruitment and use of a child in an armed formation entails criminal liability for the recruiter. The recruiter's actions may be considered, among others, as exploitation of child labour. Three categories can be identified among the armed formations which do the recruiting: governmental troops (regular army), irregular armed formations (groups supported by the government); non-governmental armed groups. It should be noted that for non-governmental armed groups the prohibition of recruitment is higher than in the first two categories. In accordance with the Protocol Additional II to the Geneva Conventions, children who have not attained the age of 15 may not be recruited in the armed forces or groups and are not allowed to take part in hostilities (Article 4 of the Protocol). Article 4 of the Optional Protocol to the UN Convention on the Rights of the Child stipulates that the armed groups different from the state's armed forces should under no circumstances recruit or use in hostilities any persons who have not attained the age of 18.

Among the documented cases there are at least five which have the attributes of a war crime because the recruiter recruited a child under the age of 15, the recruiter knew that the child was under the age of 15, the action took place in the context of the armed conflict, and the recruiter was aware of the actual circumstances proving the existence of the armed conflict.

The monitoring identified the following non-governmental armed groups which on the territory of the Donetsk and Luhansk regions not controlled by Ukraine recruited/used children:

- Special SVD Unit "Berkut" (Donetsk region, unit commanded by Russian special services officer aka "Kholod");
- International brigade "Pyatnashka" (Donetsk region, unit commanded by Akhra Avidzb aka "Abkhaz"; the formation consists of Abkhaz, Czech and Slovak nationals);
- Union of Donbas Volunteers (non-governmental organization officially registered in Russia, headed by Oleksandr Boroday (the so-called former prime minister of the self-proclaimed DNR);

- Battalion “Vostok” (Donetsk region, the formation is headed by Oleksandr Khodakovsky, former commander of special Alfa SBY unit in Donetsk region);
- Igor Strelkov Novorossiia Movement (Russian Federation, there are representatives of this formation in Donetsk and Luhansk regions);
- LNR “Che Guevara” unit (Luhansk region, headed by Semirechy Cossack from Kaliningrad);
- Third OSBR (Donetsk region, headed by the fighter called “Bocman”);
- Makiivka municipal military quarters;
- Marine intelligence battalion “Sparta” (Donetsk region, headed by Russian Arsen Pavlov aka “Motorola”);
- Brigade “Prizrak” (Alchevks, Luhansk region, the formation was headed by Ukrainian citizen Oleksiy Mozhovoy, who was killed in May 2015);
- Battalion “Yunaya Samooborona” (Lysychansk, Luhansk region, the formation was set up by 16-year-old Yaroslav Vockoenko, it consisted of boys and girls aged 16 to 18);
- Cossack National Guard (the group is headed by Mykola Kozycyn aka “Batya”)
- Battalion “Somali” group “Givi” (Makiivka, Donetsk region, headed by Ukrainian citizen, separatist Mykhailo Tolstykh (“Givi”));
- 100th brigade of the “DNR army”.

On the territory controlled by Ukraine, 17-year-old fighters, following their own views, hiding their true age, served in voluntary battalions “Krym”, “Kryvbas”, “Aydar” and in one of the battalions “Dnipro” or “Azov” (information is incomplete, the boy is reported to have negotiated with both).

LEGAL ASPECTS OF THE RECRUITMENT OF CHILDREN IN THE ARMED FORMATIONS

Having ratified in 2004 the Optional Protocol to the Convention on the Rights of the Child concerning the participation of children in armed conflicts, Ukraine assumed, among others, the obligation to take all possible measures to prevent the recruitment and use in hostilities of persons who have not attained the age of 18 (including the adoption of legal measures necessary to prohibit such practice and criminalise it). Only in January 2016 was it clearly determined legislatively that the participation of children in hostilities and armed conflicts also included the recruitment or engagement of children in militarised or armed formations not envisaged by Ukrainian laws.⁸ At the same time, in spite of the prohibition of such actions, the existing legislation until now has failed to provide criminal liability for recruitment, use and/or engagement of children in militarised or armed formations not envisaged by Ukrainian laws.

At present, only establishing and participating in militarised or armed formations not envisaged by Ukrainian laws (Article 260 of the Ukrainian Criminal Code) and the involvement of minors of age in criminal activity (Article 304 of the Ukrainian Criminal Code) are subject to criminal liability. The activity of militarised or armed formations not envisaged by Ukrainian laws is unconditionally criminal by its nature, however, Article 304 of the Ukrainian Criminal Code refers to crimes against public order and morality and is not used in the case of attracting children to illegal militarised formations.

Criminal liability for establishing and participating in militarised or armed formations not envisaged by Ukrainian laws applies from the age of 16. According to the data of the Ukrainian Prosecutor General's Office, over the whole period of the armed conflict in the Donetsk region 13 criminal cases were brought against minors charged with actions under Article 260 of the Ukrainian Criminal Code. Moreover, according to the data of the

Donetsk region prosecutor's office, there are still 9 criminal cases against minors in this category at the pre-trial stage.⁹ Also, the prosecutor's office reported that most teenagers left armed formation of their own accord, reported in law enforcement bodies turning themselves in, which in conformity with section 6 of Article 260 of the Ukrainian Criminal Code may be the basis for exemption from criminal liability.

To recapitulate, it can be stated that in spite of the legal prohibition of the recruitment, use and / or engagement of children in militarised or armed formations not envisaged by Ukrainian laws, the existing system for the protection of the rights of children during hostilities and armed conflicts is ineffective due to the lack of criminal liability for the above mentioned actions.

MILITARY-PATRIOTIC EDUCATION

In the conditions of the armed conflict on the territory of Ukraine, there are risks of using military-patriotic rhetoric to cover the recruitment and preparation of boys and girls to participate in illegal militarised formations. Analysis of sources available on the internet provides grounds to claim that various measures have been taken to promote military-patriotic movements, whose activity is publicised as “the implementation of the state youth policy.” Those processes have become considerably more dynamic on the occupied territory after the establishment in Russia of the children's organization “Russian Movement of School Children.”¹⁰ In general, such activity is only a copy of the processes occurring in Russia.¹¹ Moreover, with the support of Russian non-governmental and charitable organizations, teenagers from the territories not controlled by Ukraine are sent to the Russian Federation to participate in various programmes dedicated to military-patriotic education.¹² To reinforce the effects, children are sent to military-patriotic recreational camps,¹³ where there are also Syrian minors.

It should be noted that joining some of such youth organizations is mandatory. For example, in schools on the territory of the occupied part of the Donetsk, region teachers distribute application forms to join the youth organization “Molodaya Respublika” (Youth Republic) and a refusal to join must be stated in writing with an explanation of the reason.¹⁴

The activity of youth military-patriotic movements combines military (basic military preparation) and ideological components. The risk of involving children in illegal military formations increases significantly with the direct participation of representatives of illegal armed or military formations in such education. Under the “Sponsored Schools” programme in over 30 institutions in the Donetsk region the fighters of NVF “First Donetsk Army Corps” regularly give lessons of the so-called patriotic education and military-patriotic games, which in the situation of continued armed conflict can be considered as training and involvement in order to recruit later to the NVF.¹⁵ A major role in the ideological component of the military-patriotic education is played by the Russian Orthodox Church.¹⁶ Individual priests also organize military-patriotic clubs. Such Cadet Corps exists in Rovenky in the Luhansk region¹⁷ where children from the age of 9 are taught combat tactics, the basics of intelligence, sniper skills and firearms training.

¹⁰ Pioneers are back // Gazeta.ru / -

available at: www.gazeta.ru/politics/2015/10/29_a_7853561.shtml

¹¹ Our measures are aimed at educating in the awareness, sense of debt and love to the Home Land – Sergey Kondrykinskiy / Official website of DNR / – available at: <http://dnrsovet.su/nashi-meropriyatiya-napravleny-na-vospitanie-soznatelnosti-chuvstva-dolga-i-lyubvi-k-rodine-sergej-kondrykinskij/>

¹² Report of Mikhail Mishkin on the work of the Ministry of Youth, Sport and Tourism of DNR for 2015 // Official website of DNR / - Available at: <http://dnrsovet.su/doklad-mihaila-mishina-o-rabote-ministerstva-molodezhi-sporta-i-turizma-dnr-za-2015-god/>

¹³ Syrian children will undergo preparation in the patriotic camp near Vladimir// RIA – news/ - Available at: <http://ria.ru/society/20160616/1448839847.html>

¹⁴ DNR forces school children to join the organization “Molodaya Respublika” // Ukrainian press/ - Available at: <http://uapress.info/uk/news/show/97967>

¹⁵ “Donetsk Republic” movement - Available at: <http://oddr.info/article/1187>

¹⁶ Open military-patriotic camps in Donetsk // Donetsk Republic news/ -

Available at: <http://dnr-news.com/dnr/22599-otkrytie-voenno-patrioticheskogo-lagerya-v-donecke.html>

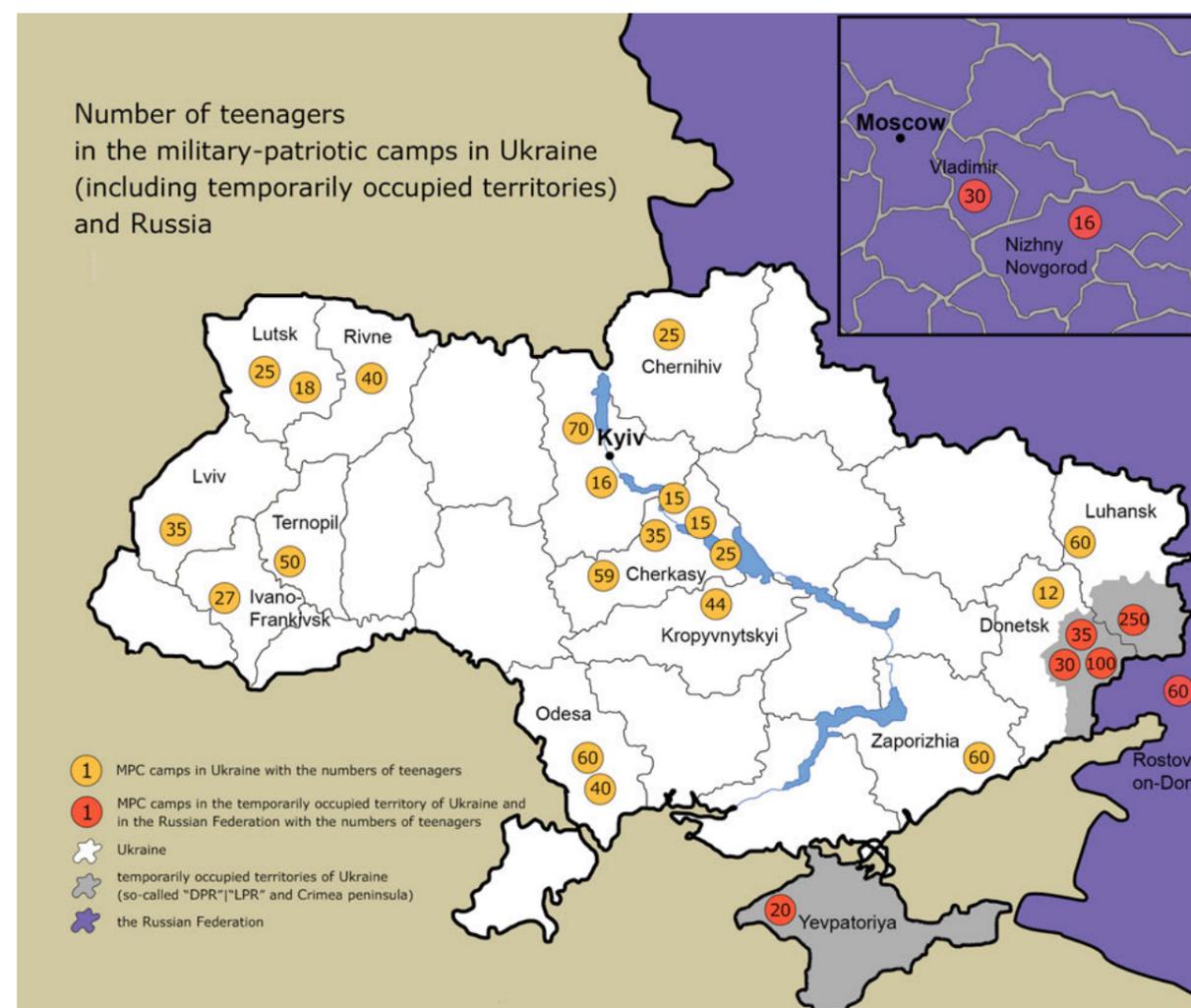
¹⁷ Small hostages of war –children in DNR and the cult of death // Informatsiyny sprotiv/ -

Available at: <http://sprotiv.info/ru/news/kiev/malenkie-zalozhniki-voyny-deti-v-lnr-i-kult-smerti>

⁸ Ukrainian law “On amendments to some laws of Ukraine concerning the strengthening of social protection of children and support of families with children” of 26.01.2016 No. 936-VIII

The number of organizations engaged in military-patriotic education has increased also on the territory controlled by Ukraine. The developments were exactly the same as in the east of the country and in October 2015 the decree of the President of Ukraine approved the Strategy of National-Patriotic Education of Children and Youth for 2016-2020.¹⁸ Individual militarised formations such as “Azov” establish civic structures – “Civic Corps” to which teenagers are actively recruited. In the opinion of the head of this movement, such associations may become the basis for private militarised formations that might be used in local conflicts: “... establishing on the basis of “Azov” of a private militarised company, which only in words was private and in reality would become the proponent of Ukraine’s national interests in foreign policy...”¹⁹

Both on the territory of the so-called DNR/LNR²⁰ and on the territory of Ukraine²¹ there are summer military-patriotic camps for children and teenagers. In such camps there are classes on combat tactics (for fighting individually and within a unit), handling weapons (disassembly and assembly of a machine gun), firearms training (shooting from a pneumatic gun and low calibre gun, and sometimes also military weapons – AK and SVD), physical training (hand-to-hand combat, obstacle course).



It should be noted that the boundary between educating the youth and training them for the use in hostilities is very thin. The assessment of legality of military-patriotic movements depends on a series of factors, including: voluntary participation, age of the children, ideological content etc. Forcing people to join a youth organization, as was the case of the “Molodaya Respublika”, is a violation of the human right to freedom of association. The activity of military-patriotic movements on the occupied territories with ideological contents including attacks on the territorial integrity of Ukraine and incitement to national disagreement is also illegal. A particular attention should be given to the age of children, their intellectual and psychological development, as well as the type of internal relations within the organization. Religious pressure on children by following mandatory rituals such as mandatory prayers is also inadmissible, since that violates their freedom of religion. Building within the organization of the relations which fully copy statutory military relations (vertical hierarchical subordination, ranks, discipline, system of rewards and punishments, etc.) increases the risk of recruitment and use of children in illegal militarised formations.

RECOMMENDATIONS

- Ensure the process of continuous monitoring and collection of data by governmental bodies concerning children who might have been recruited in the armed formations. In the process of data collection it is important to cooperate with non-governmental organizations which gather such data with the methods available to them.
- Include the results of the monitoring and collection of data on the participation of children in armed formations in governmental reports which are submitted to international controlling mechanisms for the protection of human rights as well as at the national level.
- Establish contact with armed formations, including non-governmental ones on the territory of Donetsk and Luhansk regions not controlled by Ukraine in order to prevent the recruitment/use of children in the armed conflict and ensure the unavoidable punishment for those who engage in such recruitment/use of children.
- Analyse Ukrainian legislation and bring it to compliance with the Optional Protocol to the Convention on the Rights of the Child concerning the participation of children in armed conflicts.
- Ensure the direct application in the internal legal system of the regulations of the Optional Protocol to the Convention on the Rights of the Child concerning the participation of children in armed conflicts.
- Implement the recommendations of the concluding remarks of the 56th session of the UN Committee for the Rights of the Child.
- Introduce amendments to the Ukrainian Criminal Code in the part concerning the criminalisation (definition of the attributes of a crime) of the recruitment of children to participate in hostilities and militarised formations.
- Introduce amendments to the Ukrainian Criminal Code (Section 6 Article 260), in the part concerning the extension of the circle of persons to whom a special type of criminal liability will apply on a compulsory basis – minors who participated in the activities of a militarised or armed formation not envisioned by the law.
- Introduce amendments to the Ukrainian Criminal Code in the part concerning the criminalisation (definition of the attributes of a crime) of hiring a minor.
- Introduce amendments to the Ukrainian Criminal Code in the part concerning the criminalisation (definition of the attributes of a crime) of the provision or sale to the minor of weapons, munitions or explosives.
- Conduct an awareness-raising campaign to inform ministries and units of the Ukrainian armed forces, authorities which work to protect the interests of children, as well as the general public about the forms and methods of preventing the recruitment of children in the armed formations.
- Develop and implement at state and local levels a system of standards and assessment of educational, recreational and health programmes in summer camps, in conformity with the standards of preventing the participation of children in armed conflicts in order to prevent the inclusion into those programmes of training for military service.

¹⁸ Decree of the President of Ukraine “On the Strategy of National-Patriotic Education of Children and Youth in 2016-2020” of 13.10.2015 No. 580/2015.

¹⁹ Shebelist S. Stripes by heart. The past and the present of voluntary battalions // online edition of Lvov ZAXID.net/ - Available at: http://zaxid.net/news/showNews.do?shevroni_na_zgadku&objectId=1391924 - 16.05.2016

²⁰ For example, the camp “Vypel” on the territory of Amvrosievka district in the Donesk region.

²¹ For example, the camp “Community of Support for the Defence of Home Land” on the territory of Kyiv region.

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