

Reintegrating the Rights of Women and Children in Armed Conflict: The International Legal Role of the Welfare State

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Abstract: This research aims to provide a comprehensive overview of the impacts of military conflicts on vulnerable societal groups — women and children. Women and children bear the burden of conflict and are often subjected to violence, loss of property and breadwinners, and threats to their health. The general structure of the study includes theoretical information, analysis of the international legal context, practical examples and conclusions on the effectiveness of welfare state measures in reintegrating the rights of women and children during armed conflicts. It is demonstrated that the global normative legal field in this context is insufficient. Significant focus is placed on the issue of child soldier recruitment and the involvement of women in combat roles within modern armed forces. Variations in actions aimed at mitigating the worst consequences for these groups are outlined. The research also includes the study of the welfare state's practical experience in implementing programmes and projects to reintegrate the rights of women and children after armed conflicts. The article analyses the role of the welfare state in reintegrating the rights of vulnerable societal groups within the framework of international legal provisions. Special attention in the study is given to the aspects of protection afforded to women under international legal frameworks. This research is dedicated to the pressing issues surrounding the protection of women's and children's rights during armed conflicts. The publication contains a multifaceted view of the problem and recommendations for further action.

Keywords: welfare state, women's rights, children's rights, armed conflict, reintegration.

Introduction

The problem of the study lies in the fact that, against the backdrop of military conflicts, the welfare state often fails to adequately ensure the reintegration of women's and children's rights due to insufficient attention to their needs and the lack of effective international legal protection mechanisms. Consequently, there is an issue with the lack of systematisation and implementation of legal norms that would ensure the necessary protection for women and children during and after conflicts. Proposed solutions to this problem include the development and ratification of international agreements aimed at protecting the rights of women and children in the context of war, as well as the improvement of national legislation in compliance with international law.

In addition, it is important to provide social and psychological support to women and children who have been victims of armed conflict so that they can successfully reintegrate into society after the traumatic events. Thus, the role of the welfare state in the reintegration of women's and children's rights is significant and requires a comprehensive approach at both the international and national levels.

Theoretical Framework

Contemporary researchers pay significant attention to the theoretical and practical aspects of legal protection for the rights and freedoms of women and children during armed conflicts and the issue of reintegration, which has been the subject of numerous specialised scientific studies.

In particular, Chinkin and Gormley [1] and Cooke [2] examine the obligations of state parties to eradicate violence against women, as developed through various international institutional initiatives. The researchers propose a holistic approach to different manifestations of violence against women, defining violence as a form of discrimination and, thus, adopting a rights-based approach enshrined in corresponding legislative and normative frameworks.

Singh et al. [3] and Mills [4] present findings from a collection of examples across ten countries. The scholars argue that the international humanitarian support system must be creative and pluralistic to bring life-saving services closer to the affected populations through innovative delivery methods.

Continuing this theme, Garry and Checchi [5] argue that war-affected countries are less likely to achieve the United Nations Sustainable Development Goals (SDGs). Meanwhile, Jamshid [6] addresses the critical issue of violence against children, describing it as a violation of their rights in interpersonal, social, community, and global contexts, encompassing both physical and psychological acts directed against them or their parents.

Despite existing research on the rights of vulnerable groups during armed conflicts rarely attempting to address the practical resolution of these challenges, a predictive component—either explicit or implicit—can be observed in academic studies. Generally, such publications tend to focus on theoretical considerations regarding improving legal and regulatory frameworks for protecting the rights of women and children during wartime. For instance, this is evident in the works of Le and Nguyen [7], Wise et al. [8], Júnior et al. [9], Munyuzangabo et al. [10], Benjet et al. [11], and Sutherland [12].

Amidst the rapidly increasing unpredictability of the future, scholars continue to seek adequate tools for developing visions that respond to current challenges. This issue gains particular significance in forecasting the resilience of women and children in Ukraine amidst war, where academic forecasting has been characterised by relatively slow development. New perspectives in this field are reflected in the publications and scientific works of Kolohryvova [13], Virna and Lazko [14], and Hrishyn [15].

At the same time, the professional development of well-substantiated approaches to the concrete enhancement of the international legal framework in the studied area remains underdeveloped among researchers.

The publication aims to analyse how the conflict affects women and children and what can be done to mitigate its worst effects on these groups.

Methodology

The methodological foundation of the study is based on modern general scientific and specialised methods of scientific inquiry, including:

- Inductive and deductive methods for analysing and generalising information on the research subject and for analysing scientific and legal sources related to the research topic;
- Generalisation of the analysed materials, forecasting, and formulating conclusions and recommendations based on the results of the study;
- Functional method for integrating parts of the study with its central theme;
- System-structural method for forming coherent components of hypothesis validation.
- Specialised methods of scientific examination for this topic include:
- Historical method for studying the sequential development of the legal framework for the phenomenon under investigation;
- System analysis method;

Generalisation of normative and practical materials during the research process.

Generalization of information about the subject of research involved the selection of the main, most important aspects and properties of the studied subject, followed by their representation in a concise format. This was preceded by systematization of data and identification of main trends.

Results and Discussion

Women in armed conflict have special needs and should be given special respect and protection.

It is necessary to ensure that children are provided with appropriate care and assistance, medical treatment, and nutrition, as well as protection from direct involvement in military actions. Children whose liberty is restricted should be kept separate from adults unless they are living with their families in separate premises.

The international humanitarian legal framework guarantees women the same protection as men, regardless of whether they are combatants, civilians, or persons who have ceased participating in hostilities. However, considering the specific needs of women and their greater vulnerability, international humanitarian law requires that they be granted special protection.

Pregnant women and mothers with young children should receive exceptional care. Women in childbirth and pregnant women are entitled to medical care.

However, during armed conflict, women are often the victims of sexual violence. Women, therefore, have a particular need to be protected from all forms of sexual violence, for example, by being kept separate from men if their families have not been relocated elsewhere. Women should also be under the direct care of women, not men. Additional Protocol II states that “children shall receive necessary care and assistance”.

States must ensure compliance with international humanitarian law regarding children in accordance with the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child [16-18].

Several UN Security Council and General Assembly resolutions also refer to this norm in general terms and about specific conflicts, such as Sudan and Sierra Leone.

Resolution 1261: The UN Security Council Resolution of 25 August 1999 states that parties to armed conflict must minimise harm to children during war. In 1986 and 1995, the International Conferences of the Red Cross and Red Crescent adopted resolutions on the protection of children during war [19].

Article 17 of the Constitution of the Republic of Slovenia provides for the inviolability of human life [20]. Similar provisions are found in the Constitution of Portugal (Article 24).

Article 1 of Chapter V of the Constitutional Law of the Republic of Albania, “On Basic Constitutional Provisions”, states: “*No one may be deprived of life except based on a court verdict that has entered into force and is rendered in connection with an intentional grave crime for which the death penalty is provided by law as a punishment*” [21]. A similar provision is contained in Article 21 of the Constitution of the Republic of Croatia [22].

Practice demonstrates that the system for protecting children during armed conflict should include the following:

- Preventing all forms of violence;
- Ensuring unrestricted access to proper nutrition, medical care, and education;
- Evacuating children from conflict zones;
- Reuniting children with their families at the earliest opportunity.

The UN Committee on the Rights of the Child emphasises additional critical requirements for ensuring children's rights:

- Prohibition of torture and cruel treatment;
- Preservation of the child's cultural environment;
- Protection in cases of deprivation of liberty;
- Provision of access to humanitarian organisations.

For example, we can cite the following national laws. In 1994, Sri Lanka reported that for child victims of armed conflict and refugees, “there are several urgent needs that must be addressed, including specific requirements for healthcare and nutrition for infants and preschool children...; care and rehabilitation for children traumatised by violence” [23]. In Argentina, the Code of Military Justice punishes “any soldier who, in the event of armed conflict, violates provisions regulating the special protection of children” [24].

The Law of Azerbaijan on the Protection of Civilians and the Rights of Prisoners of War stipulates that in the event of civilian evacuation from the occupied zone, “special attention is paid to children, and they should be given special care” [25].

Regarding protecting women's rights, the following can be stated: In recent years, about 600 different bilateral and multilateral peace treaties have been concluded worldwide, of which only about 100 mention women as victims of conflict or persons experiencing the consequences of conflict.

Only about 15 per cent of the relevant documents focus on this issue. Even fewer of these documents address issues such as violence against women during conflict, including sexual violence. We know that this practice has been used

in conflicts in the Balkans, Croatia, Kosovo, and Bosnia, as well as in African conflicts in Uganda and other countries: rape as a means of subjugating the other side. However, only two dozen treaties mention them.

UNICEF prioritises gender equality as critical to protecting the rights of all children. The UNICEF Gender Action Plan for 2022-2025 sets programmatic and institutional goals with time-bound targets to achieve more transformative, lasting change. In 2023, at the midpoint of the Gender Action Plan, significant achievements have been made in many areas, with UNICEF either surpassing or nearly reaching its milestones.

According to the 2024 Report of the international humanitarian organisation CARE. Surveys in 15 countries in conflict, including Ukraine, Yemen, Colombia, Syria, and the Gaza Strip. Of the 13,000 women surveyed, 91 per cent said they actively support their communities, particularly regarding livelihoods. They help refugees with food and shelter, are the sole providers for their families, and work together for positive change. 79 per cent of women seek ways to make their living environment safer, and 71 per cent provide health care.

The report notes that women on the front lines, despite the challenges and horrific experiences, are subjected to sexual violence, lose their livelihoods and face a sharp deterioration in health care. This leads to an increase in mortality, even from preventable causes. The differentiation of victims of sexual violence in armed conflicts according to UN indicators, as well as the main challenges faced by women in conflict, are presented in Table 1 and Table 2.

Table 1. Distribution of victims of sexual violence in armed conflicts according to UN indicators in 2024

Category	Total number of cases	Percentage
Total number of confirmed cases of violence	3622	100%
Women and girls (victims)	~3441	95%
Children (victims)	1186	33%
Girls (among children)	1157	98%
Men and boys (victims)	145	4%

Source: Guiding documents [26]

Table 2. The main challenges faced by women in conflict

Indicator	Percentage/Number
Women who need help to support themselves	58%
Women for whom lack of food is a big problem	41%
Women living in countries with reports of sexual violence	257 million
Women who died during pregnancy or childbirth in conflict zones	50% (every second)

Source: Neuer CARE-Report: Frauen im Krieg [27]

Ukraine has undertaken several international commitments. In particular, it has identified “gender equality” as one of its six goals [28] and has also ratified the UN Convention on the Elimination of All Forms of Discrimination against Women [1]. Ukraine is required to report regularly to the CEDAW Committee on its implementation of these obligations.

An important event in this regard was the approval by the Cabinet of Ministers of Ukraine in February 2016 of the National Action Plan for the period up to 2020 on the implementation of UN Security Council Resolution 1325 (2000) on Women, Peace, Security and Gender Equality. The Ministry of Social Policy has prepared a draft law to implement the requirements of UNSCR 1325, the Beijing Declaration and Platform for Action.

At the same time, the Ministry of Social Policy noted that another reason for preparing the draft law was gender threats related primarily to the armed conflict in eastern Ukraine, as well as the need to consolidate and optimise the use of women's potential in combating violence and building peace [29, 30].

The National Action Plan contains ten main objectives with specific activities planned to achieve them: to assess the impact of the conflict on the national human rights protection system; to assess the impact of the crisis on the infrastructure, organisation and functioning of the service delivery system; to coordinate the activities of stakeholders in the implementation of UNSCR 1325; to organise professional training.

In addition to UN Security Council Resolution 1325, several related resolutions have been adopted since 2000 to strengthen its implementation, proposing various mechanisms for this purpose and being called “sister” resolutions: UN Security Council Resolution 1820 (2008) emphasised strengthening the prevention of gender-based violence, prevention of violence committed by members of peacekeeping forces (military), and obliged the UN Secretary-General to submit annual reports on the implementation of Resolution 1325 [31].

The UN Security Council Resolution 1888 (2009) appointed a Special Representative on Sexual Violence in Armed Conflict, established an expert group by 2011 that could work to reduce gender-based violence, and made annual reports mandatory. The UN Security Council Resolution 1889 (2009) instructed the UN Secretary-General to develop a Strategy and global indicators to implement the provisions of UNSCR 1325.

The UN Security Council Resolution 2106 (2013) reiterated the need for a rapid response to cases of sexual violence and called for the creation of special funds and rehabilitation programmes for victims of violence. The unique role of gender advisers and international and non-governmental organisations in rehabilitation and prevention was emphasised [31].

UN Security Council Resolution 2122 (2013) emphasises the importance of regular consultations with women's organisations, exceptional financial support for women's initiatives, and women's active and equal participation in electoral processes. It also obliged the UN Secretary-General to present a Global Study on the Impact of Resolution 1325 in 2015.

Marking the 15th anniversary of Resolution 1325, the UN Security Council adopted a new resolution 2242 on the responsibility and participation of men and boys in engaging women in peace and security and partnership with women's organisations [31].

Thus, it can be concluded that the current UN peacekeeping practice regarding gender aspects is far from the project of gender approach proposed by feminists at the turn of the twenty-first century. Although UN Security Council Resolution 1325, adopted in 2000, provides for the participation of women as active participants in peacekeeping, these resolutions mainly reduce the status of women in military conflicts to that of passive victims.

It is not necessary to distort reality; sometimes, it is enough to follow established patriarchal trends that perpetuate inequality. However, the invisibility of women in war is also linked to the distortion of their image, in particular, due to sexism and the objectification of the female body.

Studies have shown that women in peacekeeping forces can increase the effectiveness of peacekeeping missions because they know how to do it. The local population is generally more willing to interact with female soldiers, as they perceive them as less of a threat to them than male peacekeepers. Working with and collecting information from local women's organisations provides more detailed, accurate, and helpful information for decision-making.

Outside working hours, women peacekeepers can communicate with local women and tell them what is happening behind the scenes. This is another valuable way for missions to keep abreast of developments in the host country.

Women soldiers monitor male soldiers' unacceptable behaviour. Women peacekeepers serve as role models for local women and incentivise them to join the armed and security forces.

To summarise, despite the problems mentioned above regarding ensuring gender equality in the military sphere, the representation of women in the defence sector is growing. Ukrainian women should be more widely involved in peacekeeping processes, as their potential is underestimated.

The difficulty of quickly formulating and implementing responses to the risks of human trafficking and exploitation is undoubtedly a challenge. The cycle of human trafficking cannot be broken without ensuring the rights and needs of trafficked persons are met.

Adequate support should be provided to persons without discrimination; ensure that judicial proceedings involving trafficked persons do not harm their rights, dignity, physical or psychological well-being; provide legal and other assistance to trafficked persons in criminal, civil and other proceedings against traffickers/exploiters; provide information to victims in a language they understand; ensure adequate protection of trafficked persons; and ensure that trafficked persons are not subject to discrimination.

In the United States, most victims of human trafficking, especially children, remain unidentified, and even fewer have access to services designed to help them avoid being victims and reintegrate into society [32, 33].

These materials, developed with the input of national experts and real-life experiences, are designed to inform children about their rights and the justice system.

Victims require assistance with reintegration. Reintegration support is a lengthy, complex, and non-linear process that involves the recovery of victims of human trafficking.

Firstly, reintegration assumes that victims of human trafficking were previously, in a certain sense, outside society.

Secondly, Slocombe emphasised that reintegration discourses minimise victims' power but maximise the integrator's power. This minimisation of the power of victims leads to their being positioned as "other", as criminals and dysfunctional, which has significant implications for their daily lives after trafficking.

Third, the expansion of reintegration assistance programmes for trafficked persons has also not always been successful due to insufficient funding and the development of rehabilitation programmes that are poorly adapted to meet the complex needs of trafficked persons. For example, there is evidence that some trafficking survivors are re-trafficked even after receiving reintegration assistance.

For example, let's look at Nigeria. Nigeria is a significant country of origin, transit and destination for human trafficking. For example, it was reported that Nigerian women and girls were the most identified victims of trafficking in the European Union (EU) in 2015, and in 2017 they were found in more than 40 countries [26, 34-36].

Three main issues arise here. First, while reintegration programmes address some aspects of reintegration through helpful assistance services, meaningful reintegration remains incomplete. Second, the focus is predominantly on the social reintegration of victims into their communities of origin. Third, reintegration assistance should not be driven by the political imperatives of the government but should better reflect the lived experiences of the victims.

Human trafficking and the abduction of women and children during violent conflicts are heinous crimes that cause untold suffering to victims.

Currently, it is important to improve the legal framework. Trafficking and abduction should be criminalised at the international and national levels. Criminal laws should punish perpetrators severely and protect victims [37, 38].

It is important to raise awareness of this problem among the population, military and law enforcement agencies. This will help avoid perpetrators and identify victims. Victims should be given access to medical care, psychosocial support, and opportunities for family reintegration [39].

The best way to prevent human trafficking and theft is to avoid dangerous conflicts. The international community must fight armed conflict and violence [40].

Only by working together can we put an end to human trafficking and kidnapping, as well as human rights violations in conflict zones [41].

Given the above, it is evident that for the effective enforcement of court decisions in this area, many urgent issues need to be addressed, including the introduction of measures aimed at improving the efficiency of public administration and the professionalism of public authorities, improvement of measures and methods of enforcement of decisions of courts and other public authorities; prevention of corruption in public authorities; creation of conditions for enforcement actions in settlements where public authorities temporarily do not carry out enforcement actions.

Conclusion

International humanitarian law protects vulnerable groups within society; however, existing obligations and requirements potentially need to be expanded and improved.

Armed conflict has a significant impact on the security of women, children, older adults and persons with disabilities. International experience shows that gender discrimination and violence can be used as a tactic of war, as was the case,

for example, during the conflict in Bosnia and Herzegovina in the 1990s. The Islamic State terrorist group is also known to kidnap women for sexual exploitation or to carry out suicide bombings. Men in conflict zones may be subjected to physical coercion or psychological pressure to join the armed forces.

International doctrine and practice have developed the basic principles of the modern law of armed conflicts: humanisation of armed conflicts; limitation of the choice of methods and means of warfare by the belligerents; international legal protection of victims of war; protection of civilian objects and cultural property; reconciliation of military necessity with the preservation of public order and respect for the human person; protection of the interests of a neutral state; prohibition of inflicting damage to the enemy disproportionate to the objectives of war - destruction or weakening of Ukraine, as a subject of international law, has a legal obligation to unconditionally comply with international legal documents signed by our state, including conventions, treaties and agreements on the law of armed conflict (laws and customs of war).

Undoubtedly, to comply with the rules of armed conflict, they must be known not only by military personnel of all levels but also by the civilian population on whose territory an armed conflict may break out. Despite the efforts of the international community, women and children remain a particularly vulnerable group, and they continue to be the main targets of systematic discrimination, especially in crises and, in particular, during armed conflicts. Unfortunately, there is no tendency to reduce the number of international armed conflicts in the modern world.

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