

WORKSHOP

Requested by the DROI subcommittee



Forcible transfer and deportation of Ukrainian children: Responses and accountability measures



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Forcible transfer and deportation of Ukrainian children: Responses and accountability measures

ABSTRACT

On 13 November 2023, a workshop was organised on behalf of the Human Rights Subcommittee focusing on the forcible transfer and deportation of Ukrainian children by Russia, which has taken place since 2014 and vastly intensified since the full-scale invasion on 24 February 2022. Ukrainian, EU and third country diplomatic and political efforts to stop the deportations and repatriate children were looked at, along with initiatives by the civil society. The workshop examined the investigations and cases brought before national and international jurisdictions against state actors and individual perpetrators. Challenges on political, legal and practical fronts were scrutinised, leading to recommendations for what the EU could do to help bring the children back. One of the experts shed light on the situation of civilians in the occupied Ukrainian territories more generally. This report brings together the background briefings prepared for the workshop and a summary of the debate with Members, academics, experts from the civil society and EU representatives.

AUTHORS

- Briefing 'Russia's forcible transfers of unaccompanied Ukrainian children: responses from Ukraine, the EU and beyond':
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- Briefing 'Accountability measures for the forcible transfer and deportation of Ukrainian children':
 - Dr Yulia IOFFE, Assistant Professor in Law at University College London – UCL;
- Workshop proceedings:
 - Trans European Policy Studies Association (TEPSA)

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This workshop was requested by the European Parliament's Subcommittee on Human Rights

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Table of contents

I. Workshop proceedings

II. Working papers:

Briefing 'Russia's forcible transfers of unaccompanied Ukrainian children: responses from Ukraine, the EU and beyond?'

Briefing 'Accountability measures for the forcible transfer and deportation of Ukrainian children'

I. Workshop proceedings

Table of contents

1	Workshop programme	9
2	Introduction	10
3	Presentation by academic experts	10
3.1	Dr Andreas Umland (Analyst, Swedish Institute of International Affairs)	10
3.2	Dr Yulia Ioffe (Assistant Professor in Law, UCL)	12
4	Contributions from other experts	13
5	Debate with Members	16
6	Contribution from the European External Action Service	17
7	Responses from the panel	18
8	Letter from the European Parliament Vice-President and Coordinator on Children's Rights	19
9	Annex – Speakers' biographies	20

List of abbreviations

DROI	European Parliament's Subcommittee on Human Rights
EP	European Parliament
EPP	European People's Party
EU	European Union
EEAS	European External Action Service
ICRC	International Committee of the Red Cross
MEP	Member of the European Parliament
NGO	Non-Governmental Organisation
S&D	Socialists & Democrats
UCL	University College London
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

1 Workshop programme

FORCIBLE TRANSFER AND DEPORTATION OF UKRAINIAN CHILDREN: RESPONSES AND ACCOUNTABILITY MEASURES

Monday 13 November 2023, 15.00 – 17.00

Brussels, Altiero Spinelli building, room 3G2

INDICATIVE DRAFT PROGRAMME

- 15:07-15:14 **Introductory remarks**
- Welcome by **Udo Bullmann**, MEP (S&D), Chair of the Subcommittee on Human Rights.
- 15:15-15:29 **Presentation of the Briefing on ‘Russia’s forcible transfers of unaccompanied Ukrainian children: responses from Ukraine, the EU and beyond’**
- **Dr Andreas Umland**, Analyst, Stockholm Centre for Eastern European Studies at the Swedish Institute of International Affairs.
- 15:29-15:38 **Presentation of the Briefing on ‘Accountability measures for the forcible transfer and deportation of Ukrainian children’**
- **Dr Yulia Ioffe**, Assistant Professor in Law, University College London (UCL).
- 15:38-16:30 **Contributions from other experts**
- **Mykola Kuleba**, former Commissioner of the President of Ukraine for Children’s rights and Co-founder of the Alliance for Ukraine Without Orphans and Save Ukraine.
 - **Anna Wright**, Regional Researcher covering Ukraine, Amnesty International.
 - **Anna Carin Krokst de**, Deputy Head of the Ukraine Division, European External Action Service.
- 16:25-16:30 **Debate**
- Intervention by **Janina Ochojska**, MEP, European People’s Party (EPP).
 - Intervention by **Katalin Cseh**, MEP, Renew Europe group.
- 16:39-16:43 **Concluding remarks**
- Concluding remarks by **Udo Bullmann**, Chair of the Subcommittee on Human Rights.

2 Introduction

The workshop entitled 'Forcible transfer and deportation of Ukrainian children: responses and accountability measures' was organised by the European Parliament (EP) Subcommittee on Human Rights (DROI) and the Policy Department of the EP Directorate-General for External Policies. It took place on 13 November 2023 under the chairship of Udo Bullmann, DROI Chair (S&D, DE).

The workshop brought spotlight on the forcible transfer and deportation of Ukrainian children by Russia and was an opportunity to reiterate DROI's and the EU's unwavering support to Ukraine. External experts and representatives of the European External Action Service (EEAS) were invited to present their work and engage in an open discussion with MEPs.

3 Presentation by academic experts

3.1 Dr Andreas Umland (Analyst, Swedish Institute of International Affairs)

Dr Andreas Umland presented his briefing's findings on 'Russia's forcible transfers of unaccompanied Ukrainian children: responses from Ukraine, the EU and beyond'. He started by quoting a subheading title from a report carried about by political scientist Tetiana Fedosiuk from the Tallinn International Centre for Defence and Security: 'Too cruel to be true'. Dr Umland continued that 'too cruel to be true' is what Dr Yulia Ioffe and his research has found and experienced. He furthered that, to begin understanding this cruelty, it is necessary to put it in the political, ideological, and historical context of Russia's behaviour.

He distinguished various kinds of forcible transfers that their reports cover by looking at the different cases. Displaced children who remain on the legal territory of Ukraine but are not reported to Russia; deported children who are taken from Ukrainian territory and brought to the territory of Russia; accompanied children who are displaced or deported with their legal guardians; and unaccompanied children, of which there are also many who are forcibly transferred. He addressed that some of the complications of doing this research are operating in a plethora of different statistical evaluations and numbers that are circulating in the media. Partly, they are spread by Russia, which has tried to inflate the numbers of forcibly transferred children. He suspects that Russia has also counted children of labour migrants to try to diffuse the attention and change the perception.

Dr Umland rather pointed to the Ukrainian website, 'Children of War,' where there is an approximate detail on 20 000 children, and where details on individual children are being verified. He continued that this number may even be too low.

In beginning his contextualisation of this cruelty, he started with the Russian ideology of pan-Russianism, which propagates that there is no Ukrainian state or nation and that it is actually Western Russia. Furthermore, he discussed that, according to this Kremlin ideology, Ukrainians are Russians who have been mis-educated and manipulated by the West and by Ukrainian nationalists. According to pan-Russianism, believing that international law does not apply to Ukrainians because they are part of the Russian nation. Another argument by Russia is that they are protecting Ukrainian children from Ukrainian fascism and an allegedly civil war that started in 2014. He continued that this narrative also incorporates protecting them from Western transgender and LGBTIAQ+ ideologies.

Another factor Dr Umland brought forward is the instrumental approach of the Soviet regime and post-Soviet Russian regime towards children. He gave the example of the 2012 Dima Yakovlev Law, which, in response to the Magnitsky Act, forbade foreigners to adopt children from Russia. The law mainly concerned sick children who would have been adopted by foreign citizens. This law acted against the interests of sick Russian children, who remained, as a result, in Russian children's homes rather than being adopted.

He added that another political aspect of Russia's invasion of Ukraine since 2014 is, alongside the geographic conquest, a war of demography. The objective is to take the territory of the Ukrainians and the Ukrainian people to incorporate them into the Russian nations. He further stated that this trend of deportations and transfers of children has been taking place since 2014, although on a much smaller scale than the post-2022 invasion.

Dr Umland then presented his political recommendations. He pointed out that there has been a huge gap in the past two years between the many international statements and the lack of action, or lack of effective action. He asserted that this has to change, and there are two strategies to follow. Firstly, a shaming and blaming campaign, and secondly, a backchannel diplomacy initiative. He explained that backchannel diplomacy would use mediators, usually non-western states, neutral non-governmental organisations (NGO), religious and labour, and other groups to bring children back from Russia to Ukraine. Dr Umland points to a number of rather surprising states having already become engaged in mediating: Saudi Arabia or Türkiye. Ukraine has requested the assistance of the Vatican. The Emirate of Qatar has had success in bringing back four children from Russia to Ukraine. He adds that in his interviews in Ukraine, some expressed hope that Kazakhstan, India, or South Africa, countries that are connected to Russia in international organisations like the Eurasian Economic Union or the BRICS group, could help in bringing back children. His last point in regard to neutral mediation is the recommendation for the EP, within the EU, to use remaining links with governmental and non-governmental actors in Russia to facilitate the return of Ukrainian children and identifying where children are, and which children have been forcibly deported. Dr Umland argued that unless the Russian regime changes radically, these are the only viable options for the repatriation of Ukrainian children.

Regarding the potential signs of Russian regime change, Dr Umland highlighted the mutiny by Yevgeny V. Prigozhin from the Wagner group but stressed the need for international pressure from international organisation and national governments until a radical regime change occurs. In that regard, he endorsed the recommendations of the Regional Center for Human Rights, a major Ukrainian NGO. Among others, the Center recommends ad hoc parliamentary resolutions, following the example of those of the US Senate, and Slovakia which should specifically deal with the deportation and displacement of children, rather than having this topic included as a subcomponent to a larger resolution by a national or international body. He stated that the United Nations (UN) General Assembly would be the most important place for this to take effect. The Center has also recommended the expansion of sanctions beyond its current scope, including institutional sanctions against entities in Russia that have taken part in the deportation and Russification of Ukrainian children, such as camps, schools and universities.

Acknowledging research already conducted by the European Parliamentary Research Service, Dr Umland further emphasised the need for more research calling for a comprehensive register to document deported and displaced children. He recommended that an entire research project be specifically focused on finding these children, given Ukraine's limited resources to do so. In addition, in matters of research, he recommended the conduct of a 'perpetrators study' based on approaches from genocide studies, to better understand those committing the crimes. He also recommended further historical and political context research to put on Russia's exactions in a comparative and historical perspective.

Lastly, Dr Umland recommended the creation of an awareness-raising campaign for Ukrainian families in Ukraine so that they do not fall victim to Russian traps, such as, for instance, holiday camps. In addition, he stated that there is a need, above all, for an awareness-raising campaign for European and non-European citizens, as most of current knowledge is limited to a circle of diplomats, experts and staff of the EU institutions, among others. He pointed to the need for journalists, editors, bloggers, publishers, pundits, and artists, among others, to document what is happening in order for awareness to be raised among the broader public, and to let people know that what is happening is 'cruel but true'.

3.2 Dr Yulia Ioffe (Assistant Professor in Law, UCL)

Dr Yulia Ioffe presented the Briefing entitled 'Accountability Measures for the Forcible Transfer and Deportation of Ukrainian Children'. She focused on findings concerning the forcible transfers of Ukrainian children to Russia and the potential violations of international law. Dr Ioffe delved into accountability mechanisms under international law, concurrently highlighting their strengths and acknowledging inherent limitations.

Under international law, specifically international humanitarian law of armed conflict, the forcible transfers and deportation of civilian populations, including children, are strictly prohibited. Dr Ioffe highlighted that while evacuation of children might be considered under certain circumstances, it must be temporary and solely for compelling reasons related to the health and safety of children. Moreover, if such evacuation occurs, the children should be returned to their country of citizenship or to a neutral country, neither of which applies to Russia. Even in cases where these situations might be applicable, strict conditions, such as family unification and provision of education at the same level, must be adhered to by the occupying power conducting the evacuation.

Referencing additional international legal instruments, Dr Ioffe pointed out the relevance of the Convention on the Rights of the Child, which safeguards the identity of children and family unity. Unfortunately, these provisions have not been upheld concerning Ukrainian children, indicating likely violations of articles 7, 8, 9, 10, and 16 of the Convention on the Rights of the Child. She underlined that these violations could result in individual criminal responsibility under the Rome Statute of the International Criminal Court, qualifying as war crimes, crimes against humanity, and potentially genocide.

Dr Ioffe emphasised the accountability mechanisms, highlighting Ukraine's prioritisation of the International Criminal Court (ICC) for litigation concerning the forced transfers of Ukrainian children. President Zelenskyy, in a meeting with ICC Prosecutor Karim A. A. Khan KC, underscored the critical importance of repatriating deported children for the future generations of Ukrainians. On April 17, 2023, the ICC issued two arrest warrants related to Russian President Putin and Children's Rights Commissioner Maria Lvova-Belova, categorising the crime as war crime of unlawful deportation and unlawful transfer. Dr Ioffe noted that this does not necessarily conclude the legal proceedings, citing past instances where the ICC added charges or requalified crimes, leaving room to classify these violations as crimes against humanity or genocide.

In addition to the ICC, Ukraine has initiated a case before the International Court of Justice based on the Genocide Convention. Although not specifically addressing the forcible transfer of children, the case revolves around the 'false claim of genocide'. This argues that Russia falsely claimed genocide of Russian-speaking people in Donbas, using it as a pretext for an illegal use of force. While Ukraine has not expanded this claim to address the forcible transfer of Ukrainian children, the possibility remains open.

She further highlighted that on the domestic front, EU member states, such as Germany, Lithuania, Sweden, and Spain, have initiated investigations under universal jurisdiction, focusing on war crimes and crimes against humanity. These efforts reflect a comprehensive approach to pursuing accountability for the committed violations.

Dr Ioffe noted that there are currently no claims of genocide, but efforts in this direction are expanding. The Ukraine Office of the Prosecutor has been actively pursuing at least 20 cases related to the forcible transfer of Ukrainian citizens. In June 2023, Ukrainian prosecutors brought the first charges against the forcible transfers of Ukrainian children from the Kherson orphanage, categorising the alleged crime as a war crime.

However, Dr Ioffe highlighted a limitation in domestic trials, with many conducted in absentia due to alleged perpetrators being on occupied territory or in Russia. This challenge extends to prosecuting under

the universal jurisdiction in EU Member States. Despite this, the EU has made considerable efforts, including initiatives by Eurojust to collect evidence or political tools such as EP resolutions.

Dr Ioffe acknowledged efforts within the Council of Europe but noted Russia's non-membership as a limitation. The European Court of Human Rights, which has jurisdiction over Russia for events occurred until September 16, 2022, faces challenges due to tensions between Russia and the Court before the full-scale invasion of Ukraine.

Identifying four main challenges, Dr Ioffe emphasised the absence of a mechanism in international law for the return of children, making prevention crucial. The second challenge is the issue of accountability due to limited access to the territory where perpetrators, witnesses, and evidence are located. Coordination and financing constitute the third challenge, given the fragmented nature of the system for litigating claims. Finally, she suggested refining the litigation strategy by determining the crime to be pursued, that is, war crime, crime against humanity, or genocide. She stressed the need for close cooperation in evidence collection, an enhanced use of universal jurisdiction, and a coordinated approach to financing.

Turning towards Mr Kuleba, Mr Bullmann highlighted the exceptional efforts that were required for a DROI delegation visit to take place in Ukraine, Chernihiv and Kyiv, in October 2023, commending the visit and the discussions during the visit that underscored the necessity to stop cruel practices linked to the deportation of children. He emphasised the significance of Mr Kuleba's role in bringing back children, considering it a highlight of their visit to Ukraine. Eager to learn from Mr Kuleba, he looked forward to insights on combating challenges, experiences, and expectations.

4 Contributions from other experts

Mykola Kuleba (former Commissioner of the President of Ukraine for Children's rights and Co-founder of the Alliance for Ukraine Without Orphans and 'Save Ukraine') conveyed a message regarding what he asserted as Russia's genocide against the Ukrainian nation. During the presentation, he contended that Russia is systematically committing genocide by forcibly transferring Ukrainian children to Russia, aiming to erase their Ukrainian identity.

To provide a historical context, Mr Kuleba commenced his presentation by offering an overview of Ukrainian history, emphasising that the roots of this alleged genocide extend nearly a century back to the early 1930s. During this period, the Soviet Union, in its pursuit of regional dominance, implemented special administrative policies in the Soviet Ukraine. This era, as he underscored, witnessed the devastating Holodomor in 1932-1933, a man-made famine resulting in the death of nearly five million people and the starvation of entire villages on some of the most fertile land on earth.

Contrary to a common perception that the alleged genocide began with the full-scale invasion of Ukraine in 2022 or the annexation of Crimea in 2014, he argued that it commenced almost 100 years ago. He further elucidated that Russian President Putin laid the groundwork for the present situation by denying the very existence of the Ukrainian people and language in a manifesto from July 2021. According to him, this denial sets the stage for the alleged genocide, with the current regime in Moscow employing similar language and narratives as the Soviet Union in the 1930s.

Mr Kuleba underscored the personal impact of this historical context, revealing that his grandmother was one of thirteen siblings, with eleven perishing in the Holodomor. This, he asserted, was just the first of many attempts to eliminate the Ukrainian nation, drawing parallels with the current situation.

Highlighting Putin's denial of the Ukrainian identity and language, Mr Kuleba outlined the alleged genocidal acts, stressing that Russian officials openly expressed their intent to separate Ukrainian children from their families and annihilate their national and ethnic identity. Additionally, he brought attention to 740 000 Ukrainian children forcibly transferred to Russia and the modified regulations that facilitate the

adoption of forcibly displaced Ukrainian children by Russian families, signalling an attempt to expedite the alleged genocidal aim.

To support these claims, Mr Kuleba referenced the issuance of Russian birth certificates to Ukrainian children in territories under Russian control and an investigation by Yale University, which revealed the existence of Russian-controlled re-education camps for deported Ukrainian children. He noted that his organisation, Save Ukraine, had rescued over 200 forcibly transferred children, offering them both physical and psychological support for their recovery.

Mr Kuleba further elaborated on the systematic destruction of Ukrainian identity within Russian-controlled territories. Children, he claimed, are subjected to Russian propaganda, forbidden from speaking the Ukrainian language, compelled to attend Russian language literature and history classes, and forced to listen to the Russian anthem for extended periods. Disturbingly, he reported that teenagers are recruited into Russian youth military movements, with evidence suggesting their involvement as soldiers fighting against Ukraine. He pointed to the creation of a military movement called “Wagneronok” (“little wagner”) by Russia, propagating its ideas to children.

In his concluding remarks, Mr Kuleba expressed a resolute belief that Ukraine must prevail and called upon the workshop attendees to use their voices to condemn what he characterised as genocide consisting of Russia's forcible transfer of Ukrainian children. He urged the pursuit of accountability for those responsible and appealed for support in raising awareness of this alleged genocide and efforts to repatriate the affected children.

Referring to a statement by the Council of Europe in April 2023, he noted that the Russian forcible transfer of Ukrainian children fitted the international definition of genocide. He emphasised the Council's demand for Russia to return the children and hold those responsible accountable. Despite this demand, he highlighted a lack of compliance from Russia six months later.

In his final plea, Mr Kuleba appealed to the EU to leverage diplomatic pressure on Russia to facilitate the return of the children, condemn the alleged forcible transfer as genocide, and provide political and financial support for investigations into the forcible transfer of Ukrainian children and acts of genocide.

Anna Wright (Regional Researcher covering Ukraine, Amnesty International) shed light on the severe human rights violations occurring in the context of Russia's aggression in Ukraine, particularly focusing on the illegal transfer and deportation of Ukrainian children and the plight of Ukrainian civilians held in Russian captivity.

Ms Wright began by expressing gratitude for the opportunity to address the audience and highlighted Amnesty International's extensive documentation of Russia's illegal transfer and deportation of Ukrainian children. She emphasised the devastating impact of this practice on children's rights, recounting instances where children were forcibly moved to Russian-occupied areas or unlawfully deported to Russia. Describing this as a war crime, she pointed out Russia's deliberate policy to facilitate the adoption of these children by Russian families, constituting a crime against humanity. Drawing attention to her recent visit to Ukraine, Ms Wright shared personal accounts from mothers whose children, though returned to their families, continue to suffer from the trauma inflicted upon them. She underscored the profound and lasting impact on the mental health of both children and parents.

Ms Wright then shifted the focus to another critical issue – the thousands of Ukrainian civilians in Russian captivity. Stressing the urgency of international support for this matter, she outlined the daily reality of human rights violations and abuses faced by residents in Russian-occupied Crimea and parts of Donetsk and Lugansk since 2014, escalating after the full-scale invasion two years prior. Ms Wright recounted harrowing stories from her interactions with Ukrainian civilians. She detailed the constant fear of residents living under Russian control, where dissent is met with violence, and an apparent campaign to eliminate those who resist the occupation. She shared the account of a wife, Faridah, whose husband, Ruslan

Abdurakhmanov, had been held in Russian captivity since April 2022. The details of his arrest, torture, and subsequent imprisonment highlighted the systematic and brutal treatment faced by Ukrainian civilians.

In addition, Ms Wright provided statistics from the Ombudsperson of Ukraine, revealing that there are approximately 25 000 cases similar to Ruslan's. These cases involve civilians who have been arbitrarily detained, subjected to enforced disappearance, tortured, and illegally transferred to the territory of Russia. Importantly, she emphasised that these disturbing practices did not commence with the full-scale invasion on February 24, 2022; rather, they predate it, pointing to an ongoing pattern of abuse and disregard for human rights.

Ms Wright then highlighted another case that demands attention – the plight of Oleksandr Marchenko, detained in Russian-occupied Donetsk in December 2018. Sharing his wife's, Kataryna's account, Ms Wright conveyed the emotional toll on Kateryna's mental health as she grapples with the suffering of her loved one. After Oleksandr's arbitrary detention in Donetsk, he was held *incommunicado* and subjected to torture. In February 2018, he was forcibly transferred to Krasnodar, located in the South of Russia, and subsequently, his detention was extended on fabricated charges. Currently, Oleksandr is serving a 10-year sentence in east Siberia, a staggering 7 000 kilometres away from his home, his wife, and his country. Despite serious health issues, he receives no adequate medical care and faces regular harassment from penal colony authorities, including deprivation of contact with family and legal representation.

Ms Wright conveyed Kateryna's perspective, highlighting the ongoing suffering of Oleksandr and thousands of other Ukrainians who are arbitrarily arrested and legally transferred from occupied Ukraine to the territory of Russia. Kateryna believes there is a clear policy to keep these innocent civilians' captive, potentially for an exchange fund, although these individuals are not prisoners of war, and there is no legal procedure or mechanism for the exchange of civilian detainees.

In her concluding remarks, Ms Wright expressed gratitude to the members of the EP for their persistent and unwavering scrutiny of the gross violations and crimes committed in the context of Russia's aggression in Ukraine. She emphasised the continued necessity of resolutions and expressions of support to keep the situation in Ukraine on the EU agenda. However, she underscored the urgent need for increased attention to the thousands of Ukrainian civilians held in Russian captivity. Ms Wright urged the EU and the EP to take decisive actions to stop the persecution of Ukrainian civilians. She called for the unconditional release of those arbitrarily detained and the protection of everyone from torture and other ill-treatment. Furthermore, she urged international organisations, including International Criminal Court, UN High Commissioner for Refugees (UNHCR), International Organization for Migration and the Office of the UN High Commissioner for Refugees to be given unfettered access to places of detention.

She also appealed to the EP to address the plight of Ukrainian civilian prisoners in resolutions and statements, naming specific individuals and cases, and advocating for justice against those responsible for human rights violations. Finally, she called for support in developing mechanisms to unconditionally free civilians illegally detained in Russia and ensure their safe return to Ukraine, along with any persons who were forcibly transferred or deported to Russia. Additionally, she urged EU Member States to facilitate the access of Ukrainians seeking refuge in Europe, even in the absence of documents, and called for prioritising the plight of Ukrainian civilians in Russian captivity by the Ukrainian authorities.

5 Debate with Members

Questions from MEPs

Janina Ochojska (EPP, PL) thanked the experts for the enlightening information provided. She acknowledged the significant number of deported children and raised a question regarding the process of bringing them back to their families. Ms Ochojska recognised the complexity of the task, considering the need to locate and retrieve the children. Highlighting the successful rescue of 200 children, she inquired about the financial resources required for such operations. Additionally, she sought insights into the expectations concerning the children's return to Ukraine or another country, such as Poland, given the ongoing war, and stressed the necessity for psychological and material support.

Katalin Cseh (Renew, HU) expressed appreciation for the speakers and experts, particularly commending Mr Kuleba for his resilience in advocating for the moral cause despite unimaginable hardships. She underscored the Parliament's unwavering support in condemning the forcible transfer and mass deportation of Ukrainian children. Ms Cseh emphasised the harrowing nature of these actions in the Eastern Neighbourhood and drew attention to the complicity of not only Russia, but also the Belarusian regime, noting that these deportations began in 2014 in eastern Ukraine and Crimea. She urged a comprehensive understanding of the situation and called for accountability measures for the perpetrators. Acknowledging the gravity of the issue, Ms Cseh posed specific questions to Mr Kuleba about re-education camps in Russia, seeking information on the number of affected children and the characteristics of these facilities.

In the second round, Ms Cseh had a question to Dr Ioffe, where she inquired about the applicability of the Lanzarote Convention (Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse), highlighting the insufficient Russian responses to inquiries and doubts about the situation. She expressed concerns about the challenges of gathering information from outside Russia and Belarus and sought elaboration on any reported incidents affecting the children. Ms Cseh's second question was addressed to the EEAS in relation to the revelations in the press that the Secretary-General of the Belarusian Red Cross Society, Dzmitry Shautsou, had expressed pride about participating in the deportation of Ukrainian children. She expressed dismay at the 'stain' on the work of the Red Cross organisations globally and sought information on whether the Belarusian Red Cross receives EU funding allocated to the International Federation of Red Cross.

Udo Bullmann (S&D, DE) expressed gratitude and support for the views shared during the workshop. He directed a question to Mr Kuleba regarding specific trigger points for putting additional pressure on the public debate, not solely from the EP, national governments, the European Commission, the EEAS, but also from international organisations. He emphasised the DROI Subcommittee's commitment to increasing public awareness and pressure to address the dire circumstances outlined during the workshop.

6 Contribution from the European External Action Service

Anna Carin Krokståde (Deputy Head, Ukraine Division, EEAS) covered various aspects of the human rights violations occurring in the context of Russia's aggression in Ukraine, particularly focusing on the illegal transfer and deportation of Ukrainian children and the broader issue of Ukrainian civilians held in Russian captivity.

Ms Krokståde opened her remarks by acknowledging the inherent vulnerability of children in conflict situations. She connected her presentation to the concurrent Foreign Affairs Council meeting where Josep Borrell, the High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, underscored Ukraine as the EU's top priority. She emphasised the urgency of the situation and highlighted the alarming findings of the UN Commission of Inquiry report of 20 October 2023. The report unequivocally condemned Russian authorities for committing numerous violations of international humanitarian law and human rights law in Ukraine, many of which amounted to war crimes. She drew particular attention to the forced transfers of Ukrainian unaccompanied children to Russian-occupied territory or deportation to Russia, stressing that such actions are not only prohibited, but also constitute war crimes.

She provided additional context by referencing the office of the UN High Commissioner for Human Rights, which documented 864 cases of civilian arbitrary detention by Russia between February 2022 and May 2023. She outlined the distressing nature of these cases, involving forced disappearances, torture, unlawful confinement, inhumane detention conditions and sexual violence. Notably, she highlighted the particular concern regarding the deportation and forcible transfers of children, stating that these actions are of extreme concern and can amount to war crimes.

While acknowledging the absence of specific numbers, Ms Krokståde underscored the gravity of the situation, asserting that even one child subjected to such actions is 'one too many'. She referenced information from the Ukrainian National Information Bureau, indicating that over 19 500 children had been either deported or forcibly displaced as of 9 November 2023. However, she clarified the lack of a precise definition for these numbers, preventing a clear distinction between those displaced with or without their families.

She further stressed the imperative of holding Russia accountable for its wrongful acts, not only for Ukraine but also for the rules-based international order. She provided a comprehensive overview of the EU's actions, including sanctions on 39 individuals responsible for the deportation and forced transfer of Ukrainian children. Notably, she mentioned the EU's support for the Prosecutor General's Office in Ukraine, collaboration in the Atrocity Crimes Advisory Group and participation in the Group of Friends on Children and Armed Conflict in Ukraine.

The presentation concluded with Ms Krokståde highlighting the EU's active involvement in the 'Bring Kids Back Ukraine' initiative, led by President Zelenskyy's Chief of Staff Andriy Yermak. She detailed the participation of the EU Special Representative for Human Rights, Eamon Gilmore, and the EU Ambassador in Kyiv, Ambassador Katarína Mathernová. Ms Krokståde emphasised ongoing efforts in international forums to draw attention to the fate of Ukrainian children and reiterated the EU's commitment to trauma healing as an integral part of Ukraine's reconstruction. She concluded by reaffirming the EU's dedication to ensuring justice and reparations for all victims, with a primary focus on the best interests of every child and unwavering support for Ukraine in holding accountable those responsible for these heinous crimes.

Mr Bullmann sought clarification from the EEAS in their interest in receiving a detailed list of persons of concern from the Amnesty International. He expressed appreciation for the High Representative's potential involvement in collaboration with supportive allies. Lastly, drawing on personal experience, he expressed a desire to engage with organisations such as the International Red Cross. The **EEAS**, in response, thanked for the offer.

7 Responses from the panel

Mr Kuleba emphasised the urgent need to raise awareness about the dire situation, with Russia aiming to obliterate Ukrainian identity. He drew a poignant analogy, likening the situation to seeking the best doctor in a psychiatric hospital – recognising the enormity of the challenge and the need to unite against it.

Responding to questions about returning children, Mr Kuleba outlined a comprehensive strategy focused on searching, returning, recovering, and integrating the affected children. He highlighted the complexity of the task, emphasising the necessity to not only bring children back, but also to save Ukraine by doing so. The scale of the challenge became apparent as he disclosed that, after the 2014 invasion, approximately 1.5 million Ukrainian children in Donbas, Crimea, newly occupied territories, and Russia were affected – constituting almost 20 % of the children population. This, he asserted, was not merely about camps but a systematic effort to erase Ukrainian identity through brainwashing and indoctrination – an act he defined as genocide.

Addressing the financial aspect of returning children, Mr Kuleba acknowledged the expenses involved, with costs ranging from USD 3 000 to potentially tens of thousands per child. He stressed the confidentiality of certain aspects of operations due to Russia's labelling of Save Ukraine as a terrorist organisation. Expressing gratitude to Poland for its significant support, he shared moments when children returned to Ukraine, tearfully moved upon crossing the border and seeing the Ukrainian flag. Mr Kuleba urged for support, be it financial or other forms, to continue the mission of returning more children to Ukraine and shaping them into patriotic defenders of freedom and democracy.

He concluded with a powerful personal story about a 12-year-old boy's determination to return to Ukraine, illustrating the bravery of Ukrainian children in the face of adversity. According to Mr Kuleba, the boy's meticulous planning, even considering crossing minefields, exemplified the determined spirit of the young Ukrainians that Save Ukraine is trying to rescue.

Dr Ioffe responded to Ms Cseh's question on the Lanzarote Convention, acknowledging the Convention's pertinence to sexual violence and exploitation. While there were no specific reports of sexual violence related to forcibly transferred children, she highlighted the increased risk faced by unaccompanied children, particularly orphans or those without adult protection. Dr Ioffe expressed disappointment in Russia's lack of response to the Lanzarote Committee but stressed the importance of documenting concerns for potential future litigation and accountability. She emphasised the need for international institutions to continue documenting issues for possible future actions.

Dr Umland addressed the part of the questions related to the camps, referencing his briefing that quoted the Yale School of Public Health and the Regional Center for Human Rights. He highlighted the use of technology (satellite data) and different means (hacking) to collect information on the camps. Dr Umland expressed concern about the need to reach beyond the discussions within EU institutions and engage with governments and organisations globally, emphasising the importance of addressing the issue on a broader international scale and not solely among EU Member States and its allies. He urged the DROI Subcommittee to 'move out of its comfort zone' and engage with counterparts in the Global South to bring Ukrainian children home.

Ms Krokstäde, in response to Ms Cseh's inquiry, clarified that the Belarusian Red Cross does not receive any financing from the EU. She highlighted the unprecedented move by the International Committee of the Red Cross, which called for the removal of the Secretary General of the Belarusian Red Cross. The EEAS affirmed their commitment to standing by Ukraine for as long as it takes, including in relation to accountability for forcible transfers and deportation of Ukrainian children.

8 Letter from the European Parliament Vice-President and Coordinator on Children's Rights

Mr Bullmann read to the audience a letter from Ewa Kopacz, European Parliament Vice President and Coordinator on Children's Rights:

'Dear Chair,

Dear Colleagues and invited guests,

As I am unable to join this very important discussion on the measures to tackle forcible deportation of Ukrainian children by Russia, please rest reassured that this horrific, and unfortunately still continuing situation, is very high on my agenda as the EP Coordinator on Children's Rights.

When in March, we discussed in this committee the systemic deportation and the so-called "re-education" of Ukrainian children by Russian authorities we knew that we were looking at planned and coordinated actions by Russia aimed at depriving Ukraine of its youngest generation. Later in April, I discussed this issue in Kyiv with First Lady Olena Zelenska and the Presidential Commissioner for Children Ms Daria Herasymczuk. It was very clear to me, that returning Ukrainian children deported to Russia or detained in occupied territories remains the priority for Ukrainian authorities.

We know that the systematic deportation and retention of children is a key war tactic. This is a gross violation of international and human rights law, amounting to genocide. As promised during my visit in Kyiv, I continue engaging with stakeholders, including the International Committee of a Red Cross, Special Representative of the Secretary-General for Children and Armed Conflict and Ukrainian bodies and organisations on this issue.

I am very grateful to the organisations on the ground who are assisting parents and families, but these individual success stories of safe return, while very welcome and joyful, unfortunately do not address the systematic issue, nor the damage done to these children - if and when they do come home. That is why coordinated action at the international level is needed.

I do follow the activities of the work of Save Ukraine, represented here today, and I would like to take this opportunity to commend their relentless efforts in helping Ukrainian families reunite with their children.

I wish you a fruitful discussion.

Ewa Kopacz, Vice President and European Parliament Coordinator on Children's Rights'

In his closing remarks, **Udo Bullmann** thanked all speakers and participants for the fruitful exchange. He provided a final comment, supporting Andreas Umland's call to move beyond internal discussions and engage with a broader audience. He acknowledged the challenges and chances of such exercises, mentioning a recent exchange with EU ambassadors. Mr Bullmann emphasised the determination of DROI Subcommittee to maintain high levels of commitment and stressed the importance of demonstrating European solidarity with real, impactful actions. Lastly, he highlighted the insights gained during the workshop and reaffirmed the dedication to stand by Ukraine on issues of accountability, justice and the forced transfer and deportation of children.

9 Annex – Speakers' biographies

Dr Andreas Umland (Swedish Institute of International Affairs) is an Associate Professor (tenured) of Political Science at the Kyiv-Mohyla Academy since 2020. He is a Member of: the Board of Trustees of the Boris Nemtsov Academic Center for the Study of Russia (Prague); the Board of Directors of the International Association for Comparative Fascist Studies (Budapest), International Council of the Institute for the Danube Region and Central Europe (Vienna); Board of Advisors of the Andrei Sakharov Research Center for Democratic Development (Kaunas); Center for Right-Wing Extremism Studies, Democracy Education and Social Integration (Jena), and Valdai Discussion Club (Moscow). Before that, Umland was a DAAD lecturer in political science at the Kyiv-Mohyla Academy (2010-2014); Senior expert at Kyiv Institute for Euro-Atlantic Cooperation (2014-2019), and the Ukrainian Institute for the Future (2019-2020); Analyst at the Centre for European Politics at Prague Institute of International Relations (2019-2020), and the Swedish Institute of International Affairs in Stockholm, since 2020. Umland holds a PhD in Politics from Cambridge, DrPhil in History, a Diploma in Politology from Freie Universität Berlin, an MPhil in Russian Studies from Oxford, and an MA in Political Science from Stanford. Among others, he is interested in Russian and Ukrainian domestic politics, foreign affairs and nationalism. Umland is also a member of several editorial boards and book series, including (but not limited to): *Explorations of the Far Right*, *Journal of Soviet and Post-Soviet Politics and Society* and (ibidem Press, Stuttgart), *Kyiv-Mohyla Law and Politics Journal* (NaUKMA, Kyiv), *CEU Political Science Journal* (Central European University, Budapest), *World Affairs* (SAGE Publishers and Policy Studies Organization, Washington).

Dr Yulia Ioffe (University College London) is an expert on child rights and migration, also the topic of her doctoral research in Law at the University of Oxford. Before joining UCL, she was a postdoctoral fellow in children's rights law at Queen Mary University of London and a researcher in international refugee law at the Refugee Studies Centre, University of Oxford. Ioffe published in prestigious academic journals, such as *The Lancet*, *American Journal of International Law*, and *Journal for Genocide Research*, as well as blogs for broader audiences. Previously, she clerked for H.E. Judge James R. Crawford at the International Court of Justice and worked at the UNHCR Representation in Bosnia and Herzegovina, the UNHCR Regional Representation for Belarus, Moldova, and Ukraine, the Ukrainian Red Cross Society, and a New York litigation firm. She also holds a LLM with a concentration in international human rights law from Harvard Law School where she worked at the Immigration and Refugee Law Clinic and served as an Editor for the *Harvard International Law Journal*. She has also completed LLB (Hons) and LLM (Hons) degrees from Kyiv National Taras Shevchenko University Institute of International Relations, Ukraine. Dr Ioffe's primary research interests are in theory of international law (specifically of treaties), non-penalisation and non-criminalisation of refugees and other migrants, children's rights and forced migration, reparations for human rights violations, and sexual and gender-based violence in armed conflict.

Mykola Kuleba (Save Ukraine) is a Ukrainian statesman, children's rights advocate and humanitarian. He is a pioneer of Ukraine's children's rights movement and initiated child welfare reforms and legislation to move Ukraine away from Soviet-era policies towards Western best practices. Kuleba is the co-founder and head of Save Ukraine, Commissioner of the President of Ukraine for Children's Rights (2014-2021), head of the Kyiv Children's Service (2006-2014), and co-founder of the Ukraine Without Orphans Alliance. He won the 2023 Magnitsky Human Rights Awards as an 'Outstanding Human Rights Activist' for his efforts to bring back home Ukrainian children kidnapped by Russia.

Anna Wright (Amnesty International) is a Regional Researcher with Amnesty International Eastern Europe and Central Asia Regional Office and leading the work on the situation in Ukraine, Belarus and Moldova. She has an extensive practical experience in human rights research and documentation of human rights violations in Ukraine since the annexation of Crimea and occupation of areas in the east of the country. Anna Wright worked on documentation of human rights violations and war crimes with Organization for

Security and Co-operation in Europe, ICRC, UNHCR. Anna Wright holds master's in international public law from Kyiv National Taras Shevchenko University Institute of International Relations, Ukraine.

Anna Carin Krokståde (EEAS) is a lawyer by training, Ms Krokståde is since September 2022 Deputy Head of the EEAS Ukraine Division. She has worked within the EU institutions since Sweden joined the European Union in 1995, in the Council Legal Service, the European Commission and, since its creation in 2011, in the European External Action Service.

II. Working papers

BRIEFING

Russia's forcible transfers of unaccompanied Ukrainian children: Responses from Ukraine, the EU and beyond

ABSTRACT

This briefing complements an April 2023 European Parliamentary Research Service report and other investigations into Russia's forcible displacement and deportation of Ukrainian children since 24 February 2022. The nature of this problem and the challenges posed together with possible solutions are discussed here, on the basis of numerous quotes from Ukrainian officials. Ukrainian reactions to the deportations are listed as well as the first foreign governmental and non-governmental responses. Against this background, various recommendations are presented for action to the European Parliament, other European Union institutions and further international stakeholders. These policy suggestions are based on interviews with experts in Kyiv and designed to jump-start the process of not only repatriating illegally transferred children but also restoring justice. An extensive bibliography concludes the report.

Author:

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Table of contents

Table of figures	25
List of abbreviations	26
1 Outline of events and context	27
1.1 Russia's deportation strategy and its genocidal character	27
1.2 Numbers, procedures and paths of deportations	29
1.3 Russian legislation and actors involved in deportations	32
2 Reaction to deportations in Ukraine and abroad	34
2.1 Official statements and actions of Ukraine on deportations	34
2.2 Ukrainian non-governmental assessments and initiatives	36
2.3 Foreign actions in response to deportations	36
3 Conclusions and policy recommendations	38
3.1 Assessment of current initiatives: almost no repatriations	38
3.2 Recommended actions for the EU and international organisations	38
3.3 Recommended actions for research and investigative authorities	41
3.4 Recommended actions in mass media and by public relations companies	43
4 References	44

Table of figures

Figure 1: A child's journey through Russia's system of re-education camps and adoption	31
Figure 2: Senior leadership involved in systematic relocation, re-education and adoption of Ukrainian children	34

List of abbreviations

BRCS	Belarusian Red Cross Society
CoE	Council of Europe
DPR	Donetsk People's Republic
EP	European Parliament
EU	European Union
ICRC	International Committee of the Red Cross
LPR	Lugansk People's Republic
MEP	Member of the European Parliament
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation
RCHR	Regional Centre for Human Rights
UCRN	Ukrainian Child Rights Network
UN	United Nations
UNCRC	United Nation's Committee on the Rights of the Child
UNGA	United Nations General Assembly
UNICEF	United Nations International Children's Emergency Fund
USA	United States of America
YPSH	Yale School of Public Health

1 Outline of events and context

The following two briefings¹ use both the term 'child' and 'children' in the sense quoted in Article 1 of the Convention on the Rights of the Child: 'a child means every human being below the age of eighteen years'². In this context, the term 'displacement' applies to transfers of Ukrainian children who have been forcibly and illegally moved by Russian state organs, yet have remained within the Russian-occupied territory of Ukraine. The term 'deportation' denotes a state's unilateral act of forcefully removing a person from her or his homeland; it refers here to those children who have been illegally transported from Ukraine to the internationally recognised territory of Russia³.

1.1 Russia's deportation strategy and its genocidal character

Starting in 2014 and especially since 2022, Moscow has implemented an outrageous policy of large-scale Russian state-enforced displacement and deportation of Ukrainian civilians including tens if not hundreds of thousands of children, among which apparently are also thousands of unaccompanied minors and teenagers. Belarus has participated in this campaign, albeit to a relatively small degree. These incredible actions are emanations of broader pathological traits in Soviet/neo-Soviet political thinking and behaviour⁴.

Both Russian and Belarusian governments have inherited a generally instrumental approach towards children's human rights from the Union of Soviet Socialist Republics' domestic and foreign policies. For example, with its 2012 so-called 'Dima Yakovlev Law', Moscow forbade the adoption of Russian children by the United States of America (USA) citizens in retaliation to the US Magnitsky Act against Russian officials involved in human rights violations. The Russian government and parliament thereby deprived thousands of heavily impaired Russian children living in Russia's nursing homes of a chance to grow up in American foster families⁵.

This briefing addresses the history of displacement, deportation and Russification of unaccompanied Ukrainian children between 24 February 2022 and 10 October 2023 together with first reactions. It does not consider important documents such as reports from the Independent International Commission of Inquiry on Ukraine, established by the United Nations (UN) Human Rights Council in February 2022⁶, and the March 2023 arrest warrants for Vladimir Putin and Maria Lvova-Belova by the International Criminal Court⁷. These and similar relevant legal topics are covered in the accompanying second briefing, which also includes discussion on the new International Centre for the Prosecution of the Crime of Aggression

¹ The report follows, with a couple of exceptions, only developments until 10 October 2023. Translations from Ukrainian and Russian have been made by the author. The author is also grateful for substantive and editorial advice to Sonia Chabane, Natalia Salchuk, Kateryna Rashevskya, Tetiana Fedosiuk, Omar Ashour, two anonymous reviewers from the EP and two representatives of [The Reckoning Project](#). None of these persons and their institutions can, however, be held responsible for any misjudgements that this report may contain.

² Y. Ioffe, '[Forcibly Transferring Ukrainian Children to the Russian Federation: A Genocide?](#)', *Journal of Genocide Research*, 2023.

³ As there have been various forms of Ukrainian displacement during the war since 2014, this briefing could be further specified as being about Russian state-enforced displacement, i.e. transfers within Ukraine not organised by the adult relatives of children but by the Russian government. Russian state-enforced deportation explicitly denotes the removal of Ukrainian children that did not happen in the context of voluntary migration of their immediate adult relatives and/or other legal guardians to Russia.

⁴ A. Umland, '[Do Russians Love Their Children Too?](#)' *Transitions Online*, 16 July 2012.

⁵ C. Hawkins DeBose and E. DeAngelo, '[The New Cold War: Russia's Ban on Adoptions by U.S. Citizens](#)', *Journal of the American Academy of Matrimonial Lawyers*, Vol 28, 2015, pp. 51-77; T. Fedosiuk, '[The Stolen Children: How Russia Attempts to Kidnap Ukraine's Future](#)', *International Centre for Defence and Security*, 2023.

⁶ OHCHR, [Report of the Independent International Commission of Inquiry on Ukraine](#), Human Rights Council, Fifty-second session, 27 February–31 March 2023, A/HRC/52/62, 15 March 2023.

⁷ ICC, '[Situation in Ukraine: ICC judges issue arrest warrants for Vladimir Vladimirovich Putin and Maria Alekseevna Lvova-Belova](#)', ICC Press Release, 2023.

against Ukraine established in July 2023 and hosted by the European Union (EU) Agency for Criminal Justice Cooperation, Eurojust⁸.

Within such a briefing, it would be justified to also include the story of accompanied Ukrainian children who have been forcibly transferred by the Russian government together with their adult legal guardians – either within Ukraine’s Russia-occupied territories or from Ukraine to Russia. Accompanied children constitute the majority of displaced and deported minors and teenagers. In part, they suffer similar fates and are currently also lost for Ukraine. Therefore, in their public pronouncements, Kyiv officials often do not explicitly distinguish between accompanied and unaccompanied Ukrainian children forcibly transferred to Russia. Moreover, Moscow’s removals of accompanied minors and teenagers have, as in the case of unaccompanied children, often been affected by the application of some form or threat of coercion to the children themselves and/or their legal guardians.

The forcible transfer and future repatriation of accompanied Ukrainian children is, though, a different problem than the current sad fate and future possible return of unaccompanied Ukrainian minors and juveniles displaced or deported by the Russian state. Most of the unaccompanied Ukrainian children who have forcibly come under Russian tutelage are certain to have close relatives or other legal guardians in Ukraine. However, both their forcible transfer and future repatriation pose challenges that are different and often more complex than those regarding the return of accompanied children to Ukraine.

A particular aspect of the forcible transfer and subsequent Russification of unaccompanied Ukrainian children is the time factor. The longer the Russian state-orchestrated displacement, assimilation and brainwashing of the unaccompanied children continues, the more problematic repatriation becomes for them as well as their families. Many children become integrated into Russian society, attached to their foster communities or families, and impregnated with Kremlin narratives⁹. The likelihood of disagreement with their repatriation once it becomes possible grows the longer subjection to Russian tutelage continues, an aspect of which Moscow is doubtless fully aware and cynically counts on.

An autumn 2023 official Russian governmental bulletin reported unashamedly about a group of 31 unaccompanied Ukrainian children picked up in Mariupol in 2022 and sent via Donetsk to Russia. 7 of these juveniles who had by 2023 reached the age of 18, the Russian government bulletin rejoices, decided to stay in Russia¹⁰. Such an irreversible result of deportation illustrates that Russia’s assimilation policy towards Ukrainian children is already having lasting effects¹¹.

⁸ European Commission, [‘Ukraine: International Centre for the prosecution of Russia’s crime of aggression against Ukraine starts operations today’](#), DG NEAR, News Article, 3 July 2023.

⁹ Interfax, [‘Yermak discussed with UNICEF Executive Director cooperation to stop the deportation of Ukrainian children by the occupiers’](#) [Єрмак обговорив із виконавчим директором ЮНІСЕФ співпрацю щодо припинення депортації окупантами українських дітей], *Interfax-Ukraine*, 25 April 2023; Y. Usenko, [‘Children of war: abduction of young Ukrainians by Russia as a crime of genocide’](#) [Діти війни: викрадення росією маленьких українців як злочин геноциду], *Ukrinform*, 7 February 2023.

¹⁰ Russian Government, [‘Activities of Maria Lvova-Belova, Presidential Ombudsperson for Children’s Rights, to protect children during the special military operation’](#) [Деятельность Уполномоченного при Президенте Российской Федерации по правам ребенка Марии Львово-Беловой по защите детей во время специальной военной операции], *Bulletin*, No 2, 13 October 2023, p. 8.

¹¹ Communication with Kateryna Rashevskya (RCHR), 16 October 2023. Another Ukrainian youngster from this deported Mariupol group, 17-year-old Bohdan Yermokhin, in contrast, tried to flee Russia and return to Ukraine on his own in early 2023. Yet, Yermokhin was, during his escape, detained on the Belarusian-Russian border and brought back to Russia. See D. Bulavin, [‘Teenager deported from Mariupol tried to return to Ukraine from Russia yet was detained on the border with Belarus – media’](#) [Депортований із Маріуполя підліток намагався повернутися в Україну з росії, його затримали на кордоні з Білоруссю — ЗМІ], *Hromadske*, 4 April 2023. By autumn 2023, Yermokhin’s case had become widely known not only in Ukraine but also abroad. In apparent reaction to international mediation and negative international media reports concerning Yermokhin, Moscow eventually released the teenager, and he returned, shortly before his 18th birthday, to Ukraine in mid-November 2023. See T. Peter and Yu. Kovalenko, [‘Ukrainian teen returns to Ukraine after being taken to Russia from occupied Mariupol’](#), *Reuters*, 20 November 2023. The author is grateful to Tetiana Fedosiuk for alerting to this case.

This briefing cannot detail, discuss and interpret the varieties, connotations and changes of positions that displaced or deported Ukrainian children and their legal guardians have taken in the past, take now and will take in the future. These can range from complete disagreement to full accord. However, it should be remembered that all such statements by Ukrainian citizens since 2014 have been made under conditions of potential, latent, or actual duress. Russia's intense national and international propaganda campaigns, its multivariate war (hybrid, delegated, conventional, genocidal, etc.) against Ukraine, its terroristic occupation as well as the bombardment of Ukrainian territories, and its child as well as adult education programmes are designed to generate expressions of consent. Made under conditions of restraint and public pressure, most opinions expressed by Ukrainians under occupation or within Russia should not be taken at face value. They can be genuine, but may also be false, situational, conformist, partial, or otherwise distorted. Moreover, such opinions may change over time and depend on the current locations not only of children but also their accompanying or separated legal guardians.

Moscow's aggressive child removal policy is an aspect of Russia's nine-and-half-year military aggression against Ukraine that illustrates its character as a demographic and not only geographic conquest, as well as a national-cultural and not only military-political project¹². One of the 'special military operation's' aims since 2022 has been to capture and then Russify large numbers of Ukrainian citizens in order to prop up Russia's declining population¹³. This aim may – at least initially – have been as important to Moscow as the annexation of Ukrainian territory. Child displacement and deportation has been taking place in Ukraine's occupied Crimea and Donbas since 2014¹⁴. Yet, it did not become widely known until 2022 when the numbers of such illegal transfers rose sharply.

In view of the concerted character of Moscow's efforts to deport and Russify young Ukrainian citizens, various scholars as well as international institutions have started to apply the concept of 'genocide' to Russia's actions¹⁵. Among other such statements (see below), a 2023 report from the Parliamentary Assembly of the Council of Europe (CoE) pointed out that 'the documented evidence of this practice matches with the international definition of genocide'¹⁶. This is also the approach and terminology preferred by most Ukrainian officials¹⁷.

1.2 Numbers, procedures and paths of deportations

Between 24 February 2022 and 10 October 2023, Russia had displaced or deported at least 19 546 unaccompanied Ukrainian children. This is an official figure provided by the Ukrainian government's 'Children of War' portal at childrenofwar.gov.ua which also lists statistics on killed, maimed, missed, found, returned and abused children¹⁸. However, this daily updated statistic includes only those children on whom information has been provided to the government by relatives, witnesses or local authorities

¹² M. Kragh, and A. Umland, '[Ukrainophobic Imaginations of the Russian Siloviki: The Case of Nikolai Patrushev, 2014-2023](#)', *Centre for Democratic Integrity*, 2023.

¹³ O. Kunytskyi, '[Ukraine's abducted children: 'List of suspects will grow'](#)', *Deutsche Welle*, 25 March 2023; D. Herasymchuk, '[There is no international structure that could offer an effective mechanism for the return of our deported children from Russia](#)', [Немає жодної міжнародної структури, яка б могла запропонувати дієвий механізм повернення з Росії наших депортованих дітей], *Interfax-Ukraine*, 19 June 2023; S. Talaver, '[Russia's War Is a Failed Answer to Its Demographic Crisis](#)', *Jacobin*, 23 April 2023.

¹⁴ Embassy of Ukraine to Ireland, '[On illegal adoption of the orphaned children of Ukrainian nationality in Crimea](#)', News, 17 October 2014; Crimean Human Rights Group, '[Illegal deportation of Ukrainian citizens from Crimea by Russian Federation](#)', Working session 11: Humanitarian issues and other commitments, *Organization for Security and Co-operation in Europe*, 19 September 2017: 'For more than three years, Ukraine has not been able to obtain information from the Russian Federation on the fate of more than 4,000 orphans who were in orphanages in Crimea at the time of the occupation. It is known that in October 2014 several children were taken from Crimea and moved to the families of Russian citizens in the framework of the Train of Hope project. However, the Russian authorities refuse to give Ukraine any information about the fate of moved children and those who remained in Crimea.'

¹⁵ See for instance Y. Ioffe, op. cit.

¹⁶ PACE, '[The forcible transfer and 'russification' of Ukrainian children shows evidence of genocide, says PACE](#)', News, 28 April 2023.

¹⁷ See for instance Ukrinform, '[Bring Back Kids UA movement launched in Ukraine to return deported children](#)' [В Україні започаткували рух Bring Back Kids UA за повернення депортованих дітей - Зарівна], *UkrInform*, 15 May 2023.

¹⁸ Ukrainian Government, '[Children of War](#)', Ukrainian Government Children Affected by the War Tracker, 2023.

regarding a child's deportation to Russia or forcible transfer within the Russian-occupied parts of Ukraine and where such evidence is already undergoing verification¹⁹. Presumably, the real figure is considerably higher.

A broad variety of estimates on the number of overall deportations has been circulating since 2022. In a June 2023 interview, *Daria Herasymchuk, Ukraine's Presidential Commissioner for Children's Rights and Child Rehabilitation*, rejected a staggering number published by Russian authorities of 744 000 allegedly illegally 'evacuated' Ukrainian children. Ukraine's Children Rights Commissioner estimated instead that there could be up to 200-300 000 deported and forcibly removed children²⁰. This number and estimates of similar magnitude by Ukrainian officials also include accompanied minors who were transferred by force to Russia with their legal guardians.

Apparently, Moscow has deliberately circulated an exaggerated estimate of 'evacuated' children, which is designed to blur the difference between potentially genocidal deportation and Russification of Ukrainian children, along with other forms of transfer of Ukrainian minors and teenagers to Russia. If not simply taken out of the blue, the figure of 744 000 could, for instance, include children of Ukrainian labour migrants in Russia. Such dilution of crimes committed by Russia via statistical hyperbole is meant to obfuscate the nature, scale and intentions of Russian human rights violations.

The displaced or deported unaccompanied Ukrainian children can be separated into the following categories:

- 'Children of war' in a more literal sense are minors or juveniles who for different reasons have been left alone during the fighting. Unaccompanied children have been collected by Russian officials and activists from the frontline or occupied Ukrainian territories.
- Some children's parents or relatives have been persuaded by Russian agents (officials, activists, collaborators, etc.) to send their offspring to Russian summer camps or other recreational centres. After an agreed recreation period, many have been kept for longer and/or transported elsewhere.
- Since 2014, underage orphans and other minors living in Ukrainian children's homes have been systematically displaced or deported by the Russian authorities. As many as 3 855 children from Ukrainian institutions had, according to the Regional Centre for Human Rights (RCHR), been deported or displaced by September 2023²¹. It should be noted that, according to the Ukrainian Child Rights Network (UCRN), less than 10 % of minors and teenagers in Ukrainian children's homes are genuine orphans, i.e. have no living parent²².
- Some Ukrainian children have been separated from their parents in so-called 'filtration camps' along the frontline²³.

From all four categories, most of these illegally transferred Ukrainian non-accompanied children have close relatives or other legal guardians. Some of the latter live in the government-controlled areas of Ukraine whereas others are themselves externally displaced and live abroad. In the vast majority of cases, neither the relatives nor any relevant Ukrainian governmental authorities have given explicit permission for Russia's permanent transfers of these unaccompanied children.

¹⁹ L. Solomko, '[Thousands of deported and abducted Ukrainian children are hostages in the hands of Russia. What are the mechanisms for their release?](#)' *Voice of America*, 17 March 2023.

²⁰ D. Herasymchuk, op. cit.

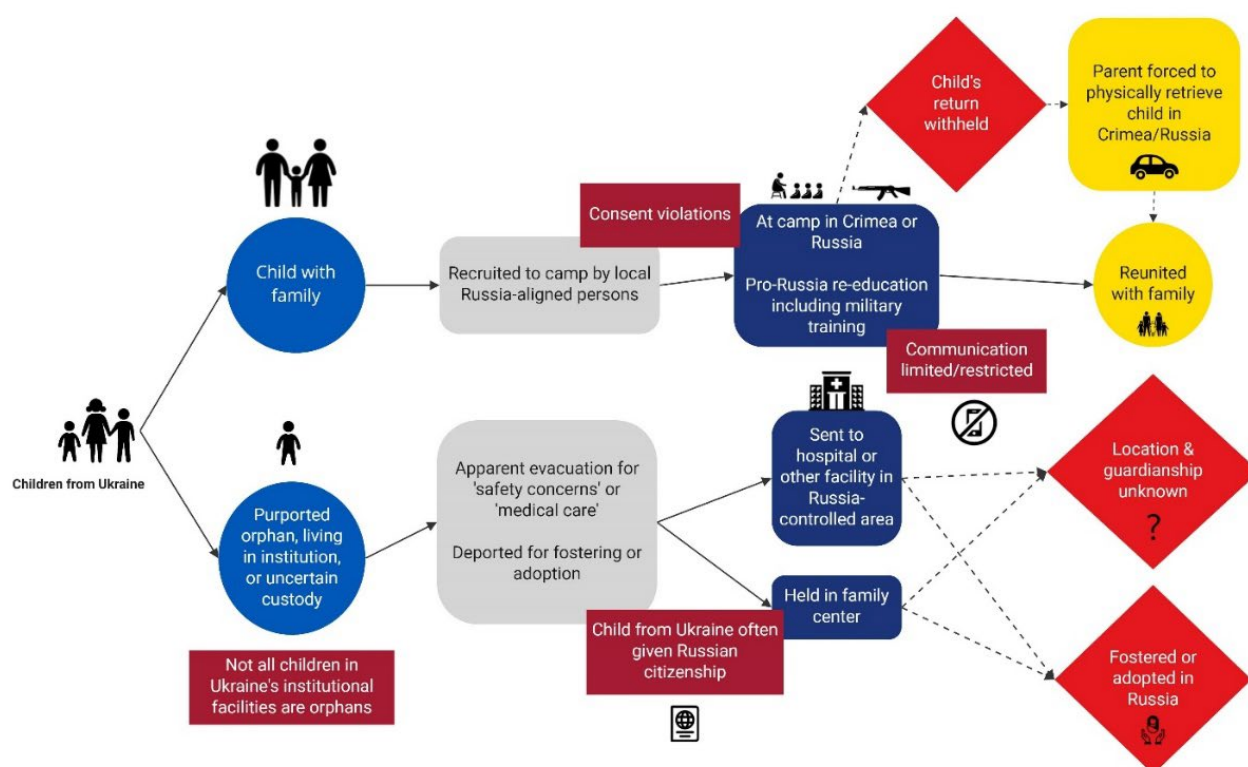
²¹ UN, '[Deportation, Treatment of Ukraine's Children by Russian Federation Take Centre Stage by Many Delegates at Security Council Briefing: Delegate Questions Moscow's Position in International Community Once Conflict Ends](#)', *UN Meetings Cover and Press Releases*, SC/15395, 24 August 2023.

²² Interview with Daria Kasyanova, UCRN, Kyiv, 5 September 2023.

²³ Ukrinform, 5 May 2023, op. cit.

In February 2023, the Yale School of Public Health’s Humanitarian (YSPH) Research Laboratory published the following graph (Figure 1) illustrating two pathways for the forcible Russian transfer of Ukrainian children and their rare return to legal guardians.

Figure 1: A child’s journey through Russia’s system of re-education camps and adoption



Source: YSPH Humanitarian Research Lab, 2023.

Certain children’s camps in Russia are advertised as ‘integration programmes’ for Ukrainian children. By the end of 2022, at least 32 of 43 such camps had been identified by the YSPH as engaged in systematic political re-education. The YSPH report published in February 2023 stated that ‘[t]wo facilities were associated with the deportation of orphans’²⁴: a psychiatric hospital and a family centre. 41 summer camps were either in Russian-occupied Crimea or Russia itself: ‘12 were clustered around the Black Sea, 7 are on Crimea, and 10 are located around Moscow, Kazan and Yekaterinburg’. 11 camps are located more than 500 miles from Ukraine’s border with Russia, including 2 in Siberia and 1 in the Magadan region of Russia’s Far East near the Pacific Ocean²⁵.

According to the RCHR, during the first nine months of 2023, ‘Russia not only did not stop but escalated its efforts to “re-educate” Ukrainian children. [There were] 85 cases involving the transportation of 8 254 Ukrainian children to summer camps or sanatoriums between May and September 2023. This network of facilities has notably expanded in comparison to 2022. Some of them are operating under the tutelage of President Putin himself, for instance, the “Okean” (Ocean) camp in Vladivostok, located 9 000 kilometres away from the children's homes. There are now 46 such camps in Russia, 7 more camps on the territory of occupied Crimea [also identified by the YSPH] and at least 4 such institutions in Belarus’²⁶.

²⁴ YSPH Humanitarian Research Lab, [‘Russia's systematic programme for the re-education and adoption of children from Ukraine’](#), *Conflict Observatory*, 2023.

²⁵ *Ibid.*

²⁶ Communication with Kateryna Rashevskya, RCHR, 16 October 2023.

In November 2023, the YSPH Humanitarian Research Lab published a follow-up report specifically on Belarus' participation in the Russian deportation programme detailing that more than 2 400 children from Ukraine aged between 6 and 17 years old have been taken to 13 facilities across Belarus since 24 February 2022²⁷. The YSPH report further specified that '[m]ore than 2 000 children [...] were transported to the Dubrava children's centre in Belarus' Minsk region between September 2022 and May 2023, [...] while 392 children were taken to 12 other facilities. [...] Transports to Belarus through Russia were "ultimately coordinated" between Russian President Vladimir Putin and Belarus leader Alexander Lukashenko [...]. Lukashenko approved the use of state organisations to transport children from Ukraine to Belarus and finance their transportation. Once in Belarus, children have been subjected to military training and re-education [...]. It is unclear how many of the children identified by Yale's research remain in Belarus'²⁸.

1.3 Russian legislation and actors involved in deportations

While there had already been forcible transfers of children in the period 2014-2021, a systematic and mass campaign started in early 2022 as part of large civilian deportations from the Donbas to Russia. It accelerated further after 24 February 2022 within Moscow's so-called 'special military operation' (i.e. full-scale war) in Ukraine. For instance, on 26 April 2022, according to Russia's so-called Commissioner for Children's Rights, Maria Lvova-Belova, 27 alleged orphans from Donbas were officially transferred to Russian families²⁹. This was done without permission by Ukrainian authorities, but instead by 'political consent' from the so-called Lugansk People's Republic (LPR) and Donetsk People's Republic (DPR). At that point in time, these pseudo-republics had just been recognised as 'states' by Moscow and were still waiting to be annexed to Russia which happened five months later.

Various new legal acts were adopted by Russia to facilitate the Russification and assimilation of Ukrainian children. Among the first such regulations were: the Russian Government Resolution No. 348 in March 2022 on the integration of Ukrainian children from the so-called LPR and DPR into Russian society³⁰; the Russian Ministry of Education Decree No. AB-631/05 of March 2022 which aimed at identifying and re-educating deported children with poor Russian language skills³¹; and amendments to the 2019 Russian President's Decrees Numbers 183 and 187³² in May 2022 which simplified the procedure to obtain Russian citizenship for Ukrainian children without parental care³³. After these and a number of further executive acts, on 18 March 2023 the State Duma passed a law allowing easier withdrawal of Ukrainian citizenship from children under 14 years³⁴. These revisions have led to a situation in which, according to a report from the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights

²⁷ YSPH Humanitarian Research Lab, '[Belarus's Involvement in Russia's Systematic Relocation of Ukraine's Children](#)', *Conflict Observatory*, 2023.

²⁸ A. Deutsch, '[Thousands of Ukrainian children taken to Belarus - Yale research](#)', *Reuters*, 17 November 2023.

²⁹ K. Rashevskaya, '[Operation Repatriation: How to return Ukrainian children forcibly deported by Russia?](#) [Операція "репатріація": як повернути примусово депортованих росією українських дітей?]', *Higher School of Advocacy*, 16 June 2022.

³⁰ 'On the procedure for coordinating activities in the field of general education, secondary vocational education and relevant additional vocational education, vocational training, additional education of children and adults, education, guardianship and care of minors, social support and social protection in relation to persons originating from the territories of the DPR and LPR.'

³¹ 'On sending methodological recommendations on secondary vocational education and preparation for the final state certification of citizens accepted by transfer to educational organisations of the Russian Federation from educational organisations of the DPR, LPR and Ukraine.'

³² 'On determining, for humanitarian purposes, the categories of persons entitled to apply for Russian citizenship under a simplified procedure', and 'On certain categories of foreign citizens and stateless persons entitled to apply for Russian citizenship under a simplified procedure.'

³³ V. Bilkova, C. Hellestveit and E. Šteinerte, '[Report on Violations and Abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity, related to the Forcible Transfer and/or Deportation of Ukrainian Children to the Russian Federation](#)', *OSCE*, 4 May 2023, p. 19.

³⁴ Federal Law 'On peculiarities of the legal status of citizens of the Russian Federation who have citizenship of Ukraine.'

(OSCE/ODIHR), children 'have virtually no say in the whole process [of citizenship change] and the same is true for their parents or other (original) legal guardians in cases, where children are separated from them'³⁵.

A range of Russian governmental bodies participate in the deportation and adoption process, with Children Commissioner Lvova-Belova playing a coordinating role. Granting of Russian citizenship entitles adopted children to 'social guarantees', in other words access to governmental subsidies. This creates financial incentives for potential adopters³⁶. Under the Russian Family Code, adopted children are equal in status to their parents' own children. Russian adoptions 'may entail the change of the name, surname and the date and place of birth of the child. It is guided by the principle of secrecy, due to which there is not, and there cannot be, any database of adopted children'³⁷. This makes it difficult to establish Russia-adopted Ukrainian children's status and their relatives in Ukraine³⁸.

At one point, the Russian government responded to international criticism in 2022 concerning some of the deported children claiming that they have been merely placed in foster care rather than offered for adoption with Russian families³⁹. Yet, the plausibility or, at least, continued validity of such rebuttals is questionable⁴⁰. It is known that, since 2014, numerous orphans from occupied Crimea and Donbas forcibly transferred to Russia had not only been put under foster care but also adopted by Russian citizens⁴¹.

In February 2023, YSPH identified dozens of federal, regional and local officials involved in the operational as well as political implementation of Russia's child deportation and Russification programme⁴². Activities of these officials include: logistic coordination; fundraising; providing supplies; managing children's camps; as well as promotion of the Russification campaign within Russia and the occupied areas of Ukraine. By early 2023, 'at least 12 of these individuals had not yet been put on US and/or international sanctions lists'⁴³. Crucial decision-makers and their official functions in implementing the resettlement, re-education and adoption of Ukrainian children are listed in Figure 2.

³⁵ V. Bilkova, C. Hellestveit and E. Šteinerte, op. cit., p. 20.

³⁶ Interview with Kateryna Rashevskya, RCHR, Kyiv, 5 September 2023.

³⁷ V. Bilkova, C. Hellestveit and E. Šteinerte, op. cit., p. 18.

³⁸ K. Rashevskya, op. cit.

³⁹ Russian Foreign Affairs Ministry, '[Unreliable information from the US Department of State](#)', Press Service, 12 September 2023; I. Balachuk, '[Russian Children's Commissioner says orphan from Mariupol who wanted to go home was not allowed to leave Russia](#)', *Ukrainska Pravda*, 4 April 2023.

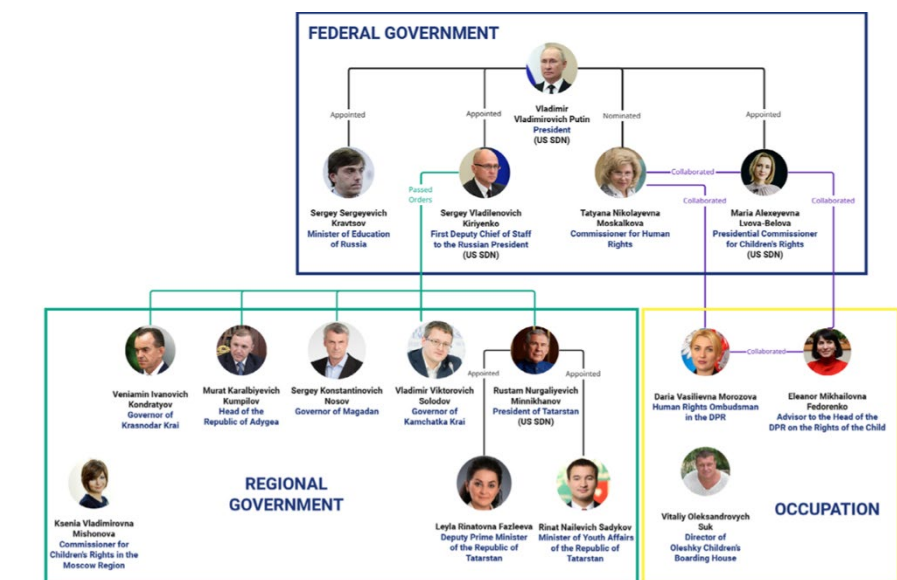
⁴⁰ Communication with Kateryna Rashevskya, RCHR, 16 October 2023.

⁴¹ Embassy of Ukraine to Ireland, op. cit.; V. Bilkova, C. Hellestveit and E. Šteinerte, op. cit., p. 19.

⁴² YSPH Humanitarian Research Lab, op. cit.

⁴³ YSPH Humanitarian Research Lab, op. cit.

Figure 2: Senior leadership involved in systematic relocation, re-education and adoption of Ukrainian children



Source: YSPH Humanitarian Research Lab, 2023⁴⁴.

2 Reaction to deportations in Ukraine and abroad

2.1 Official statements and actions of Ukraine on deportations

Ukraine has addressed the forcible transfers through various public statements and diplomatic channels. On 8 April 2022, the country's then Commissioner for Human Rights Liudmyla Denisova alerted the UN Committee on the Rights of the Child (UNCRC) and the Global Alliance of National Human Rights Institutions. At that time over 121 000 children had been transferred from Ukraine – mainly with their families from the Donbas⁴⁵. As this practice continued and accelerated, Ukrainian officials have made more and more statements on the issue and addressed particular persons. On the one hand, the latter included Ukrainian relatives of illegally transferred children⁴⁶, and on the other hand, Russian foster or adopting families possibly unaware of their involvement in an international crime⁴⁷. In March 2023, Ukraine's Vice Prime Minister Iryna Vereshchuk appealed unsuccessfully to Moscow:

'I am publicly addressing the Russian Ombudswoman Tatyana Moskalkova and the Russian Ombudswoman for Children's Rights Maria Lvova-Belova. I propose to immediately hand over to the Ukrainian side the lists of all orphans and children deprived of parental care who: (1) as of 24 February 2022 were citizens of Ukraine, up to and including the age of 18, (2) are currently in the temporarily occupied territories of Ukraine, (3) were transferred from the temporarily occupied territories of Ukraine to the Russian territory'⁴⁸.

⁴⁴ This picture distinguishes between state-enforced deportation into Russia, on the one side, and state-organised organised displacement within Ukraine's occupied territories, on the other. It lists only select officials involved in the forcible transfers implemented by hundreds of Russian civil servants and activists.

⁴⁵ T. Fedosiuk, op. cit.

⁴⁶ Ukrinform, '[Deportation of children: the Ombudsman told where to turn to relatives and friends \[Депортація дітей: омбудсман розповів, куди звертатися рідним і близьким\]](#)', *Ukrinform*, 1 February 2023.

⁴⁷ Ministry of Foreign Affairs of Ukraine, '[Statement of the Ministry of Foreign Affairs of Ukraine on the deportation of Ukrainian citizens from Kherson and Zaporizhzhia regions by Russia](#) [Заява МЗС України щодо депортації Росією українських громадян з Херсонської та Запорізької областей]', Press Release, 2022.

⁴⁸ I. Vereshchuk, '[Deputy PM Vereshchuk appeals to Russian commissioners to provide lists of Ukrainian orphans](#)', *The New Voice of Ukraine*, 19 March 2023.

Since the second half of 2022, Ukrainian criticism has become increasingly targeted at multilateral institutions and foreign partners. Especially those international organisations tasked with preventing and reversing forcible transfers of children are branded by Kyiv as insufficiently active and effective. In November 2022, the Head of Ukraine's Presidential Office, Andriy Yermak, criticised the International Committee of the Red Cross (ICRC): 'unfortunately, due to the very passive position of international organisations, in particular the ICRC, we are not able to fix the exact number of our children and where they are'⁴⁹.

On 19 May 2023, Virginia Gamba, Special Representative of the UN Secretary-General for Children and Armed Conflict, met with Lvova-Belova – then already wanted by the ICC – in Moscow and talked with her about the deportation of Ukrainian children. Gamba was heavily criticised for this meeting not only by Ukrainian commentators but also – as noted in Ukraine – by the US State Department⁵⁰. Despite Gamba's meeting with Lvova-Belova and the absence of any concrete results, in 2023, the UN's so-called 'list of shame' – the Secretary-General's yearly 'Children and Armed Conflict' report to the United Nations General Assembly (UNGA), published shortly after Gamba's trip to Moscow – did not mention the mass Russian deportation and displacement of unaccompanied and accompanied Ukrainian children⁵¹.

In May 2023, Ukraine's parliament called 'on the institutions of the CoE and the EU, the OSCE in Europe, the UNCRC, the UN High Commissioner for Refugees, the UN High Commissioner for Human Rights, the UN Children's Fund [UNICEF], the International Organization for Migration and the ICRC to intensify their work on developing international mechanisms for the identification, return and reunification of abducted and forcibly deported children, protection of interests, return of abducted and forcibly deported children home and reunification with their families'⁵². In the same month, President Zelenskyy publicly asked 'the Vatican to join Ukraine's efforts to return Ukrainian children illegally and forcibly taken to Russia, *de facto* abducted'⁵³.

As the child deportations continued and only very few of them were reversed, the Ukrainian government launched various initiatives. These include the Centre of National Resistance collecting, *inter alia*, information on illegal displacement; the Child Rights Protection Centre; Bring Kids Back UA programme; as well as the Coordination Council on Child Protection and Safety under the President of Ukraine chaired by Presidential Office Head Yermak. The Bring Kids Back UA Action Plan unites efforts by Ukrainian government agencies, international and Non-Governmental Organisations (NGOs) as well as concerned citizens. According to Commissioner Herasymchuk, this programme aims to: return and reintegrate Ukrainian children deported by Russia; develop family forms of upbringing for orphaned children; record crimes; promote inter-parliamentary cooperation; and communicate with the public⁵⁴. However, by

⁴⁹ I. Sitnikova, 'Yermak criticises ICRC for passive stance on abduction of Ukrainian children by occupants [Єрмак розкритикував МКЧХ за пасивну позицію щодо викрадення окупантами українських дітей]', *Hromadske*, 9 November 2022.

⁵⁰ European Pravda, '[US State Department concerned over UN official's meeting with Russian Children's Rights Commission](#)', *Ukrainska Pravda*, 25 May 2023.

⁵¹ Communication with Kateryna Rashevskya, RCHR, 16 October 2023; UNGA, '[Children and armed conflict: Report of the Secretary-General](#)', General Assembly Security Council Seventy-seventh session, A/77/895-S/2023/363, 5 June 2023.

⁵² Press Service of the Verkhovna Rada, '[The Vice-Speaker Olena Kondratiuk addressed the National Council and invited the President of Slovakia to become an ambassador for the return of abducted Ukrainian children](#)', *Verkhovna Rada of Ukraine*, 29 March 2023.

⁵³ B. Skavron, '[Zelensky drew the Pope's attention to the abduction of children in Ukraine by the aggressor state](#) [ЗЕЛЕНСЬКИЙ ЗВЕРНУВ УВАГУ ПАПИ РИМСЬКОГО НА ВИКРАДЕННЯ В УКРАЇНІ ДІТЕЙ ДЕРЖАВОЮ-АГРЕСОРКОЮ]', *TSN*, 13 May 2023.

⁵⁴ President of Ukraine, '[The President got acquainted with the plan to return children illegally deported by Russia Bring Kids Back UA and took part in the opening of the Centre for the Protection of Children's Rights](#) [Президент ознайомився з планом повернення незаконно депортованих Росією дітей Bring Kids Back UA та взяв участь у відкритті Центру захисту прав дитини]', 31 May 2023.

autumn 2023, less than 400 children of the so far almost 20 000 officially registered displaced or deported children had been returned to government-controlled territory within Ukraine⁵⁵.

2.2 Ukrainian non-governmental assessments and initiatives

A range of NGOs have become engaged in the documentation, prevention and reversal of Russian state-organised displacements and state-enforced deportations of Ukrainian children. The [Save Ukraine Foundation](#) founded by Mykola Kuleba, Ukraine's former Commissioner for Children's Rights, the Ukrainian section of the international network [SOS Children's Villages](#) and the [RCHR](#) are among the organisations advocating, preparing or managing the return of deported children. On 25 February 2022, a large coalition of NGOs under the name '[Ukraine: At Five in the Morning](#)' was launched. It *brings together 31 NGOs as well as some individual experts documenting Russia's war crimes and crimes against humanity. It seeks protection or justice for victims through various national and international legal mechanisms*. In January 2023, the coalition published its report 'Deportation of Ukrainian citizens from the territory of active hostilities or from the temporarily occupied territory of Ukraine to the territory of the Russia and the Republic of Belarus' in Kyiv⁵⁶.

An example illustrating another type of civic response to the illegal displacements and deportations is [KibOrg](#). This is a project involving journalists and information technology specialists who investigate Russian crimes in Ukraine, expose collaborators and debunk Russian fakes. As an example, KibOrg managed to gain access to the occupational database 'Children of Donbas' with information about: abductions; transfer of children's personal files to Russian citizens; forced 'passportisation'; and local collaboration⁵⁷.

2.3 Foreign actions in response to deportations

International public awareness of Russia's mass deportation of children has risen only slowly. Following the large-scale invasion, it initially became a topic of attention in East-Central Europe. On 25 May 2022, for instance, the ministers responsible for social policies of Ukraine, the Czech Republic, Estonia, Latvia, Lithuania, Poland and Slovakia issued a joint open statement condemning Russia's illegal deportations and related violations of international law⁵⁸. On 1 July 2022, global human rights organisations called for a moratorium on inter-country adoptions of Ukrainian children in line both with the Ukrainian government's approach and international law. By early March 2023, it had been signed by 43 international NGOs⁵⁹. In September 2022, the European Parliament (EP) adopted a resolution calling upon Russia, *inter alia*, to:

'immediately cease [...] all forced transfers of children to the Russian-occupied territories and the Russian Federation, as well as any inter-country adoptions of children transferred from Ukraine's entire internationally recognised territory; [...] repeal all legislation facilitating the adoption of Ukrainian children; [...] immediately provide information about the names, whereabouts and well-being of all Ukrainians detained or deported, and allow and enable the safe return of all Ukrainian civilians, including children; [...]

⁵⁵ Bring Kids Back UA, '[Help us trace and bring back home the forcefully deported children of Ukraine](#)', webpage, nd.

⁵⁶ Media Center Ukraine, '[How Russia steals children and illegally moves Ukrainian citizens: Presentation of the analytical report of the Coalition 'Ukraine. Five in the Morning'](#) [Як росія краде дітей та незаконно переміщує громадян України: презентація аналітичного звіту Коаліції «Україна. П'ята ранку»]', *Ukrinform*, 16 January 2023.

⁵⁷ KibOrg, '[Minihysterical ministers: who is involved in the abduction of children in Luhansk region](#)' [Міністерки-міністерви: хто причетний до викрадення дітей на Луганщині], 20 July 2023; KibOrg, '[Donbas Children Database: Who is involved in the abduction of children in Mariupol](#)' [База даних «Діти Донбасу»: хто причетний до викрадень дітей у Маріуполі], 22 August 2023.

⁵⁸ Ukraine Ministry of Social Policy, '[Maryna Lazebna together with ministers from 6 EU countries issued a joint statement condemning the illegal actions of the Russian Federation against children in Ukraine](#)' [Марина Лазебна разом з міністрами 6 країн ЄС звернулись з спільною заявою про засудження незаконних дій російської федерації проти дітей України], Joint Statement, 2022.

⁵⁹ Human Rights Watch, '[Joint statement on the forcible transfer, deportation, and adoption of children from Ukraine by Russia](#)', *Reliefweb*, 2023.

immediately grant international organisations such as the OHCHR [Office of the United Nations High Commissioner for Human Rights] and UNICEF access to all Ukrainian children who have been forcefully deported to the Russian-occupied territories and Russia; [and] ensure the safety and well-being of Ukrainian children while in Russia and in the Russian-occupied territories, and to protect them from the dangers arising from the war and its consequences'⁶⁰.

Being one of the first such significant foreign declarations, the EP resolution was appreciated in Ukraine as reflecting the government's position and demands at the time⁶¹. In a February 2023 resolution, the EP went further and stated that transferring children from one group to another constitutes the crime of genocide⁶². As mentioned above, this classification was also supported by the Parliamentary Assembly of the CoE in April 2023 and duly noted in Ukraine⁶³. The term 'genocide' was not, though, used in a parallel OSCE/ODIHR report which instead spoke of 'crimes against humanity' – a nuance noted in the Ukrainian government's comment to the report⁶⁴.

Shortly after, in April 2023 Russia used an informal UN procedure to spread disinformation concerning its child transfers. In explicit reaction to Moscow's action, a 'Joint Statement' was signed by the EU together with 22 other states⁶⁵. The multilateral declaration stated, *inter alia*, that: 'we unequivocally condemn the actions of Russia in Ukraine, in particular the forced deportation of Ukrainian children, as well as other serious violations against children committed by Russian forces in Ukraine'⁶⁶.

On 1 June 2023, International Children's Day, 23 foreign diplomatic missions in Ukraine issued a joint statement on Russia's forced deportation of Ukrainian children which concluded: 'we will hold Russia accountable for its illegal and barbaric actions in Ukraine!⁶⁷. On 18 August 2023, the Presidential Commissioner for Children's Rights Daria Herasymchuk, UN Resident Coordinator in Ukraine Denise Brown and UNICEF Representative Murat Shahin signed a joint preventive plan to stop gross violations of children's rights in the context of Russia's armed aggression against Ukraine⁶⁸.

In July 2023, the Advisor to the Head of the Office of the President of Ukraine Mykhailo Podolyak indicated that Riyadh and Ankara were negotiating with Moscow the return of Ukrainian children⁶⁹. In October 2023, the *Financial Times* confirmed that Türkiye and Saudi Arabia had already been engaged for some months

⁶⁰ EP, '[Joint Motion For A Resolution on human rights violations in the context of the forced deportation of Ukrainian civilians to and the forced adoption of Ukrainian children in Russia](#)', 2022/2825(RSP), 14 September 2022.

⁶¹ See for instance I. Lysohor, '[European Parliament condemns deportation and forced adoption of Ukrainian children in Russia](#) [Європарламент засудив депортацію та насильницьке всиновлення українських дітей у Росії]', *Livyy bereh*, 15 September 2022.

⁶² EP, '[Resolution of 16 February 2023 on one year of Russia's invasion and war of aggression against Ukraine](#)', P9_TA(2023)0056, 2023. An exchange of views on the 'Violation of international law and human rights of children from Ukraine forcibly deported to or retained in Russia' followed on 1 March 2023 in the EP Subcommittee on Human Rights. The EP Committee on Employment and Social Affairs along with the Committee on Legal Affairs held a joint hearing on 20-21 April 2022 discussing the risk of Ukrainian children in institutional care being illegally adopted.

⁶³ Ukrinform, '[PACE recognises deportation of Ukrainian children to Russia as genocide](#) [ПАРЕ визнала геноцидом депортацію українських дітей до Росії]', *Ukrinform*, 27 April 2023.

⁶⁴ V. Bilkova, C. Hellestveit and E. Šteinerte, op. cit., p. 81; Radio Liberty, '[May be considered a crime against humanity: OSCE report on Russia's deportation of Ukrainian children](#)', 4 May 2023.

⁶⁵ Andorra, Albania, Australia, Bosnia and Herzegovina, Canada, Georgia, Guatemala, Iceland, Japan, Moldova, Monaco, Montenegro, New Zealand, North Macedonia, Norway, San Marino, Switzerland, Ukraine, the Republic of Korea, the United Kingdom and the USA.

⁶⁶ Ministry of Foreign Affairs of Ukraine, '[Joint Statement in response to the Russian Federation's Arria Formula meeting on the illegal forced deportation of children by the Russian Federation in Ukraine](#) [Спільна заява у відповідь на засідання РФ за формулою Аррія щодо незаконної примусової депортації дітей Російською Федерацією в Україні]', Joint Statement, 2023.

⁶⁷ Ukrainian Government, op. cit.

⁶⁸ Gordon, '[Ukraine and the UN sign plan to prevent violations of children's rights in the context of Russian aggression](#)' [Україна й ООН підписали план щодо запобігання порушенням прав дітей в умовах агресії РФ], 19 August 2023.

⁶⁹ L. Kozova, '[Ukraine, with the help of third countries, is trying to return children abducted by the Russian Federation – Podolyak](#) [Україна за допомогою третіх країн намагається повернути дітей, викрадених РФ – Подоляк]', *UNIAN News Agency*, 19 July 2023.

in negotiations with Russia on the repatriation of Ukrainian children⁷⁰. The Emirate of Qatar also engaged in informal diplomacy and achieved in autumn 2023 a repatriation of four children from Russia to Ukraine⁷¹.

3 Conclusions and policy recommendations

3.1 Assessment of current initiatives: almost no repatriations

In addition to the documents quoted in this briefing, further announcements, declarations, resolutions, protests and the like now constitute an impressive body of texts with clear messages, unequivocal aims and resolute formulations. These statements stem not only from Ukrainian stakeholders, but also other governmental bodies and NGOs as well as international and EU institutions, including the EP. However, despite such comprehensive condemnation, by 10 October 2023 only 386 Ukrainian deported children had been returned from Russia⁷². Thousands of unaccompanied Ukrainian minors remain in Russia or Russia-occupied territory without their legal guardians. As mentioned above, the longer they stay away from their homes and families, the more painful, complicated and questionable their future repatriation becomes.

Occasionally, there has been selective Russian governmental cooperation in the return of certain Ukrainian children. For propagandistic purposes, a video of a Ukrainian family reunion in Russia was, for instance, circulated; the tape prominently featured Lvova-Belova who took credit for the successful action⁷³. However, despite many appeals to the Russian government, no transparent procedure, mechanism, or algorithm for enacting family reunions and child repatriations has been established⁷⁴.

Not only has bilateral communication on the issue been unsuccessful. Attempts at finding solutions within multilateral formats and by international organisations have to date also been ineffective. Ukraine's Children's Rights Commissioner Herasymchuk complained: 'the ICRC should be the organisation that would be the first to be on the spot and save people, but unfortunately, in practice in Ukraine, this did not work'⁷⁵.

Oddly, instead of preventing and reversing forcible transfers, the Belarusian Red Cross Society (BRCS), a member of the International Federation of the Red Cross and Red Crescent Societies, has participated in the deportation of Ukrainian children to Belarus⁷⁶. Dzmitry Shautsou, the BRCS's Secretary General, publicly boasted about these activities after which the BRCS was sharply criticised from many sides including the ICRC⁷⁷. In a television report of the governmental Belarus 1 TV channel, Shautsou rejected this criticism and defended his organisation's involvement in the removals from the occupied territories of Ukraine to Belarus as a humanitarian action in the interests of the deported children⁷⁸.

3.2 Recommended actions for the EU and international organisations

Until more responsible governments come to power in Russia and Belarus, massive multilateral and multidirectional action is needed to affect swift and tangible change. National and transnational actors must move from verbal interventions to result-oriented action. A **combined plan of public pressure as well as informal and backchannel diplomacy** should pave the way for returning a maximum number of

⁷⁰ Reuters, '[Talks on repatriating Ukrainian children from Russia under way since at least April, source says](#)', 19 July 2023.

⁷¹ A. Mills, '[Qatar helping four Ukrainian children go home from Russia to Ukraine](#)', *Reuters*, 16 October 2023.

⁷² Ukrainian Government, op. cit.

⁷³ M. Lvova-Belova, '[DNA expertise helped to return the child to the grandmother from Ukraine](#) [Экспертиза ДНК помогла вернуть ребенка бабушке с Украины]', *Telegram*, 3 September 2023; Russian Government, op. cit.

⁷⁴ D. Herasymchuk, op. cit.

⁷⁵ Ibid.

⁷⁶ AP, '[Belarus Red Cross says it is involved in transfer of children out of Ukraine](#)', *The Guardian*, 20 July 2023.

⁷⁷ Y. Karmanau, '[Belarus Red Cross sparks outcry after its chief says it brought Ukrainian children to Belarus](#)', *AP News*, 19 July 2023.

⁷⁸ ATN, '[Stories of Donbas Children: Impressions from Belarus. Main broadcast](#)', *ATN: news of Belarus and the world*, 23 July 2023 [video deleted by now].

Ukrainian children home as soon as possible. The following recommendations start with some general suggestions after which possible measures by the EP, the EU and its Member States are outlined – in line with ‘The EU Strategy on the Rights of the Child and the European Child Guarantee’ and other EU documents⁷⁹.

As a comprehensive and public solution to the issue of collaboration with Moscow is currently impossible, a **worldwide blaming and shaming campaign by national governments and parliaments, international organisations and human rights watchdogs in cooperation with media outlets as well as social networks** is overdue. Increasing public statements by all concerned actors for worldwide circulation should be undertaken in parallel with diplomatic attempts to reunite Ukrainian children with their families. Initial results in this regard, albeit minor, have been achieved and show that attaining Russian cooperation in informally organised repatriation is possible⁸⁰. Following these examples, further mediation by non-North Atlantic Alliance governments, for instance, of Asia and/or non-Western NGOs, such as international relief, religious and labour organisations should be supported⁸¹.

In June 2023, Ukraine’s Presidential Office Head Andrii Yermak announced that the Vatican’s assistance as an intermediary is being sought: ‘we will welcome the efforts and will be happy if the representative of the Holy See can help us releasing prisoners from Russian captivity and returning home illegally deported Ukrainian children’⁸². These forays have so far been unsuccessful yet should be continued. Members of the European Parliament (MEPs) with ties to the Catholic Church and other religious organisations, including national Orthodox Christian churches, should explore possibilities to **start dialogues** with the Russian Orthodox Church, Spiritual Assembly of Muslims of Russia and other officially recognised Russian religious organisations to facilitate the return of Ukrainian children from Russia.

Diplomatic efforts from other states such as Qatar, Saudi Arabia or Türkiye (see Section 2.3) can also serve as models for similar attempts in the future. EU Delegations and Member States’ embassies across the world should consult with successful mediators about their experiences. Further such activities should be supported and the willingness and capability of additional non-Western governments and organisations to function **as informal intermediaries between Russian authorities and Ukrainian families for enabling repatriations** explored. Among observers in Kyiv, there are also hopes that, for Russia, relevant countries such as Kazakhstan, India or South Africa can – within structures such as the Eurasian Economic Union or BRICS group – help to mediate a return of deported children to Ukraine. The example of multilateral negotiations leading to the Black Sea Grain Initiative is mentioned as perhaps a relevant model⁸³. Some experts suggest **that a country or group of countries should be officially designated as third-party facilitator**, possibly with a mandate from the UNGA⁸⁴. EU Member States’ diplomats should explore the appointment of such a mediating state or coalition via the UN, OSCE or another governmental organisation to which Russia is still a party.

Within the naming and shaming blaming approach referred to earlier, the RCHR has suggested that, instead of merely mentioning Russia’s mass deportation of children in generic humanitarian or political declarations, **official *ad hoc* documents specifically demanding the repatriation of Ukrainian children**

⁷⁹ Council of the EU, ‘[Council conclusions on the fight against impunity regarding crimes committed in connection with Russia’s war of aggression against Ukraine](#)’, 15237/22, 29 November 2022.

⁸⁰ A. Mills, op. cit.; Reuters, op. cit.

⁸¹ Some observers, though, believe that blaming and shaming should come later. Currently, the focus should be on the return of children who are not only victims of Russia’s genocidal policies but also its witnesses. The latter circumstance may be an additional reason why Moscow and Russian families are reluctant to return deported and, perhaps, already adopted Ukrainian children to Ukraine. Interview with Roman Romanov, International Renaissance Foundation at Kyiv, Skype, 5 October 2023.

⁸² Ukrinform, ‘[The Vatican can help Ukraine with the release of prisoners and the return of children – Yermak](#) [Ватикан може допомогти Україні визволенням полонених і поверненням дітей - Єрмак]’, 27 June 2023.

⁸³ Interview with Kateryna Rashevskya, RCHR, Kyiv, 5 September 2023.

⁸⁴ Interview with Roman Romanov, International Renaissance Foundation at Kyiv, Skype, 5 October 2023.

should be adopted and publicised⁸⁵. The UNGA, international parliamentary assemblies and as many national parliaments as possible should do so. This would follow the examples of respective statements by the EP as well as the Parliamentary Assembly of the CoE⁸⁶, and, on a national level, by the US Senate in June 2023 and Slovakia's parliament in March 2023⁸⁷. The Slovak National Council's adoption of a separate declaration condemning Russian crimes against Ukrainian children and women has been acknowledged by the Ukrainian parliament⁸⁸.

EU officials and diplomats should support a joint initiative of the UN's EU members for **an adoption, by the UNGA, of an *ad hoc* resolution solely devoted to Ukrainian children captured by Russia**. Such a resolution text should demand from the Russian government in the most direct terms the repatriation of all forcibly displaced or deported Ukrainian children to Ukraine. It should also require an immediate end to all involuntary transfers of Ukrainian civilians, including unaccompanied Ukrainian minors and teenagers, within the Russia-occupied territories and to Russia. In addition, MEPs should suggest to their colleagues at home the formulation and adoption of respective **national parliamentary declarations**, as well as raise the question of respective multilateral resolutions initiated by their home country's delegations to inter-parliamentary assemblies.

EP committees and political groups can initiate further actions to bring more public attention to the fate of deported children and their families following the example of an EP workshop on 13 November 2023⁸⁹. These could include **open hearings** within EP and national parliaments premises with relatives of deported Ukrainian children who are willing to express their views and feelings publicly. Individual MEPs may consider announcing **sponsorships** for certain deported children and their families if desired and welcomed by them. **Special conferences** in Brussels, Strasbourg or at other significant locations could bring together Ukrainian civil society groups, activists from EU Member States and international governmental as well as NGOs specialising in child protection. They should also include media representatives.

Furthermore, the RCHR has suggested that **agreements between Ukraine and willing partners should be concluded on cooperation in repatriation; the list of currently sanctioned Russian persons involved in deportations should be expanded and means of influencing already sanctioned figures be extended; new arrest warrants modelled on those against Putin and Lvova-Belova should be issued by the ICC; new crimes should be added** to those listed in the existing warrants; and **frozen Russian assets should be confiscated and reprofiled for the needs of children** who have become victims of illegal deportation and forced displacement⁹⁰. An **additional EP resolution** detailing such and similar proposals specifying their implementation and suggesting concrete measures to the EU's various organs and Member States should be adopted. Limitations on Russian officials involved in the deportation and assimilation of Ukrainian children should become a prominent feature in EU sanctions packages⁹¹. EU sanctions related to the deportation and assimilation of Ukrainian children should be extended to Russian

⁸⁵ RCHR, '[Repatriation and return to Ukraine would be in the best interests of the child - human rights activist](#)' [Репатріація та повернення в Україну відповідатиме принципу найкращих інтересів дитини – правозахисниця], *Regional Center for Human Rights*, 2023.

⁸⁶ EP, op. cit.; PACE, op. cit.

⁸⁷ US Senate, '[A resolution condemning the deportation of children from Ukraine to the Russian Federation and the forcible transfer of children within territories of Ukraine that are temporarily occupied by Russian forces](#)', S.Res.158, 8 June 2023; National Council of the Slovak Republic, '[NRSR: Parliament condemned the crimes committed against Ukrainian women and children](#)' [Parlament odsúdil zločiny páchané na ukrajinských ženách a deťoch], 28 March 2023.

⁸⁸ Interview with Kateryna Rashevskya, RCHR, Kyiv, 5 September 2023; Press Service of the Verkhovna Rada, op. cit.

⁸⁹ EP, '[How to bring deported children back home from Russia](#)', DROI workshop, 13 November 2023. See also: '[Cofundador Salvar Ucrania califica de "genocidio" deportaciones niños ucranianos a Rusia Este contenido fue publicado el 13 noviembre 2023](#)', *Swissinfo.ch*, 13 November 2023.

⁹⁰ RCHR, op. cit.

⁹¹ Council of the EU, '[EU response to Russia's invasion of Ukraine](#)', webpage, nd.

NGOs, companies, schools, universities, professional organisations and so on participating – often openly and even demonstratively – in the deportation and Russification efforts⁹².

MEPs and EU officials should use their influence and voices to demand **a more active, clear and visible stance of international organisations designed to reduce the suffering of civilians and children during violent conflict**. The ICRC, UNICEF, UNCRC and similar structures are co-funded by EU Member States. These organisations – in Kyiv’s opinion – show insufficient resistance, continued meekness and public softness regarding Russia’s mass displacement and deportation of Ukrainian children, which needs to be brought to an end as a matter of urgency.

Further RCHR suggestions for steps to be taken by interested actors throughout the world, in cooperation with Ukrainian specialised organisations, include: expanding lists of confirmed and presumably deported children; transferring these lists for verification to Russia via relevant international organisations or third states; identifying locations within and outside Ukraine for the temporary placement of returned children to Ukraine with their relatives or other authorised carers; requesting Russia to return deported Ukrainian children and coordinating this process with the participation of relevant international organisations or third states⁹³. For instance, international experience, according to the UCRN, suggests that ‘**children hubs**’ can be created in third countries, namely outside Ukraine and Russia. There, deported children can meet with their Ukrainian guardians (legally authorised relatives and other carers) as well as child psychologists. There they would have the opportunity and time to contemplate and decide for themselves about their future⁹⁴. MEPs and EU officials could initiate the creation of such hubs for family reunions and transitory periods in East-Central European EU Member States.

The formal legal consequences of deportations to Russia will often be graver than those of displacements within the occupied territories of Ukraine when, for instance, they lead to adoption. Notwithstanding, as long as Ukraine’s occupied territories are not liberated, forcible removals of Ukrainian children into Russia proper may sometimes be easier to reverse than illegal transfers within the parts of Ukraine captured by Russia. Russian rudimentary rule of law and civil society function better within Russia than in the Ukrainian territories annexed by Russia in 2014 and 2022. Against this background, MEPs and EU officials should attempt **to use remaining public or private connections – usually initiated before 2014 – to Russian governmental and NGOs to facilitate the location, identification, and repatriation of Ukrainian children deported to Russia**.

3.3 Recommended actions for research and investigative authorities

Ukraine’s Children Rights Commissioner Herasymchuk stated in June 2023:

‘One of the biggest problems with the return of children is not knowing who we are looking for. [...] A second problem is that we don’t know where they are. It is very difficult to find them. Russia is doing everything to hide them. They immediately give children Russian citizenship, constantly move them around or give them to Russian families for upbringing, changing their names. They also have a strong influence on children’s minds. So even after spending only a few months in Russia, children return with great psychological trauma’⁹⁵.

A lack of solid information on the identity and fate of displaced and deported children constitutes a major challenge. Much of the relevant data on Russian displacements and deportations is currently not easily collectible. The possible engagement of Russian researchers inside Russia and the occupied territories in Ukraine to find transferred children and identify destinations of displacements and deportations entails

⁹² Communication with Tetiana Fedosiuk, ICDS, Tallinn, 30 October 2023.

⁹³ RCHR, op. cit.

⁹⁴ Interview with Daria Kasyanova, UCRN, Kyiv, 5 September 2023.

⁹⁵ D. Herasymchuk, op. cit.

personal risks for such investigators. This would especially be the case if such research were funded by Western governmental and NGOs.

However, **archival and field research in the government-controlled parts of Ukraine** is possible and welcome. To date, it has been insufficiently undertaken by Ukraine's own authorities and specialised institutes because Ukrainian financial and human resources remain sparse during the war. Moreover, **investigation of open sources within Russia**, such as relevant accounts in leading Russian social media networks such as *VKontakte* (In Contact) or *Odnoklassniki* (Classmates), is still possible. It can be conducted with little risk from outside Russia and the Moscow-controlled territories in Ukraine. Governmental, not-for-profit, or even commercial intelligence services and agencies may be utilised to acquire evidence that is not easily accessible via Open Source Intelligence. The 2023 YSPH reports⁹⁶ or the KibOrg hacking operations mentioned above illustrate that substantive data collection within Russia, Belarus and in the occupied territories is still possible.

At least three **larger studies should be commissioned** by the EP or other EU institutions to provide a better picture of the current situation:

- Firstly, in collaboration with Ukrainian NGOs and governmental organisations, a comprehensive register of all presumably displaced and deported children with personal data on them (including DNA information) should be created. An initiative in this direction has already been proposed in February 2023 by the European Commission, Poland, and the UN⁹⁷.
- Secondly, a further report should be modelled (a) on perpetrator studies of crimes during the Second World War and in later wars as well as (b) on the above-quoted reports by the YSPH⁹⁸. This means that an as detailed and as wide-ranging a study as possible should **outline the methods, actors and paths of illegal displacements, deportations and adoptions of Ukrainian children by Russia**.
- Thirdly, a cross-cultural and historical study – paralleling a recent comparative-legal analysis by Yulia Ioffe⁹⁹ – should compare the course, results and effects of current Russian policies to other cases of state-enforced mass deportation of children and their subsequent reversals.

In sum, these three investigations would provide a more solid basis for policy recommendations, formulation and implementation than the currently sketchy body of analytical literature.

Both journalistic and scholarly investigations should focus particularly on the **genocidal intent, character and result** of Russia's child deportations. Many observers still refrain from applying the concept of genocide for Russia's actions in Ukraine since 24 February 2022¹⁰⁰. Yet, there is a growing community of jurists, political scientists and historians who classify Moscow's behaviour in Ukraine as such¹⁰¹. This also includes the Russian displacement and deportation of children¹⁰². Following the example of a recent seminal legal exploration of how applicable the Genocide Convention might be to Russia's deportation

⁹⁶ YSPH Humanitarian Research Lab, op. cit.

⁹⁷ A. Krzysztoszek, ['Poland, Commission launch initiative to trace abducted Ukrainian children'](#), *Euractiv*, 1 March 2023.

⁹⁸ YSPH Humanitarian Research Lab, op. cit.

⁹⁹ Y. Ioffe, op. cit.

¹⁰⁰ See for instance V. Bilkova, C. Hellestveit and E. Šteinerte, op. cit.

¹⁰¹ See for instance D. Azarov, et al., ['Understanding Russia's Actions in Ukraine as the Crime of Genocide'](#), *Journal of International Criminal Justice*, Vol 21, No 2, 2023, pp. 233-264; Y. Diamond, ['An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent'](#), *New Lines Institute for Strategy and Policy*, May 2023; O. Luchterhandt, ['Völkermord in Mariupol': Russlands Kriegsführung in der Ukraine'](#), *Osteuropa*, 14 April 2022; M. Shaw, ['Russia's Genocidal War in Ukraine: Radicalization and Social Destruction'](#), *Journal of Genocide Research*, 2023, pp. 1-30.

¹⁰² See for instance J. M. Chodakiewicz and M. Perdue, ['Another Genocide: Russia kidnaps Ukraine's children'](#), *Institute of World Politics*, 2022; V. Havrylov, ['Russia's mass abduction of Ukrainian children may qualify as genocide'](#), *Atlantic Council*, 2023; Regional Center for Human Rights and the Lemkin Institute for Genocide Prevention, ['Responsibility of Russian Federation Officials for Genocide in Ukraine, in particular, for Forcibly Transferring Children of the Group to Another Group'](#), *Lemkin Institute for Genocide Prevention*, 2022.

and displacement of Ukrainian children¹⁰³, **additional expert analyses in this direction and subsequent dissemination of their results should be encouraged, promoted and funded.**

3.4 Recommended actions in mass media and by public relations companies

Broadcasters, news agencies, publishers, as well as public relations, artistic and further organisations have an important role to play, not only in documenting and explaining the above issues, but also indirectly helping with the **containment, deterrence and reversal of Russia's displacement and deportation policies.** In Ukraine itself, preventing further removals and protecting those living in areas of active hostilities and occupied territories remains a complex issue.

In December 2021-January 2022, the UCRN had already warned first the Ukrainian government and then the Ukrainian public that the forthcoming Russian large-scale invasion would create specific challenges for the evacuation of families and children¹⁰⁴. Yet, these warnings were not circulated widely and did not lead to sufficient precautionary measures. Today, **national and international media should conduct awareness-raising campaigns for families:** (a) encouraging them to evacuate in time so as to take children out of insecure areas; and (b) warning them not to let their children be taken on any Russia-organised 'holiday trips' – whether without or with consent of their parents.

A far more complicated challenge is how to alert still largely ignorant parts of the international community to the scale, gravity and tragedy of Russia's child removal policies. So far, there remains a deep rift between, on the one side, expert knowledge, and, on the other side, public awareness about Russian deportations and displacements of Ukrainian children. While many interested academics, politicians and diplomats in the West are already well-informed, **acquaintance with this scandalous situation among 'ordinary' citizens of European and other countries remains limited**¹⁰⁵. This gap needs to be closed with particular focus on nations in the Global South where Kremlin narratives about the Russo-Ukrainian War are relatively popular, yet public condemnation of Russian child deportations may be achieved, nevertheless¹⁰⁶. Special fellowships, prizes, competitions, tours, meetings, workshops and so on for journalists, editors, bloggers, publishers, pundits, artists and so on should lead to the production of suitable analytical, journalistic and artistic texts, podcasts as well as video material which is more easily accessible and disseminated to the general public¹⁰⁷.

¹⁰³ Y. Ioffe, op. cit.

¹⁰⁴ Interview with Daria Kasyanova, UCRN, Kyiv, 5 September 2023.

¹⁰⁵ To illustrate the point: in 2020, the UN published a detailed report on the infamous torture prison *Izolyatsiya* (Isolation) in Russia-occupied Donetsk and the horrendous mistreatment of men as well as women there. However, the report was largely ignored by non-Ukrainian mass media. See OHCHR, '[Report on the human rights situation in Ukraine 16 November 2019 to 15 February 2020](#)', 2020. Only about a year later, the torture prison and situation there started to become widely known outside Ukraine when one of *Izolyatsiya*'s former prisoners, Stanislav Aseyev, started publishing, in Western languages, articles, interviews and books about his two-year experience there. See, for instance, S. Aseyev and A. Umland, '[Prisoners as Political Commodities in the Occupied Areas of the Donbas](#)', *SCEEUS Reports on Human Rights and Security in Eastern Europe*, No 2, 2021; S. Aseyev, *The Torture Camp on Paradise Street*, Harvard Ukrainian Research Institute, Cambridge, 2022.

¹⁰⁶ G. Khadiagala, '[An African Peace Initiative in the Russia-Ukraine War?](#)', *PRIF blog*, 21 July 2023.

¹⁰⁷ See for instance W. Klitschko and T. Kiel, *Gestohlene Leben: Die verschleppten Kinder der Ukraine*, Heyne, Munich, 2023; Online.ua, '[Abducted Childhood: Documentary](#)', *Youtube*, June 2023; Vice News, 2023, '[Stealing Ukraine's Children: Inside Russia's Camps](#)', *Youtube*, June 2023.

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BRIEFING

Accountability measures for the forcible transfer and deportation of Ukrainian children

ABSTRACT

This briefing provides a legal analysis of the forcible transfers and deportations of Ukrainian children by Russia, scrutinising these actions under international humanitarian law, international human rights law and international criminal law. It contends that these practices violate various provisions of Geneva Convention IV and Additional Protocol I to the Geneva Conventions, as well as the United Nations Convention on the Rights of the Child. Furthermore, it suggests that these actions may amount to war crimes, crimes against humanity and arguably the crime of genocide. The briefing presents an overview of accountability mechanisms, such as the International Court of Justice, the International Criminal Court as well as criminal prosecutions in Ukraine and third states. Concluding the analysis, the briefing highlights four primary challenges, namely, locating children and ensuring their return; the lack of access to Russian and occupied territories to locate children, gather evidence and arrest those suspected of international crimes; the coordination of activities among multiple stakeholders and securing their financing; and the potential role of displaced children as a bargaining tool in possible peace negotiations.

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Table of contents

List of abbreviations	52
1 Introduction	53
2 Setting the stage: international crimes and other violations of international law in relation to children	54
2.1 International humanitarian law	54
2.2 International human rights law	56
2.3 International criminal law	57
3 Accountability mechanisms	57
3.1 International Criminal Court	57
3.2 Universal jurisdiction in EU Member States	59
3.3 Prosecutions under Ukrainian domestic law	59
3.4 Eurojust	60
3.5 International Court of Justice	60
3.6 UN Treaty Bodies	61
3.6.1 UN Committee on the Rights of the Child	61
3.6.2 UN Human Rights Committee	61
3.7 UN Special Procedures	61
3.7.1 UN Working Group on Enforced or Involuntary Disappearances	61
3.7.2 UN Special Rapporteur on Trafficking in Persons, Especially Women and Children	62
3.8 Council of Europe	62
3.8.1 European Court of Human Rights	63
3.8.2 Parliamentary Assembly of the Council of Europe	63
3.8.3 Register of damage for Ukraine	64
3.8.4 Lanzarote Committee	64
3.9 Inquiry mechanisms	65
3.9.1 The UN Independent International Commission of Inquiry on Ukraine	65
3.9.2 OSCE Moscow Mechanism	66
3.10 International Committee of the Red Cross	67
4 Challenges to accountability	67

4.1	Locating children and their return	67
4.2	Access to territory: evidence and arrest warrants	68
4.3	Coordination and financing	68
4.4	Impact of possible peace negotiations	69
5	Conclusion	69
6	References	72

List of abbreviations

CoE	Council of Europe
CRC	Convention on the Rights of the Child
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
GCIV	Fourth Geneva Convention
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
JIT	Joint Investigation Team
OSCE	Organization for Security and Co-operation
PACE	Parliamentary Assembly of the Council of Europe
UN	United Nations
USA	United States of America

1 Introduction

The latest wave of Russian aggression has inflicted immense suffering on the Ukrainian civilian population, including children who have been killed, maimed, displaced, detained, tortured and exposed to sexual violence as well as human trafficking. There have also been many credible reports of Ukrainian children being forcibly deported¹⁰⁸ to Russia from the temporarily occupied areas¹⁰⁹. While the figures provided by different sources are inconsistent, ranging from 19 500 to 700 000 children, it is evident that forced deportation of Ukrainian children is a systematic and extensive practice¹¹⁰. Instances of forcible such transfers can be divided into five categories:

- the transfers of children from occupied Ukrainian state institutions, such as orphanages, boarding schools and hospitals, even if these children have parents or families;
- children who temporarily travelled to re-education camps, either with or without parental consent and have since been unable to return to Ukraine;
- the forced removal of children to Russia following separation from their families as part of the so-called 'filtration' process¹¹¹;
- children captured on the battlefield;
- the forcible evacuation of Ukrainian families with children (accompanied children).

Forcible transfers of children from Ukraine may violate many international law provisions¹¹² and may qualify under various categories of international crimes¹¹³, including war crimes, crimes against humanity and genocide. On 17 March 2023, the International Criminal Court (ICC) issued arrest warrants for two individuals in the situation in Ukraine, namely President Putin and Commissioner Lvova-Belova. Both have been charged under the war crimes of unlawful population deportation (children) and unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation under Articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute¹¹⁴.

Ukraine is actively exploring various avenues to ensure that Russia is held responsible for its violations of international law in connection with the ongoing armed conflict. With respect to forcible transfers of children, Ukraine seems to have prioritised the litigation before the ICC. In a meeting with ICC Prosecutor,

¹⁰⁸ The terms 'forcible transfers' and 'forcible deportations', as well 'forcibly transferred children' and 'deported children' are used interchangeably.

¹⁰⁹ This briefing focuses on the events that took place after 24 February 2022. However, there are credible reports that Russia forcibly transferred children from the temporarily occupied Crimea and Donbas to the Russian Federation starting in 2014. Y. Ioffe, '[Forcibly Transferring Ukrainian Children to the Russian Federation: A Genocide?](#)', *Journal of Genocide Research*, 2023; see also Regional Center for Human Rights and Lemkin Institute for Genocide Prevention '[Communication pursuant to pursuant Article 15 of the Rome Statute of the International Criminal Court. Responsibility of Russian Federation Officials for Genocide in Ukraine, in particular, for Forcibly Transferring Children of the Group to Another Group](#)', 25 October 2022.

¹¹⁰ Y. Ioffe, 2023, op. cit.; see also European Parliament, '[Joint Motion for a Resolution on Human Rights Violations in the context of the Forced Deportation of Ukrainian Civilians to and the Forced Adoption of Ukrainian Children in Russia](#)', Resolution, (2022/2825(RSP)), 2022, §(i).

¹¹¹ United Nations Security Council, '[Reports of Russian Federation Forces Putting Ukrainian Civilians in "Filtration" Camps](#)', Press Release, SC/15023, 7 September 2022; Amnesty International, '[Russia: Filtration of Ukrainian Civilians a Shocking Violation of People Forced to Flee War](#)', 8 September 2022; Human Rights Watch, '[We Had No Choice": "Filtration" and the Crime of Forcibly Transferring Ukrainian Civilians to Russia](#)', 1 September 2022.

¹¹² e.g. the UN Independent International Commission of Inquiry on Ukraine concluded that the transfer and deportation of Ukrainian children to Russia constitute violations of Article 147 of the GCIV, Articles 74 and 85(4)(b)-(5) of Additional Protocol I to the Geneva Conventions and Article 8(1) of the CRC. United Nations Office of the High Commissioner for Human Rights, '[Report of the Independent International Commission of Inquiry on Ukraine](#)', UN Document, A/HRC/52/62, 15 March 2023, §102.

¹¹³ Y. Ioffe, 2023, op. cit.

¹¹⁴ ICC, '[Situation in Ukraine: ICC Judges Issued Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova](#)', Press Release, 17 March 2023.

Karim Khan, President Zelenskyy emphasised the importance for Ukrainian society and future generations of the return of Ukrainian children deported from the occupied territories by Russia and accountability for these actions¹¹⁵. This briefing evaluates the feasibility of applying different mechanisms for ensuring accountability and discusses the potential challenges in achieving this aim.

The focus of this briefing is to provide a legal analysis of the progress and constraints associated with various initiatives aimed at ensuring accountability for the forcible transfers of Ukrainian children. It examines available information in English, Ukrainian and Russian languages¹¹⁶, up to 28 October 2023. This includes official statements and documents issued by relevant state bodies and officials of Ukraine and Russia, European institutions such as the European Parliament and the European Commission, as well as reports and statements from international organisations, Non-Governmental Organisations (NGOs), think tanks and journalistic investigations.

2 Setting the stage: international crimes and other violations of international law in relation to children

Forcibly transferring children from Ukraine is likely to violate numerous international law provisions. These include international humanitarian law (IHL) and international human rights law, which serve to protect children from such transfers, which are also recognised as crimes that carry individual criminal responsibility under the Statute of the ICC (the Rome Statute).

2.1 International humanitarian law

IHL provides general protection for children, as persons taking no part in hostilities, and special protection¹¹⁷, as persons who are particularly vulnerable during the armed conflict¹¹⁸. The fourth Geneva Convention (GCIV) explicitly prohibits forcible transfers and deportations of civilians from occupied territories, irrespective of the motives behind such actions, and this prohibition includes children as part of the civilian population¹¹⁹. Additionally, special provisions in Additional Protocol I aimed at protecting children from the effects of hostilities mandate that the temporary evacuation of children can exceptionally be undertaken under the strictest conditions and when there are compelling reasons concerning children's health or safety¹²⁰. IHL also stipulates that an occupying power is prohibited from altering the personal status of children under any circumstances¹²¹, including changing children's citizenship.

The evacuation of children by an occupying power is generally forbidden by IHL. If the evacuation of Ukrainian children was truly warranted, it should have been either to Ukraine, the children's country of nationality, or to a neutral foreign state¹²². In this scenario, Russia and Belarus cannot be considered neutral foreign states. There is no evidence to suggest that relocating children under one or both of these alternatives would have been unfeasible.

In the event of children being temporarily evacuated from the occupied territories due to compelling reasons relating to health or safety, the IHL provisions provide that everything possible should be done to

¹¹⁵ President of Ukraine, '[President of Ukraine met with the Prosecutor of the International Criminal Court](#)', News Release, 28 February 2023

¹¹⁶ The author, proficient in both Ukrainian and Russian languages, has informally translated the materials from these languages.

¹¹⁷ See [Geneva Convention Relative to the Protection of Civilian Persons in Time of War \(Fourth Geneva Convention or GCIV\)](#), 75 UNTS 287, 12 August 1949, Articles 17, 23, 41, 50, 81, 89; [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Additional Protocol I\)](#), 1125 UNTS 3, 8 June 1977, Article 77.

¹¹⁸ D. Plattner, '[Protection of Children in International Humanitarian Law](#)', *International Review of the Red Cross*, Vol 240, 1984, p. 141.

¹¹⁹ GCIV, Articles 49 and 147.

¹²⁰ Additional Protocol I, Articles 78 and 85.

¹²¹ GCIV, Article 50.

¹²² C. Pilloud, Y. Sandoz, C. Swinarski and B. Zimmermann, *Commentary on the Additional Protocol: of 8 June 1977 to the Geneva Conventions of 12 August 1949*, Martinus Nijhoff Publishers, Norwell, 1987, p. 909.

prevent children from being separated from their parents or primary caregivers¹²³. Hence, in every instance, any temporary evacuation of children requires the written consent of the children's parents, legal guardians, or primary caregivers¹²⁴. IHL also requires that parties to the conflict facilitate, in every possible way, the reunion of families separated due to armed conflicts¹²⁵. Moreover, an unjustifiable delay in the repatriation of civilians is a separate war crime¹²⁶, apart from unlawful transfers and deportations of children¹²⁷.

Should temporary evacuation be deemed necessary, IHL requires that the educational needs of every child, encompassing their religious and moral education, be maintained under the conditions that they were accustomed to before evacuation¹²⁸. This requirement is also interpreted as forbidding any form of indoctrination¹²⁹. Ukrainian children who were forcibly transferred to Russia do not appear to have been given the opportunity to pursue an education based on the Ukrainian curriculum or to learn in the Ukrainian language. Instead, there are reliable accounts of indoctrination and instances of Ukrainian children undergoing military training in Russia¹³⁰. There are credible reports that the Russian authorities have been engaged in the military education of children in the occupied territories of Ukraine with the goal of recruiting them into the Armed Forces of Russia¹³¹. IHL prohibits compelling nationals of the opposing party to participate in activities of war against their own country¹³².

Finally, to facilitate the repatriation of children who have been temporarily evacuated, a comprehensive identification card is required for each child being transferred¹³³. These identification cards must be forwarded to the Central Tracing Agency of the International Committee of the Red Cross (ICRC). To date, there is no available evidence to indicate that these identification cards have been issued to Ukrainian children or that the ICRC has been informed.

The United Nations (UN) Independent International Commission of Inquiry on Ukraine determined that many instances of child transfers reviewed did not comply with the abovementioned IHL standards¹³⁴. In most cases, there did not seem to have been valid justification for child transfers, such as safety concerns or medical reasons. There was no evidence suggesting that the Russian authorities obtained consent from the children's parents, legal guardians or primary caregivers, as mandated by IHL. Additionally, due to various factors, many of these child transfers have been so extended that they can no longer be regarded as temporary. Children and their families have faced numerous challenges in establishing contact and reuniting, which has resulted in prolonged family separations. During the transfers, some Ukrainian children have been placed for adoption by Russian adoptive parents. Daria Herasymchuk, advisor on children's rights to the President of Ukraine, states that Ukrainian children who have been forcibly

¹²³ Additional Protocol I, Commentary, 1987, p. 909.

¹²⁴ Additional Protocol I, Article 78(1).

¹²⁵ Additional Protocol I, Article 74.

¹²⁶ Additional Protocol I, Article 85(4), (b) and (5).

¹²⁷ GCIV, Article 147; Additional Protocol I, Article 85(4), (a) and (5).

¹²⁸ Additional Protocol I, Article 78(2).

¹²⁹ C. Pilloud, Y. Sandoz, C. Swinarski and B. Zimmermann, *op. cit.*, p. 914.

¹³⁰ Asymmetrical Haircuts Podcast on International Justice, '[Ukraine's Taken Children with Yulia Ioffe and Nathaniel Raymond](#)', 19 May 2023. See also Yale School of Public Health, '[Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children](#)', 14 February 2023; A. Bisset, '[Ukraine Symposium – Russia's "Re-Education" Camps: Grave Violations against Children in Armed Conflict](#)', *Lieber Institute West Point*, 20 March 2023.

¹³¹ O. Roshchina, '[Russia is preparing children from occupied territories to fight against Ukraine](#)', *Ukrainska Pravda*, 10 August 2023.

¹³² ICRC, '[Customary International Humanitarian Law Study](#)', Rule 95; see also GCIV, Articles 40 and 51.

¹³³ Additional Protocol I, Article 78(3).

¹³⁴ UN Office of the High Commissioner for Human Rights, '[Conference Room Paper of the Independent International Commission of Inquiry on Ukraine](#)', UN Document, A/HRC/52/CRP.4, 29 August 2023, §721-725.

transferred are deliberately spread across Russian territory¹³⁵. There are reports that Ukrainian children's names have been changed, sometimes as a result of having been adopted by Russian parents¹³⁶.

2.2 International human rights law

The UN Convention on the Rights of the Child (CRC) is the most relevant international human rights treaty covering the situation of Ukrainian children's forcible transfers. Russia is a party to this treaty and is bound by Article 2 to respect and ensure that all children within its jurisdiction are provided with a full range of civil, political, economic, social and cultural rights. The CRC lacks a general derogation clause, which signifies that children's rights are always to be respected, including during times of armed conflict. In the context of Ukrainian children being forcibly transferred, of particular relevance are the CRC's provisions that focus on protecting children's identity and family relationships. Within the CRC terms, children are entitled to a name and nationality, as well as the right to know and be cared for by their parents, as stipulated in Article 7(1). In line with Article 8 of the CRC, children have the right to maintain their identity, including nationality, name and family relations, without any unlawful interference¹³⁷, such as the practice of forced acceptance of Russian citizenship¹³⁸, placement of children for upbringing in the families of Russian nationals¹³⁹ and name changes¹⁴⁰. Parallel to IHL obligations, under the CRC, states are obligated to ensure that children are not separated from their parents against their will when such actions do not align with the children's best interests¹⁴¹. If a child is separated from one or both parents due to deportation, state parties are legally obliged to provide essential information about the whereabouts of the absent family member to the parents, the child, or, when appropriate, another family member¹⁴². Article 16(1) of the CRC makes provision for a general protection from arbitrary and unlawful interference with children's privacy, family, or home.

Children, like many deported Ukrainian children, who lack a family environment often encounter violence and abuse¹⁴³. Article 19 of the CRC serves as the central protective right within the rights established by the CRC, intended to protect children from various forms of violence and harm, including trafficking and exploitation¹⁴⁴. Other rights within this framework that are especially relevant to Ukrainian children, given their heightened risk of trafficking and exploitation, include the right to protection from economic exploitation under Article 32, protection from sexual exploitation and sexual abuse under Article 34, and protection against all other forms of exploitation under Article 36 of the CRC.

¹³⁵ M. Lypchansky, [‘The Russian Federation Deported 8,700 Ukrainian Children—Ombudsman’](#), *The Korrespondent*, 20 October 2022. See also H. Бероева and С. Гройсман, [‘Как Россия украла тысячи детей из Украины и отдала их на «перевоспитание»’](#) / ‘How Russia stole thousands of children from Ukraine and gave them to “re-education”’, *TV Rain*, 26 February 2023.

¹³⁶ E. Bubola, [‘Using Adoptions, Russia Turns Ukrainian Children into Spoils of War’](#), *The New York Times*, 22 October 2022; K. Bonch-Osmolovskaya and D. Velikovskiy, [‘How Russia Parliamentary Leader Sergey Mironov and His New Wife Adopted a Child Kidnapped from Ukraine and Changed Her Identity’](#), *Important Stories*, 23 November 2023.

¹³⁷ UN, [Convention on the Rights of the Child](#) (CRC), 20 November 1989, UN, Treaty Series, vol. 1577, p. 3, 1989, Article 8(1).

¹³⁸ Yale School of Public Health, [‘Forced Passportization in Russia-Occupied Areas of Ukraine’](#), 2 August 2023, p. 18.

¹³⁹ PACE, [‘Deportations and Forcible Transfers of Ukrainian Children and Other Civilians to the Russian Federation or to Temporarily Occupied Ukrainian Territories’](#), Resolution 2495, 2023, §6.

¹⁴⁰ E. Bubola, op. cit.; K. Bonch-Osmolovskaya and D. Velikovskiy, op. cit.

¹⁴¹ CRC, Article 9(1). See also Y. Ioffe, [‘The Right to Family Reunification of Children Seeking International Protection under the Convention on the Rights of the Child: Misplaced Reliance on Travaux?’](#) *International Journal of Refugee Law*, 2022, pp. 224-232.

¹⁴² CRC, Articles 9(4), and 10.

¹⁴³ J. Tobin, ‘Article 20. Special Protection for Children Deprived of Their Family Environment’ in Tobin, J. (ed), *The UN Convention on the Rights of the Child*, Oxford University Press, Oxford, 2019, p. 738; C. Panter-Brick, ‘Nobody’s Children: A Reconsideration’ in Panter-Brick, C. and Smith, M. (eds), *Abandoned Children*, Cambridge University Press, Cambridge, 2000, pp. 9–11.

¹⁴⁴ J. Tobin, ‘Article 19. The Right to Protection against All Forms of Violence’ in J. Tobin (ed), *The UN Convention on the Rights of the Child*, Oxford University Press, Oxford, 2019, p. 723.

2.3 International criminal law

Forcible transfers and deportation are crimes that lead to individual criminal responsibility under the Statute of the ICC. During an international armed conflict, such as that between Ukraine and Russia, unlawful deportation or transfer of civilian population is considered a war crime in accordance with Articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute¹⁴⁵.

Additionally, under Article 7(1)(d), forcible transfers and deportations can be classified as crimes against humanity if 'a widespread or systematic attack directed against any civilian population, with knowledge of the attack'¹⁴⁶. The reported scale of forcible child transfers, the organised methods employed as well as separation from parents and family members¹⁴⁷, together with the Russian legislation that facilitates fast-tracked citizenship and adoption processes, indicate that the criteria for crimes against humanity might very likely be fulfilled in this context¹⁴⁸. Additionally, forcible transfers of Ukrainian children may fall within the crime against humanity of enforced disappearance of persons in the meaning of Article 7(1)(i) of the Rome Statute.

Furthermore, forcibly transferring children from one national group to another, with the intent to destroy the former in whole or in part, can be classified as genocide. This is as defined in Article 2(e) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and reiterated in Article 6 (e) of the ICC Statute. As in most genocide-related case law, intent will be the most difficult aspect to prove. However, the systematic, deliberate and large-scale forcible transfer of Ukrainian children and their subsequent indoctrination, as well as the broader context of Russia's invasion together with public statements from Russian state officials and state-owned media, suggest very strongly that the Ukrainian people are being subjected to genocide¹⁴⁹, which state parties to the Genocide Convention have obligations to punish and prevent¹⁵⁰.

3 Accountability mechanisms

This section explores different initiatives aimed at ensuring accountability for Russia's violations of international law in Ukraine, with a focus on the forcible transfers of children. Both domestic and international efforts are considered, along with the current successes and challenges of each initiative. Additionally, the effectiveness of these initiatives in establishing accountability for the forcible transfers of Ukrainian children is evaluated.

3.1 International Criminal Court

Even though Ukraine is not a party to the Rome Statute, the country has consented to the ICC's jurisdiction over crimes committed since Russia's 2014 invasion. Some 43 states that are parties to the Rome Statute have referred this situation to the prosecutor for review, allowing the prosecutor to initiate an investigation quickly following Russia's full-scale invasion in 2022.

On 17 March 2023, the ICC issued arrest warrants for two individuals¹⁵¹: President Vladimir Putin and Commissioner for Children's Rights under the President of Russia, Maria Lvova-Belova¹⁵². The crimes

¹⁴⁵ UN General Assembly, [Rome Statute of the International Criminal Court \(last amended 2010\)](#), 17 July 1998, Articles 8(2)(a)(vii) and 8(2)(b)(viii).

¹⁴⁶ Rome Statute, Article 7(1).

¹⁴⁷ PACE, Resolution 2495, 2023, op. cit., §4.

¹⁴⁸ A. Bisset, '[Ukraine Symposium – Russia's Forcible Transfer of Children](#)', *Lieber Institute West Point*, 5 October 2022.

¹⁴⁹ Y. Ioffe, 2023, op. cit., p. 34.

¹⁵⁰ UN [Convention on the Prevention and Punishment of the Crime of Genocide](#), 9 December 1948, UN, Treaty Series, vol. 78, p. 277, Articles I and IV.

¹⁵¹ ICC, op. cit.

¹⁵² D. M. Amann, '[Child-Taking](#)', *Michigan Journal of International Law*, Vol 45, No 10, 2023, pp. 7-8.

alleged are the war crimes of unlawful deportation of population (children) and unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation under Articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute. It is important to highlight that the first crime mentioned in the arrest warrant constitutes a grave breach of GCIV, as set out in its Article 147¹⁵³. The grave breach violation carries further ramifications as it activates the repression obligations of states under Article 146 of the GCIV, according to which states parties 'shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its courts'. The grave breaches regime imposes obligations on every state, regardless of whether they have ratified the ICC Statute, to either prosecute or surrender those alleged to have committed grave breaches¹⁵⁴. Grave breaches of the Geneva Convention give rise to crimes of universal obligation¹⁵⁵. Since all states in the world are parties to the Geneva Conventions, every state is obligated to investigate and prosecute or transfer such persons as Putin and Lvova-Belova to another state and arguably to the ICC. At a minimum, the arrest warrants pose challenges for Putin and Lvova-Belova, when it comes to leaving Russia. Opting for trips to non-ICC states may not offer Putin and Lvova-Belova a foolproof strategy to evade capture in the light of the grave breaches regime. However, certain states have not complied with these obligations¹⁵⁶.

While the warrants classify these crimes as war crimes, some commentators argue strongly that the actions in question amount to genocide¹⁵⁷ or crimes against humanity¹⁵⁸. The prosecutor's choice to categorise these crimes as war crimes might reflect how he assesses the strength of evidence collected to date, especially concerning the aspect of intent. Nonetheless, given that the purported crimes and evidence gathering are still ongoing, the charges might be revised as the investigation progresses and new warrants might be issued¹⁵⁹.

The issuance of warrants fills a gap in Ukrainian prosecution efforts and potentially provides them with additional legitimacy¹⁶⁰. While Ukraine has been at the forefront of holding Russian actors accountable for atrocities committed on its territory and plans to prosecute most of the alleged offenders, Ukrainian courts are hindered from prosecuting the Russian President due to the principle of head-of-state immunity¹⁶¹. This principle restricts nations from indicting sitting leaders of other countries.

¹⁵³ M. Jackson, ['The ICC Arrest Warrants against Vladimir Putin and Maria Lvova-Belova—An Outline of Issues'](#), *EJIL:Talk!*, 21 March 2023.

¹⁵⁴ A. Clapham, ['We Need to Talk about Grave Breaches of the Geneva Conventions'](#), *Opinio Juris*, 25 April 2023.

¹⁵⁵ *Ibid.*

¹⁵⁶ R. Woo, ['Putin Visits "Dear Friend" Xi in Show of Non-Limits Partnership'](#), *Reuters*, 17 October 2023; AP News, ['Putin Visits Kazakhstan, Part of His Efforts to Cement Ties with Ex-Soviet Neighbors'](#), 9 November 2023.

¹⁵⁷ Y. Ioffe, 2023, *op. cit.*; I. Marchuk and A. Wanigasuriya, ['Beyond the False Claim of Genocide: Preliminary Reflections on Ukraine's Prospects in Its Pursuit of Justice at the ICJ'](#), *Journal of Genocide Research*, 2022; D. Azarov, D. Koval, G. Nuridzhanian, V. Venher, ['Understanding Russia's Actions in Ukraine as the Crime of Genocide'](#), *Journal of International Criminal Justice*, Vol 21, No 2, 2023, pp. 233–264.

¹⁵⁸ A. Bisset, 2022, *op. cit.*

¹⁵⁹ M. Kersten, ['Why Did the International Criminal Court Focus on the Transfer and Deportation of Children from Ukraine to Russia?'](#), *Justice in Conflict*, 21 March 2023.

¹⁶⁰ H. Ashby, L. Baillie and M. Glantz, ['How the ICC's Warrant for Putin Could Impact the Ukraine War'](#) *United States Institute for Peace*, *United States Institute of Peace*, 23 March 2023.

¹⁶¹ See M. Lemos, ['The Law of Immunity and the Prosecution of the Head of State of the Russian Federation for International Crimes in the War against Ukraine'](#), *EJIL:Talk! Blog of the European Journal of International Law*, 16 January 2023.

3.2 Universal jurisdiction in EU Member States

Accountability for the forcible transfer of Ukrainian children can at the national level be pursued under the principle of universal jurisdiction¹⁶². Currently, four countries – Germany, Sweden, Lithuania and Spain¹⁶³ – have initiated investigations under universal jurisdiction into war crimes and crimes against humanity carried out by Russians in Ukraine. Although these investigations have not yet been extended to the crime of genocide, this may well be brought about in future by growing evidence regarding the forced transfers of Ukrainian children together with Russia’s subsequent policies of indoctrination and adoption¹⁶⁴. Some states may exercise jurisdiction based on the protective principle or the principles of active or passive personality¹⁶⁵.

3.3 Prosecutions under Ukrainian domestic law

Ukraine also pursues accountability for forcible transfers of children within its domestic legal system. The Office of the Prosecutor General has previously confirmed that the government is pursuing more than 20 cases connected to the forcible transfers of Ukrainian citizens to Russia¹⁶⁶. On 30 June 2023, Ukrainian Prosecutors brought the first charges of war crimes against a Russian citizen over the alleged forcible transfers of Ukrainian children from Kherson orphanages¹⁶⁷. Ukrainian prosecutors would appear to be collaborating with the ICC in their investigation on this issue. The principle of complementarity, defines the relationship between the ICC and states parties, confirming the primary state jurisdiction while limiting admissibility of cases before the ICC¹⁶⁸.

However, if the trial proceeds, it will likely be held *in absentia*, which is permitted in Ukraine but not at the ICC¹⁶⁹. Although some view such trials as helpful tools to ensure the prosecution of conflict-related crimes in cases where it is impossible to bring suspects to court, the value of this *in absentia* provision in practice has proven to be limited¹⁷⁰. It is also doubtful if such trials are compatible with international human rights law standards¹⁷¹. Given the present political climate, the possibility of criminal prosecution in Russia, while technically feasible, appears highly improbable.

¹⁶² M. Kersten, ‘[Universal Jurisdiction in Ukraine: States Should Commit to Using Their Own Courts to Address Russian Atrocities](#)’, *Justice in Conflict*, 17 October 2022.

¹⁶³ K. J. Heller, ‘[Can International Law Bring a Measure of Justice to Ukraine?](#)’, *Russia Matters*, 22 March 2023.

¹⁶⁴ T. Studt, ‘[The Necessity of a Structural Investigation into the Cultural Genocide in Ukraine](#)’, *Volkerrechtsblog*, 15 February 2023.

¹⁶⁵ See D. Orentlicher, ‘[How States Can Prosecute Russia’s Aggression with or without “Universal Jurisdiction”](#)’, *Just Security*, 24 March 2022.

¹⁶⁶ V. Romanenko, ‘[20 Criminal Cases Opened in connection with Deportation of Ukrainian Citizens to Russia and Belarus—Prosecutor General](#)’, *Ukrainska Pravda*, 4 June 2022; also Y. Ioffe, 2023, op. cit.

¹⁶⁷ A. Deutsch, ‘[Ukraine Brings First Charges for Deporting Kherson Orphans](#)’, *Reuters*, 20 June 2023.

¹⁶⁸ Ukraine has not ratified the Rome Statute. However, it has accepted the jurisdiction of the ICC. ICC, ‘[Situation in Ukraine](#)’, ICC-01/22, nd.

¹⁶⁹ [Criminal Procedural Code of Ukraine](#), Відомості Верховної Ради [Verkhovna Rada Gazette], 2013, No 9-10, No 11-12, No 13, at 88, Article 297-1 See also G. Nuridzian, ‘[Ensuring Fairness of War Crime Trials in Ukraine](#)’, 18 July 2023, pp. 8-9.

¹⁷⁰ I. Marchuk, ‘[Domestic Accountability Efforts in Response to the Russia–Ukraine War: An Appraisal of the First War Crimes Trials in Ukraine](#)’, *Journal of International Criminal Justice*, Vol 20, No 4, 2022, p. 793.

¹⁷¹ Global Rights Compliance, ‘[Trials in Absentia](#)’, nd.

3.4 Eurojust

Eurojust has been leading efforts to hold Russia accountable for its actions, facilitating the establishment of a [Joint Investigation Team \(JIT\)](#) just six days after the Russian invasion of Ukraine on 24 February 2022. JIT is a tool that enables cooperation between judicial and law enforcement authorities and operates within a limited time frame, typically ranging from 12 to 24 months, with a specific objective, such as the collection of evidence¹⁷². This team now includes Ukraine¹⁷³, six European Union (EU) Member States (Estonia, Latvia, Lithuania, Poland, Romania and Slovakia), the United States of America (USA), the ICC and Europol.

Acknowledging the particular evidentiary challenges associated with investigations conducted in the time of active hostilities, a [Core International Crimes Evidence Database](#) was established by Eurojust in 2023. This is a judicial database specifically designed to preserve, store and analyse evidence related to core international crimes committed in Ukraine as submitted by different countries, including Ukraine itself. On 3 March 2023, all seven countries involved in the JIT entered into a Memorandum of Understanding with the US Department of Justice¹⁷⁴. Since then, the team has extended its inquiries beyond alleged war crimes to include crimes of genocide committed in Ukraine¹⁷⁵.

3.5 International Court of Justice

Ukraine has initiated legal proceedings under the Genocide Convention against Russia at the International Court of Justice (ICJ), challenging Russia's allegations of genocide in Donbas, which was used as the pretext for Russia's large-scale invasion of Ukraine¹⁷⁶. Ukraine can opt to expand its case against Russia beyond the false claim of genocide by adding a claim that Russia has violated Article II(e) of the Genocide Convention through engaging in forcible transfers of Ukrainian children¹⁷⁷. Alternatively, Ukraine can initiate new legal proceedings on this issue before the ICJ. However, such a move may involve certain risks, including the potential disappointment of the victims of Russia's actions should this claim proves unsuccessful¹⁷⁸. It is also worth noting that advancing the claim that Russia perpetrated genocide in Ukraine would require substantial efforts to collect, examine and present a substantial body of evidence to establish factual circumstances of the forcible transfers of Ukrainian children and the existence of the special intent on the part of individual perpetrators. This is necessary to attribute state responsibility for genocide to Russia.

In the last round of oral proceedings, Ukraine advanced the argument that owing to the false claim of genocide in Donbas, Russia committed multiple war crimes, including forcible transfers of Ukrainian children¹⁷⁹. The ICJ does not have jurisdiction over the alleged war crimes or crimes against humanity committed by Russia in Ukraine. Its jurisdiction is limited to genocide, under a compromissory clause within the Genocide Convention.

¹⁷² A. Neville, '[Russia's war on Ukraine: Investigating and prosecuting international crimes](#)', European Parliamentary Research Service, PE 733.525, 2022, p. 6.

¹⁷³ Europol, '[Europol participates in joint investigation team into alleged core international crimes in Ukraine](#)', Press Release, 05 October 2023.

¹⁷⁴ EU Agency for Criminal Justice Cooperation, '[The joint investigation team garners further support for the ICPA and agrees to investigate genocide crimes in Ukraine](#)', Press Release, 14 April 2023.

¹⁷⁵ Ibid.

¹⁷⁶ ICJ, '[Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide \(Ukraine v. Russian Federation\)](#)', Application Instituting Proceedings, 2022, §2.

¹⁷⁷ Y. Ioffe, 2023, op. cit., p. 35.

¹⁷⁸ I. Marchuk and A. Wanigasuriya, op. cit, p. 20; P. Sands, '[What the Inventor of the Word "Genocide" Might Have Said About Putin's War](#)', *New York Times*, 28 April 2022.

¹⁷⁹ A. Korynevych, '[Introductory Statement](#)', ICJ Public sitting, in the case concerning [Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide \(Ukraine v. Russian Federation: 32 States intervening\)](#), 19 September 2023, §15, p. 37.

3.6 UN Treaty Bodies

3.6.1 UN Committee on the Rights of the Child

As mentioned earlier, Russia is a state party to the CRC. The UN Committee on the Rights of the Child, a monitoring body established by the CRC, can serve in a quasi-judicial capacity, receiving and considering individual complaints¹⁸⁰ from or on behalf of an individual or group within the jurisdiction of a state that is a party to the Optional Protocol to the Convention on the Rights of the Child concerning a communications procedure. Russia is not a party to the latter, thus Ukrainian children and their legal representatives will not be able to submit individual complaints to the UN Committee on the Rights of the Child. However, apart from individual complaints, the Committee issues [concluding observations](#), an official public document from the UN that assesses every state's human rights record and recommends measures for enhanced implementation of the rights in question¹⁸¹. The Committee last reviewed periodic reports concerning Russia in 2014, indicating that another review must be due¹⁸². Hence, it would be advisable to present evidence to the UN Committee on the Rights of the Child regarding the alleged forcible transfers of Ukrainian children and potential violations of their rights under the CRC during its next set of concluding observations in relation to Russia.

3.6.2 UN Human Rights Committee

Russia is a state party to the International Covenant on Civil and Political Rights (ICCPR) and has recognised the competence of the UN Human Rights Committee to receive and consider individual communications from or on behalf of person claiming to be victims of a violation of the ICCPR, as it has ratified the Optional Protocol to the ICCPR¹⁸³. While the ICCPR is not specifically tailored for children, there are provisions pertinent to the situation of Ukrainian children, notably Article 7 (prohibition of torture), Article 9 (right to liberty), Articles 17 and 23 (right to family life) or Article 24 (right to measures of protection for children). Individual complaints against Russia could be submitted to the UN Human Rights Committee on behalf of deported children but this would require close collaboration with the children's families and retention of highly qualified legal counsel and/or NGOs to support such a case. Such complaints could be submitted, provided that the complainant has exhausted the available remedies in the state party against which the complaint is directed, in this case Russia. It is doubtful that the children's families and their representatives could bring their claims to the Russian courts and authorities.

3.7 UN Special Procedures

3.7.1 UN Working Group on Enforced or Involuntary Disappearances

The UN Working Group on Enforced or Involuntary Disappearances aids families in determining the fate and whereabouts of their family members reported as disappeared¹⁸⁴. Forcible transfers of Ukrainian children may be regarded as abductions by Russian agents to Russia, followed by the concealment of the children's fate and whereabouts, where their families lack contact with the child and knowledge on child's

¹⁸⁰ UN Human Rights Office of the High Commissioner, 'Individual Communications Committee on the Rights of the Child', [webpage](#), nd.

¹⁸¹ Child Rights Connect, 'Concluding Observations', [webpage](#), nd.

¹⁸² UN, [Convention on the Rights of the Child. Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation](#), CRC/C/RUS/CO/4-5, 25 February 2014.

¹⁸³ UN Human Rights Committee, 'Individual Communications', [webpage](#), nd.

¹⁸⁴ UN Working Group on Enforced or Involuntary Disappearances, 'Procedures', [webpage](#), nd.

location. Therefore, it is plausible that the deported Ukrainian children can be considered victims of enforced disappearance¹⁸⁵.

In their humanitarian capacity, the Working Group can act as a channel of communication between family members of enforced disappearance victims and the relevant government. It transmits disappearance cases to the respective state's Ministry of Foreign Affairs and urges the government to conduct investigations into the fate or whereabouts of the individuals concerned, subsequently informing the Working Group of its results¹⁸⁶. It is not necessary to exhaust domestic remedies before submitting a case to the Working Group. Cases of Ukrainian children's disappearance can be submitted by the relatives of deported children or organisations acting on their behalf. Given the challenges in establishing communication with the Russian government by ICRC, as discussed below, the Working Group can provide a viable alternative, not only in finding out the fate and location of deported children, but also documenting cases of forcible transfers at an international level.

3.7.2 UN Special Rapporteur on Trafficking in Persons, Especially Women and Children

The UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, holds a mandate that centres on addressing the human rights aspects of victims of trafficking in persons¹⁸⁷. In fulfilling this mandate, the Special Rapporteur: takes action on violations committed against trafficked persons and on situations in which there has been a failure to protect their human rights; conducts country visits to study the situation in situ and develop recommendations for preventing and combating trafficking, as well as protecting the human rights of trafficking victims in specific countries and/or region; and presents annual reports to the UN Human Rights Council as well as the General Assembly. While there are no concrete reports of Ukrainian children being trafficked, many have experienced separation from their families and relocation to another country without family members' accompaniment, exposing them to the risk of human trafficking. Submissions to the Special Rapporteur may be warranted to document the cases of Ukrainian children's forcible transfers at an international level and raise this issue before the UN Human Rights Council and the General Assembly.

3.8 Council of Europe

On 16 March 2022, the Committee of Ministers decided to cease Russia's membership in the Council of Europe (CoE) as a result of its aggression against Ukraine, which constitutes a serious violation by Russia of its obligations under both Article 3 of the Statute of the CoE and international law¹⁸⁸. Russia is no longer eligible to claim any rights or be considered bound by any obligations arising from the Statute of the CoE or associated with its membership. However, Russia does remain subject to the obligations it had previously undertaken under that Statute in relation to any events preceding the cessation of its membership in the organisation, for example under the Lanzarote Convention, as discussed below.

¹⁸⁵ UN [Convention for the Protection of All Persons from Enforced Disappearance](#), 20 December 2006, Article 2; UN [Declaration on the Protection of All Persons from Enforced Disappearance](#), E/CN.4/RES/1992/29, 28 February 1992, Preamble.

¹⁸⁶ UN Working Group on Enforced or Involuntary Disappearances, '[Reporting a Disappearance to the Working Group](#)', webpage, nd.

¹⁸⁷ UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, '[About the Mandate](#)' nd.

¹⁸⁸ CoE, [Resolution CM/Res\(2022\)2 on the cessation of the membership of the Russian Federation to the Council of Europe](#), Committee of Ministers, Resolution CM/Res(2022)2, 2022.

3.8.1 European Court of Human Rights

On 16 September 2022, Russia ceased to be a party to the European Convention on Human Rights (ECHR). The European Court of Human Rights (ECtHR) retains its jurisdiction to address applications against Russia in relation to acts or omissions capable of constituting a violation of the ECHR, provided that they occurred no later than 16 September 2022¹⁸⁹. Consequently, any cases concerning Ukrainian children that could be brought before the ECtHR against Russia would pertain exclusively to forcible transfers that took place prior to 16 September 2022. Beyond this date, the ECtHR will be unable to consider cases related to forcible transfers. The requirement to exhaust domestic remedies, i.e. Russia's national courts, may also complicate the use of this legal avenue. While the current Russian authorities are unlikely to adhere to the ECtHR's decision or acknowledge the court's authority, any prospective Russian government aiming to reintegrate into the international community will be obligated to comply¹⁹⁰.

From the available ECtHR case law, particularly relevant is the decision¹⁹¹ dated 25 January 2023 on the admissibility of interstate complaints lodged by Ukraine and the Netherlands against Russia in relation to alleged violations of the ECHR in eastern Ukraine controlled by separatist groups¹⁹². The decision, *inter alia*, concerned application [43800/13](#) submitted on 13 June 2014. This application specifically addressed the alleged abduction of 85 children without parental care in eastern Ukraine and their transfer to Russia between June and August 2014¹⁹³. The application alleged a violation of Article 3 (prohibition of torture), Article 5 (right to liberty and security), Article 8 (right to private life) and Article 2 of Protocol No. 4 (freedom of movement)¹⁹⁴. While the ECtHR found Ukraine's complaint of an administrative practice in violation of the abovementioned provisions admissible¹⁹⁵, the decision on the merits is still pending and would require Ukraine to provide evidence sufficient to overcome the threshold of beyond reasonable doubt in respect to each complaint¹⁹⁶. This is a particularly important case in the context of the widespread forcible transfers of Ukrainian children following Russia's full-scale invasion.

3.8.2 Parliamentary Assembly of the Council of Europe

On 27 April 2023, the Parliamentary Assembly of the CoE (PACE) passed a specific resolution addressing the forcible transfers of Ukrainian children, where it qualified these actions as genocide under Article 2(e) of the Genocide Convention¹⁹⁷. This qualification is supported by evidence confirming the 'Russification' of Ukrainian children and the systematic policy of their forcible transfers, along with the purported aim of annihilating Ukrainian identity. Additionally, the PACE has called for the safe return of Ukrainian children who were forcibly transferred to Russia or temporarily occupied territories, as well as the prosecution of those responsible at all levels¹⁹⁸. This resolution contains several valuable recommendations directed at other states and the international community¹⁹⁹, including a suggestion to 'strengthen co-operation with the European Union in order to stop the crimes of forcible transfer and deportations of Ukrainian civilians

¹⁸⁹ ECtHR, [Resolution of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights](#), 2022.

¹⁹⁰ Z. Tropin, 'ECHR Ruling Confirms Russian Invasion of Ukraine Began in 2014', *Atlantic Council*, 2023.

¹⁹¹ ECtHR, [Ukraine and the Netherlands v. Russia](#), Grand Chamber, Applications 8019/16, 43800/14, 28525/20, 2022.

¹⁹² See also G. Nuridzhanian, 'Questions of Extraterritorial Jurisdiction in Ukraine and the Netherlands v. Russia', *Voelkerrechtsblog*, 27 January 2023; M. de Hoon, 'Ukraine, Netherlands Await Pivotal Rulings in Cases against Russia from Previous Years of War', *Just Security*, 2023.

¹⁹³ ECtHR, Applications 8019/16, 43800/14, 28525/20, 2022, op cit., §4, 94-96, 262-287, and 896.

¹⁹⁴ *Ibid*, §374.

¹⁹⁵ *Ibid*, §898.

¹⁹⁶ *Ibid*, §897.

¹⁹⁷ PACE, Resolution 2495, 2023, op. cit., §10.

¹⁹⁸ CoE, 'The Forcible Transfer and 'Russification' of Ukrainian Children Shows Evidence of Genocide, Says PACE', 28 April 2023.

¹⁹⁹ PACE, Resolution 2495, 2023, op. cit., §17-19.

by the Russian Federation²⁰⁰. Furthermore, the PACE has adopted two other resolutions that refer to some related aspects of forcible transfers of Ukrainian children²⁰¹, albeit not directly addressing the issue.

3.8.3 Register of damage for Ukraine

On 17 May 2023, the CoE announced the establishment of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine through an Enlarged Partial Agreement²⁰². This step responds to UN General Assembly Resolution ES-11/5, recommending the creation of an international reparation mechanism for damages²⁰³. The USA plans to provide funding in support of this Register²⁰⁴.

Resolution CM/Res (2023)3, establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine, urged Russia, *inter alia*, to 'release all civilians forcibly transferred or unlawfully deported to the territory of the Russian Federation or to areas temporarily controlled or occupied by the Russian Federation, in particular children'²⁰⁵. The Register, established under this Resolution, serves as a platform for intergovernmental cooperation within the CoE's institutional framework²⁰⁶. It documents evidence and claims information regarding damage, loss or injury caused by Russia's internationally wrongful acts in or against Ukraine, starting from 24 February 2022²⁰⁷. These internationally wrongful acts also include forcible transfers of Ukrainian children. While the Register does not have any adjudication functions, it will constitute the first component of a future international compensation mechanism²⁰⁸. The register will receive and process information on claims of damage and evidence; organise and classify such claims; assess their eligibility for inclusion in the Register; and record eligible claims for future examination and adjudication purposes²⁰⁹.

3.8.4 Lanzarote Committee

Russia remains a party to the CoE Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), which entered into force in respect of Russia on 1 December 2013. Deportation of Ukrainian children who are transferred without parents and legal guardians increases the risk of their sexual exploitation and abuse. Under the Lanzarote Convention, state parties are required to prevent all forms of sexual exploitation and sexual abuse of children and to protect children²¹⁰. After issuing urgent questions addressed to Russia on 2 June 2023 regarding children who have been unlawfully transferred or deported to Russia or temporarily occupied territories, the Lanzarote Committee, Committee of the Parties to the Convention, issued a statement expressing its disapproval with the inadequate

²⁰⁰ PACE, Resolution 2495, 2023, op. cit., §18.4.

²⁰¹ PACE, [Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine](#), Resolution 2448, 2022, §2 and 18; PACE, [Legal and human Rights aspects of the Russian Federation's aggression against Ukraine](#), Resolution 2482, 2023, §10, 12, 15.7 and 20.5.

²⁰² CoE, ['Register of Damage for Ukraine: Council of Europe Summit creates Register of damage for Ukraine as first step towards an international compensation mechanism for victims of Russian aggression'](#), 2023; C. Giorgetti and P. Pearsall, ['A Significant New Step in the Creation of an International Compensation Mechanism for Ukraine'](#), *Just Security*, 2023.

²⁰³ UN General Assembly, ['Furtherance of remedy and reparation for aggression against Ukraine'](#), UN Document, Resolution A/RES/ES-11/5, 2022, §3.

²⁰⁴ US Mission to the UN, ['Ambassador Linda Thomas-Greenfield Announces United States to Join Council of Europe's Register of Damage for Ukraine'](#), Press Note, 15 May 2023.

²⁰⁵ CoE, [Resolution CM/Res\(2023\)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine](#), CM/Res(2023)3, 2023, Preamble.

²⁰⁶ *Ibid*, Article 1.2.

²⁰⁷ *Ibid*, Article 1.1.

²⁰⁸ *Ibid*, Article 2.5.

²⁰⁹ *Ibid*, Article 2.1.

²¹⁰ CoE, [Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(Lanzarote Convention\)](#), CETS No 201, 12 July 2007, Article 4.

response and urging Russia to fulfil its obligations²¹¹. The committee urged Russia to collaborate fully in line with its obligations as a signatory to the Lanzarote Convention.

3.9 Inquiry mechanisms

3.9.1 The UN Independent International Commission of Inquiry on Ukraine

The UN Human Rights Council established the Independent [International Commission of Inquiry on Ukraine](#) on 4 March 2022, according to resolution 49/1²¹². The Commission's purpose is to investigate all alleged human rights violations and abuses, violations of international humanitarian law and related crimes within the context of Russia's aggression against Ukraine. The Commission's mandate was extended on 4 April 2023 through resolution 52/32²¹³. The Commission comprises Erik Møse (Norway), Vrinda Grover (India), Pablo de Greiff (Colombia) and formerly Jasminka Džumhur (Bosnia and Herzegovina). None of the members appear to possess proficiency in Ukrainian or Russian languages or prior familiarity with the region. Similarly, it does not seem mandatory for the Commission's supporting staff to be fluent in the local languages²¹⁴.

The Commission has released three reports and one conference paper. In the first report, dated 18 October 2022, the Commission documented, *inter alia*, the impact of the armed conflict on children, including killings and sexual violence²¹⁵. However, it did not specifically investigate cases of forcible transfers of Ukrainian children and the expedited adoptions of children in Russia in this report²¹⁶.

In the second report, dated 15 March 2023, the Commission looked into violations of the laws of occupation and transfers of children²¹⁷, dedicating an entire section to forced transfers and deportations of children²¹⁸. Specifically, the Commission reviewed incidents concerning the transfer of 164 children from 4 to 18 years of age from the Donetsk, Kharkiv and Kherson regions²¹⁹. One of its findings was that the transfer and deportation of Ukrainian children to Russia constituted violations of Article 147 of the GCIV, Articles 74 and 85(4)(b)-(5) of Additional Protocol I to the Geneva Conventions, and Article 8(1) of the CRC²²⁰.

The most recent report from the Commission, issued on 20 October 2023, devotes an entire section to the transfers and deportations of children²²¹. The Commission investigated further accounts concerning the transfers of children by Russian authorities to Russia or occupied territories²²². It documented the transfer of 31 children from Ukraine to Russia in May 2022 and concluded that it constituted an unlawful deportation and a war crime²²³. The Commission emphasised the challenge in determining the full extent

²¹¹ CoE Lanzarote Committee, '[Statement regarding cooperation by the Russian Federation in the context of the questions addressed to it under Rule 28 of the Rules of Procedure](#)', T-ES(2023)16_en, 2023.

²¹² UN Human Rights Council, '[Resolution on Situation of human rights in Ukraine stemming from the Russian aggression](#)', UN Document, A/HRC/RES/49/1, 7 March 2022.

²¹³ UN Human Rights Council, '[Resolution on Situation of human rights in Ukraine stemming from the Russian aggression](#)', UN Document, A/HRC/Res/52/32, 11 April 2023.

²¹⁴ See e.g. the recruitment information of the Human Rights Officer with the Secretariat of the Independent International Commission of Inquiry on Ukraine; UN Careers, '[Human Rights Officer, Analyst/Reporting Officer \(Temporary Job Opening\), P4 \(Temporary Job Opening\)](#)', 2022.

²¹⁵ UN Office of the High Commissioner for Human Rights, '[Report of Independent International Commission of Inquiry on Ukraine – Note by the Secretary-General](#)', UN Document, A/77/533, 2022, §99-108.

²¹⁶ *Ibid.*, §114.

²¹⁷ UN Office of the High Commissioner for Human Rights, A/HRC/52/62, 2023, *op. cit.*, §21.

²¹⁸ *Ibid.*, §95-102.

²¹⁹ *Ibid.*, §97.

²²⁰ *Ibid.*, §102.

²²¹ UN Office of the High Commissioner for Human Rights, '[Report of the Independent International Commission of Inquiry on Ukraine](#)', UN Document, A/78/540, 20 October 2023, §90-102.

²²² *Ibid.*, §91.

²²³ *Ibid.*, §98-99.

of forcible transfers of Ukrainian children, primarily due to the lack of a rigorous recording and verification system²²⁴.

3.9.2 OSCE Moscow Mechanism

On 3 March 2022, Ukraine, with the support of 45 Organization for Security and Co-operation in Europe (OSCE) participating states, invoked Paragraph 8 of the Moscow Mechanism within the human dimension of the OSCE²²⁵. This provision allows for the invitation of a Mission of Experts to address a specific issue on its territory related to respect for human rights, fundamental freedoms, democracy and the rule of law. From the roster of experts Ukraine has appointed: Professor Veronika Bílková; Professor Marco Sassòli; Professor Wolfgang Benedek; Dr. Cecilie Hellestveit and Dr. Elīna Šteinerte²²⁶. This roster does not include any experts from Ukraine²²⁷.

The Mission's mandate encompassed an investigation into the facts and conditions related to potential breaches of OSCE commitments; violations of international human rights law and international humanitarian law; possible war crimes and crimes against humanity; as well as examining this information with the intention of presenting it to relevant accountability mechanisms. The first two reports, released in April and July 2022, provide a general assessment of violations of IHL and international human rights law and of alleged war crimes and crimes against humanity, committed in Ukraine in the first four months of the conflict²²⁸.

On 4 May 2023, the Moscow Mechanism published its third report, which had a narrower scope, specifically addressing the forcible transfers of Ukrainian children to Russia or temporarily occupied territory²²⁹. The Mission's analysis is divided into three parts: the lawfulness of the transfers themselves; the treatment of children during displacement; and reunification or repatriation. In summary, the mission determined that, while in certain cases the initial evacuation of children could be deemed justifiable under IHL, other practices of non-consensual evacuations, transfers and prolonged displacement of Ukrainian children violated IHL and in specific cases, qualified as grave breaches of the GCIV and war crimes²³⁰. This notably includes a violation of the prohibition on forcible transfer or deportation under Article 49 of the GCIV.

The Mission's findings indicate that Russia's failure to establish mandatory mechanisms to trace Ukrainian children, to communicate their location to Ukraine and aid in their family reunification or repatriation constitutes a violation of IHL. Furthermore, the Mission determined that subjecting Ukrainian children to adoption and various assimilation measures contradicts Article 50(2) of the GCIV. According to the Mission, Russia not only repeatedly violated the best interests of these children, but also deprived them of their rights to identity, family, reunification, education, access to information, leisure, play, recreation, participation in cultural life and the arts, freedom of thought, conscience and religion, health, as well as

²²⁴ Ibid, §93-94.

²²⁵ OSCE, [Moscow Mechanism, MOSCOW 1991 \(Par. 1 to 16\) as amended by ROME 1993 \(Chapter IV, par. 5\)](#), 2006.

²²⁶ OSCE, ['Ukraine Appoints Mission of Experts Following Indication of the OSCE's Moscow Mechanism'](#), 15 March 2022.

²²⁷ OSCE, ['List of experts for the human dimension mechanism appointed by OSCE participating states as of 24 august 2023'](#), 24 August 2023.

²²⁸ OSCE, [Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity Committed in Ukraine since 24 February 2022'](#), Office for Democratic Institutions and Human Rights, ODIHR.GAL/26.22.Rev.1, 13 April 2022; See also W. Benedek, V. Bilkova and M. Sassòli, ['Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity Committed in Ukraine since 24 February 2022: Summary of the Report by a Mission of Experts under the OSCE Moscow Mechanism'](#), *EJIL:Talk! Blog of the European Journal of International Law*, 19 April 2022.

²²⁹ OSCE, [Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity, related to the Forcible Transfer and/or Deportation of Ukrainian Children to the Russian Federation](#), Office for Democratic Institutions and Human Rights, ODIHR.GAL/37/23/Rev.1/Corr.1, 4 May 2023; V. Bilkova, C. Hellestveit and E. Steinerte, ['The Moscow Mechanism Expert Report on the Forcible Transfer and Deportation of Ukrainian Children'](#), *EJIL:Talk! Blog of the European Journal of International Law*, 17 May 2023.

²³⁰ OSCE, ODIHR.GAL/26.22.Rev.1, 2022, op. cit., p. 2.

liberty and security²³¹. The Mission considered these violations as ongoing violations of Articles 3, 8, 9, 10, 12, 14, 17, 20, 21, 24, 28, 29, 31, and 37(b) of the CRC. Finally, it was concluded that the practice of forcibly transferring and/or deporting Ukrainian children to Russia or temporarily occupied territories may constitute a crime against humanity of deportation or forcible transfer of population²³².

3.10 International Committee of the Red Cross

The ICRC has reported that it had established communication with Commissioner Lvova-Belova, a Russian official suspected of war crimes, as part of its efforts to return Ukrainian children who were forcibly transferred to Russia²³³. According to the ICRC, it is liaising with Lvova-Belova 'in line with its mandate to restore contact between separated families and facilitate reunification where feasible'²³⁴.

For the ICRC to proceed, families are required to submit a tracing request to the Red Cross, providing specific information about the child. Unfortunately, the ICRC is not well-received within Ukrainian society. This stems from: plans to establish the ICRC office in Russia's Rostov-on-Don, perceived as legitimisation of Russia's forcible transfers and deportations of Ukrainians²³⁵; problematic remarks²³⁶ and conduct by the ICRC staff²³⁷; lack of financial transparency²³⁸; and perceived lack of aid, notably during the siege of Mariupol²³⁹. Consequently, even if the ICRC successfully collaborates with the Russian authorities, obtaining cooperation from the Ukrainian side would be challenging.

4 Challenges to accountability

This section analyses broader challenges to accountability, with the return of Ukrainian children as a primary concern. Given that international law does not make any special provision for the return of Ukrainian children, considered here are the practical aspects of ensuring accountability for their forcible transfers.

4.1 Locating children and their return

The right to return for Ukrainian children who were relocated as a result of the armed conflict is a customary rule under IHL²⁴⁰. As previously mentioned, preserving and restoring family unity is a fundamental aspect of GCIV. However, Ukraine and the international community will encounter significant challenges in facilitating the return of these children who have been forcibly transferred to Russia or Russia-controlled territories²⁴¹.

As discussed above, the strategic dispersal of Ukrainian children across Russian territory makes it increasingly difficult to identify and eventually repatriate them. Furthermore, given the apparent violation by Russia of its obligation under Article 78(3) of Additional Protocol I – which requires a detailed identification card for each transferred child to be sent to the ICRC – repatriating these children will face

²³¹ Ibid.

²³² Ibid.

²³³ Associated Press, '[Red Cross confirms contact with Russia about Ukrainian kids](#)', *CNBC*, 8 April 2023.

²³⁴ Ibid.

²³⁵ L. Kelly, '[Ukraine asks Red Cross not to open office in Russia's Rostov-on-Don](#)', *Reuters*, 27 March 2022.

²³⁶ D. Krechetova, '[We Are Not a Funeral Home](#)' *Ukrainska Pravda*, 4 April 2022.

²³⁷ Д. Гулійчук, '[Представники Червоного Хреста в РФ знущалися над українськими військовополоненими – парамедик](#)'/'Representatives of the Red Cross in the Russian Federation abused Ukrainian prisoners of war—paramedic says', *TCH*, 24 September 2023; The New Voice of Ukraine, '[ICRC did not visit captive Ukrainian POWs in Russia, ombudsman says](#)', 24 September 2022.

²³⁸ TCH, '[Червоний Хрест колаборантів: як міжнародний рух зі столітньою історією працює на Путіна](#)'/'The Red Cross of collaborators: how an international movement with a century-old history works for Putin', 27 March 2022.

²³⁹ Ukrainian Civil Society, '[Public Appeal to the International Committee of the Red Cross \(ICRC\)](#)', *Ukrainska Pravda*, 24 March 2022.

²⁴⁰ ICRC, '[Rules 132. Return of Displaced People](#)', Volume II, Chapter 38, Section D, nd.

²⁴¹ A. Bisset, 2022, op. cit.

significant practical challenges. According to Ukraine's National Information Bureau, only 386 Ukrainian children have been returned after being forcibly transferred to Russia²⁴². There are accounts of successful returns to territories controlled by Ukraine, facilitated by the NGO 'Save Ukraine'²⁴³. This organisation has trained children's family members and funded their travelling to retrieve their children from extended stays in Russia at what are referred to as vacation (re-education) camps. However, the number of successful returns facilitated in this manner is relatively limited. This also frequently entails risky, very complicated and expensive travel through several countries²⁴⁴.

4.2 Access to territory: evidence and arrest warrants

The inability of Ukrainian authorities, international organisations, or independent bodies to access both Russian territory and areas occupied by Russia complicates the pursuit of legal accountability. Firstly, it is difficult to determine exactly how many children have been taken. In many cases, establishing contact with Ukrainian children in Russia or territories under Russia occupation is unattainable, thereby limiting legal recourse.

Secondly, the Ukrainian authorities are unable to gain access to evidence, collaborate with witnesses, or arrest those suspected of international crimes if they are in the occupied territories or in Russia. Given the complexity of gathering information from Russian territory and areas occupied by Russia, prioritising the intelligence sharing between Ukraine and its partners is essential. Similarly, the ICC faces challenges in securing the arrest and surrender of suspects, primarily due to the absence of its own enforcement mechanism and previous instances of non-compliance with requests for the execution of arrest warrants²⁴⁵.

4.3 Coordination and financing

Currently, the Ukrainian government does not have a comprehensive and coherent approach to addressing the issue of children who have been forcibly transferred. Ongoing hostilities further complicate matters, as much of the country's focus is directed towards military operations rather than humanitarian efforts. Moreover, as previously highlighted, international law related to children's rights and its affiliated institutions are somewhat fragmented, necessitating effective coordination and adequate funding.

To address this issue, the Office of Ukraine's President has launched its 'Bring Kids Back UA' action plan²⁴⁶. This comprehensive strategy seeks to consolidate the efforts of Ukrainian authorities, foreign governments and international organisations to ensure the safe return of Ukrainian children back home. Successful execution of this strategy hinges on seamless coordination among various Ukrainian governmental agencies, as distinct entities oversee different legal accountability mechanisms. For instance, while the Ministry of Foreign Affairs handles litigation before the ICJ, the Ministry of Justice manages litigation at the ECtHR. Both classes of litigation have relevance regarding the forcible transfers of children.

²⁴² Children of War, '[Children of War 24 February 2022 - 03 November 2023](#)', President of Ukraine Children Affected by the War Tracker, 2023.

²⁴³ M. Hunter, et al, '[The man behind the battle to return Ukrainian children from Russia](#)', *NBC News*, 18 September 2023; Meduza, '[Charity facilitates the return of 17 Ukrainian children deported by Russia](#)', 23 March 2023.

²⁴⁴ UN Office of the High Commissioner for Human Rights, A/78/540, 2023, op. cit., §98.

²⁴⁵ ICC, '[Arresting ICC Suspects At Large: Why It Matters, What the Court Does, What States Can Do](#)', January 2019, p. 12.

²⁴⁶ President of Ukraine, '[President got acquainted with the plan of returning children illegally deported by Russia, Bring Kids Back UA, and took part in the opening of the Center for the Protection of Children's Rights](#)', 31 May 2023.

4.4 Impact of possible peace negotiations

Intricate challenges surrounding the return of Ukrainian children, as previously described, suggest the need for solutions beyond legal routes, including diplomatic entreaties and mediation. According to reports, Saudi Arabia and Türkiye are currently trying to broker an agreement between Ukraine and Russia for the repatriation of Ukrainian children who have been forcibly transferred to Russia²⁴⁷. Additionally, Qatar has played a mediating role in assisting the return home of four Ukrainian children from Russia through engagement with both parties²⁴⁸.

Some experts believe that the large-scale transfer of children to Russia, even after the ICC warrants, could be driven by the Russian leadership's intention to use these children as bargaining chips or leverage in possible peace negotiations with Ukraine²⁴⁹.

5 Conclusion

Given the constraints of international law in achieving accountability for the forced deportations of Ukrainian children, a coordinated approach at both domestic and international levels is necessary. The ongoing armed conflict has significantly diverted resources and focus from formulating a comprehensive legal strategy, yet the objective of the urgent return of Ukrainian children remains clear. Mechanisms such as the ICC, the ICJ and universal jurisdiction in EU Member States, together with the potential of Ukrainian domestic courts, provide the avenues for legal redress, although each comes with its distinct challenges.

Notably, the 'Bring Kids Back UA' action plan signals a proactive step by the Ukrainian government, although the complexities of inter-departmental coordination and sufficient financing will undoubtedly pose significant challenges. The potential use of Ukrainian children as leverage in possible peace negotiations underscores the delicate interplay between international law and politics, which may require an approach that marries legal recourse with diplomatic dialogue.

Recommendations

Based on the analysis provided here, several key recommendations can be made to strengthen and support the initiatives aimed at ensuring accountability for the forcible transfers and deportations of Ukrainian children. These recommendations are proposed to address the challenges identified in Section 4:

- *Refining litigation strategy:* as stated earlier, forcible transfers of Ukrainian children may qualify as various international crimes, including war crimes, crimes against humanity and genocide. However, these distinct international crimes consist of different elements and require specific evidence for their substantiation. To streamline efforts, it would be beneficial if Ukraine's government seriously considers and, if viable, brings and pursues a claim of genocide under Article II (e) of the Genocide Convention before the ICJ. This will be consistent with Ukraine's criticism of the UN Independent Commission for Inquiry for not pursuing a claim of genocide. In the event that Ukraine opts for a classification other than a war crime, efforts should be made to encourage further evidence gathering and the potential reclassification of crimes before the ICC.
- *Coordinated approach and financing:* efforts should be made to create a holistic, coordinated approach to addressing the issue of forcibly transferred children, encompassing both legal and humanitarian efforts. Adequate funding should be secured to support these efforts, with a specific focus on the 'Bring Kids Back UA' action plan initiated by Ukraine's government.

²⁴⁷ Reuters, '[Saudi Arabia, Turkey Seek Deal to Return Ukrainian Children from Russia](#)', 18 July 2023; M. Seddon, et al, '[Secret talks to return Ukrainian children taken by Russia](#)', *Financial Times*, 18 July 2023.

²⁴⁸ A. Mills, '[Qatar Helping Four Ukrainian Children Go Home from Russia to Ukraine](#)', *Reuters*, 16 October 2023; M. Seddon, et al, '[Qatar Brokers Deal to Return Ukrainian Children Taken by Russia](#)', *Financial Times*, 16 October 2023.

²⁴⁹ Asymmetrical Haircuts Podcast on International Justice, op. cit.

- *Expanding the catalogue of accountability mechanisms:* the plight of Ukrainian children should be brought to the attention of as many accountability mechanisms under international law as possible, both within the UN system and beyond. Initiatives should be undertaken to ensure documentation of violations related to forcible transfers of Ukrainian children on an international level, with the aim of substantiating reparation claims in the future.
- *Comprehensive registration of children:* efforts should be made to establish a comprehensive victim registry. This should be based on clear criteria that define the categories of children included. This registry would enhance the coordination of support services to victims and serve as the first step towards a comprehensive reparation programme.
- *Encouraging close cooperation in relation to evidence:* close coordination and information sharing between the JIT, the CoE's Register of Damage and Ukrainian authorities should be facilitated to expedite the process of locating and returning Ukrainian children and provide comprehensive evidence to relevant courts. The need for multiple interviews with vulnerable individuals will thereby be prevented.
- *Training in interviewing children and other vulnerable individuals:* ensuring that every individual involved in collecting witness statements and interacting with children and their families has received specialised training in interviewing techniques is crucial. Every effort should be taken to prevent further traumatising of children during investigations and legal proceedings, with a focus on minimising the need for multiple interviews.
- *Adopting child-centred approach to accountability:* children's voice, perspectives, rights and needs should be prioritised and centred in the pursuit of accountability for forcible transfers. Children should be recognised as active participants in accountability efforts, with their best interests being of a primary consideration.
- *Addressing mental health and psychological needs of children and their families:* access to mental health and psychological support should be ensured for children and their families by allocating sufficient resources, enhancing institutional coordination, and ensuring availability of trained professionals. Additionally, it is worth considering the establishment of a national programme for the reintegration of returned children.
- *Establishing a DNA bank:* to facilitate the reunification of deported children, it is advisable to create a DNA bank containing samples from parents or relatives of deported children. This is particularly relevant for the children at a young age and/or whose names have been changed by the Russian authorities. Such DNA bank should be created in accordance with the relevant data protection standards.
- *Enhanced utilisation of universal jurisdiction:* EU Member States should engage in prosecuting the perpetrators of Ukrainian children's forcible transfers, based on the principle of universal jurisdiction. Those already involved should broaden the scope of proceedings to encompass the crime of genocide.
- *Considering diplomatic entreaties as a complementary element to the legal strategy:* considering the partial success of unofficial endeavours to facilitate returns, emphasis should be placed on diplomatic efforts to ensure the children's safe return.
- *Expertise in the region and proficiency in local languages:* it is crucial that at least some members of the international bodies participating in accountability efforts for forcible transfers of Ukrainian children possess regional expertise, preferably a familiarity with Ukraine and fluency in local

languages. The chances of obtaining a comprehensive understanding of violations are reduced if those involved in international bodies are unfamiliar with the local context.

- *Establishing accountability for Belarus's involvement in forcible transfers of Ukrainian children:* diplomatic efforts, such as bilateral discussions and diplomatic pressure, could be used as an initial approach in urging Belarus to comply with international legal standards regarding the protection of children's rights. Efforts should also be made to gather evidence and documentation of Belarus's involvements and actions in the forcible transfers²⁵⁰, ensuring a robust legal basis for any potential future legal action. This evidence can serve as a foundation for pursuing arrest warrants through the ICC or applying EU sanctions against Belarusian nationals.
- *Additional arrest warrants:* every measure possible should be taken to ensure that the perpetrators at all levels are identified and brought to justice. Efforts should be made to issue warrants by the ICC and domestic courts of EU Member States for individuals subordinate to Putin and Lvova-Belova, and possibly Lukashenko and his subordinates.
- *Additional sanctions:* the list of individuals subject to sanctions for their roles in the forcible transfers of Ukrainian children should be expanded to include all those participating in this practice.
- *Reminding the non-ICC states of the grave breaches regime:* states parties to the ICC Statute should undertake every possible measure to fulfil their obligations in enforcing arrest warrants already issued by the ICC as well as supporting the prosecution and bringing to justice of all other individuals responsible. It is also important to remind non-ICC states, including through diplomatic channels, that the particular war crimes mentioned in the indictment of President Putin and Commissioner Lvova-Belova are crimes of universal jurisdiction. Consequently, these states have an obligation either to investigate and prosecute or transfer individuals alleged to have committed grave breaches of the Geneva Conventions.

²⁵⁰ See e.g. A. Deutsch and S. van den Berg, '[Ukraine Investigating Role of Belarus in Transfers of Children, Prosecutor Says](#)', *Reuters*, 23 May 2023; Yale School of Public Health, '[Belarus' Collaboration with Russia in the Systematic Deportation of Ukraine's Children](#)', 16 November 2023.

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