



Омбудсман України
Ombudsman of Ukraine

Special report

UNBLOOMED

**Violation of the Rights of Ukrainian Children in the
Temporarily Occupied Territories of Ukraine and in
Russia: Deportation, Militarization, Indoctrination**

Kyiv – 2023



Contents

Introduction.....	4
List of abbreviations.....	6
§ 1 Gross violations of children’s rights as a result of armed aggression against Ukraine: general overview	7
1.1. Murders and maiming.....	7
1.2. Recruiting children into the enemy’s armed forces and using them in hostilities.....	11
1.3. Rape and other forms of sexual violence	12
1.4. Child abduction	13
1.5. Attacks on schools and hospitals	15
1.6. Denial of access to humanitarian aid.....	17
§ 2 Peculiarities of the situation of children in the temporarily occupied territories of Ukraine and children displaced to the Russian Federation	21
2.1. Forced transfer of children to the temporarily occupied territories of Ukraine and deportation of children to the territory of the Russian Federation.....	25
2.2. Implementation of Russian standards of education in the occupied territories.....	28
2.3. “Re-education” and militarization of Ukrainian children transferred to the temporarily occupied territories of Ukraine and the territory of the Russian Federation.....	33
2.4. Forcible change of citizenship of children in the occupied territories of Ukraine and passporting.....	37
2.5. Placing Ukrainian children in families of citizens of the Russian Federation.....	42
§ 3 Political assessment and legal classification of the actions of the aggressor state towards Ukrainian children	46
§ 4 Actions of state authorities of Ukraine aimed at the return of Ukrainian children and protection of their rights	58
4.1. Collection of information and recording of all cases of violations of children’s rights.....	58
4.2. Investigation of war crimes against children and bringing perpetrators to justice	60
4.3. Coordination of efforts of various state authorities	61
4.4. Counseling of victims and their relatives	63
4.5. Return of children from the territory of the Russian Federation and their support after return.....	65
4.6. Cooperation with international partners.....	67
Recommendations	69

Introduction



**Human Rights Commissioner
of the Verkhovna Rada of Ukraine
Dmytro Lubinets**

On 24 February 2022, the Russian Federation launched another act of armed aggression against Ukraine – the full-scale invasion, which, in terms of violations of international humanitarian law and international human rights law, is the largest armed conflict in Europe since the end of World War II.

The unprecedented aggression of the Russian Federation has a significant impact on ensuring the rights of children in the territory of Ukraine. Minors are increasingly becoming the target, rather than random victims, of the actions of representatives of the RF, united by the declared intention of the highest officials of the Russian Federation to destroy the Ukrainian people, their identity and deprive them of the right to independent development.

During almost 14 months of the full-scale invasion, children became victims of the Russian Federation's indiscriminate and disproportionate attacks on the civilian population and civilian objects; get maimed, become victims of sexual violence, are forced to leave their homes, fleeing the horrors of war to other regions of Ukraine or abroad. The aggressor state exposes children to hunger and diseases, complicates the operation of humanitarian and evacuation corridors. Cases of child abduction, illegal deprivation of liberty, hostage-taking, torture of minors, cynical use of children for military advantage are not less shocking.

Having established and maintained effective control over parts of the territories of the Luhansk, Donetsk, Zaporizhzhia and Kherson oblasts, Russia is trying to implement the "Crimean scenario" by banning the use of the Ukrainian language and destroying Ukrainian-language books, the immediate introduction of education in the Russian language and with a Russian ideological orientation, illegal deportations and forcible transfer, giving to Russian families for upbringing, militarization¹ of children with the aim of eradicating their national identity² and turning them into enemies of their own Motherland. Senior officials are involved in the development and imple-

1 Militarization of children is a policy of the RF aimed at forming the loyalty of minors to the use of force methods in the regulation of interstate relations, which involves in-depth military training, in particular, training with the use of weapons, additional lessons or extracurricular activities, participation in militaristic sports events, membership in military-patriotic organizations (Young Army Movement, Pennant, Movement of the First, etc.).

2 Eradication of national identity is the process of violently changing the objective and subjective affiliation of a person to a national group, destroying or devaluing cultural, social, historical and other aspects that determine the identity of the national group as a whole.

mentation of the mentioned policy, which is evidenced, among other things, by the adoption of the decision by the Pretrial Chamber II of the International Criminal Court to issue arrest warrants for the President of the Russian Federation Vladimir Putin and the Commissioner for Children's Rights of the Russian Federation Maria Lvova-Belova on 17 March 2023.

Russia's disregard for the rights of children who are residing in the territory of Ukraine, in particular, occupied Ukraine, where it is obliged to guarantee the observance of fundamental rights and freedoms, the scale and heinousness of committed international crimes against minors have actualized the need to highlight and assess illegal acts, form recommendations for national authorities, foreign states and governments, international organizations in order to improve the state of ensuring the rights and freedoms of the child, stop ongoing violations, prevent the Russian Federation from committing new international crimes and bring the guilty parties to justice.

The special report covers the period from February 2022 to April 2023 (inclusive). The intensity and scale of the violations, the number of victims and affected persons, the lack of access to the territories of detention of minors, the intentional distortion of information by Russia for propaganda purposes, and hostilities had a limiting effect during the writing of the Report. This report focuses mainly on describing those rights of the child that have been unlawfully interfered with or that have been violated in connection with the full-scale intrusion. During the writing of the Report, data obtained as a result of the activities of the Secretariat of the Commissioner, as well as through cooperation with other competent authorities of Ukraine, testimonies of victims of violations and their relatives, analytical materials from specialized non-governmental organizations, reports of international organizations, information from official websites of state authorities of the aggressor state, as well as information from open sources were used.

By providing specific facts of the violations, as well as their concise classification through the prism of international law, the authors seek to allow readers to draw their own conclusions of the perpetrators and the goal they pursue. The report provides an analysis of the actions of both Russia and Ukraine, and offers measures to improve the state of observing children's rights during the armed conflict.

This report was prepared by the Secretariat of the Ukrainian Parliament Commissioner for Human Rights with the active participation of experts – Kateryna Rashevskaya, a lawyer at the Regional Center for Human Rights, Onysiia Syniuk, a legal analyst at ZMINA Center for Human Rights.

List of abbreviations

DPR	the so-called Donetsk People's Republic
SE	state enterprise
HEI	higher education institution
ZSU	the Armed Forces of Ukraine
LPR	the so-called Luhansk People's Republic
IHL	international humanitarian law
ICC	International Criminal Court
NIB	National Information Bureau
OSCE	Organization for Security and Cooperation in Europe
OPG	Office of the Prosecutor General
UN	United Nations Organization
RF	the Russian Federation
SMO	the so-called special military operation
JIT	Joint Investigative Team
TOT	temporarily occupied territories of Ukraine

§ 1 Gross violations of children's rights as a result of armed aggression against Ukraine: general overview

Armed conflicts cause a disproportionate impact on representatives of different age groups³: hostilities and occupation are accompanied by violations of the rights and freedoms of children, including the right to life, to security in the conditions of hostilities and war, to education, to health and personal development, the right to be with the family, as well as the right to care and protection from the state.

UN Security Council Resolutions 1261 (1999), 1882 (2009), 1998 (2011) and 2225 (2015) internationally identified **six serious violations against children in armed conflict**. According to the Criminal Code of Ukraine and the Rome Statute of the ICC, these acts constitute several international crimes at once.

1.1. Murders and maiming

According to Article 6 of the Convention on the Rights of the Child, every child has the inherent right to life, and States Parties shall ensure to the maximum extent possible the survival and development of the child⁴. Article 3 common to the four Geneva Conventions prohibits violence against the life and person of a child, including all types of



³ Children affected by armed conflict and violence, 15 July 2022. Access mode: <https://www.ohchr.org/en/speeches/2022/07/children-affected-armed-conflict-and-violence>

⁴ UN Convention the Right of the Child. Access mode: https://zakon.rada.gov.ua/laws/show/995_021#Text

murder, mutilation, ill-treatment and torture⁵. International humanitarian law obliges the parties to an armed conflict to distinguish between military and civilian targets, and the civilian population, which includes minors, must be protected from the consequences of hostilities. These duties are customary in nature. They are the basis of the key principle of the laws and customs of warfare – the principle of distinction.

International humanitarian law also requires that each party to the conflict take all possible precautions in the choice of means and methods of conducting military operations in order to avoid the accidental death or injury of the civilian population, in particular children⁶.

At the same time, the Russian Federation consistently commits disproportionate and indiscriminate attacks, shelling of civilian critical infrastructure, protected facilities, such as hospitals, schools, which mostly affects the civilian population and causes the death and maiming of the population, including children. In the Report of the Moscow Mechanism of the OSCE, which covered possible war crimes, crimes against humanity and violations of human rights for the period from 24 February to 1 April 2022, experts concluded that there were clear patterns of violations of IHL by Russian forces during hostilities regarding the principles of distinction, proportionality and due diligence in the course of attacks, in particular, on objects under special protection, which led to an increase in the number of dead or wounded civilians⁷. This was also stated in the report published on 16 March 2023 by the UN Independent International Commission of Inquiry on Ukraine⁸.

According to the Office of the Prosecutor General, as of 25 April 2023, as a result of the full-scale invasion of the Russian Federation, 470 children were killed, 949 receive injuries of varying severity. Children were most affected in Donetsk (452), Kharkiv (275), Kyiv (127), Kherson (94), Zaporizhzhia (89), Mykolayiv (86), Chernihiv (68), Luhansk (66) and Dnipropetrovsk (66) oblasts. The specified data cannot be considered final, as work is ongoing to establish the facts of the commission of crimes in places of active hostilities, in the temporarily occupied and de-occupied territories of Ukraine. However, in almost 14 months since the beginning of the large-scale armed aggression against Ukraine, four times more children have died than in the previous nine years since the beginning of the armed aggression of the Russian Federation in 2014, the occupation of the Crimean Peninsula and part of the territories of the Donetsk and Luhansk oblasts⁹.

5 Convention relative to the Protection of Civilian Persons in Time of Wa. Access mode: https://zakon.rada.gov.ua/laws/show/995_154#Text

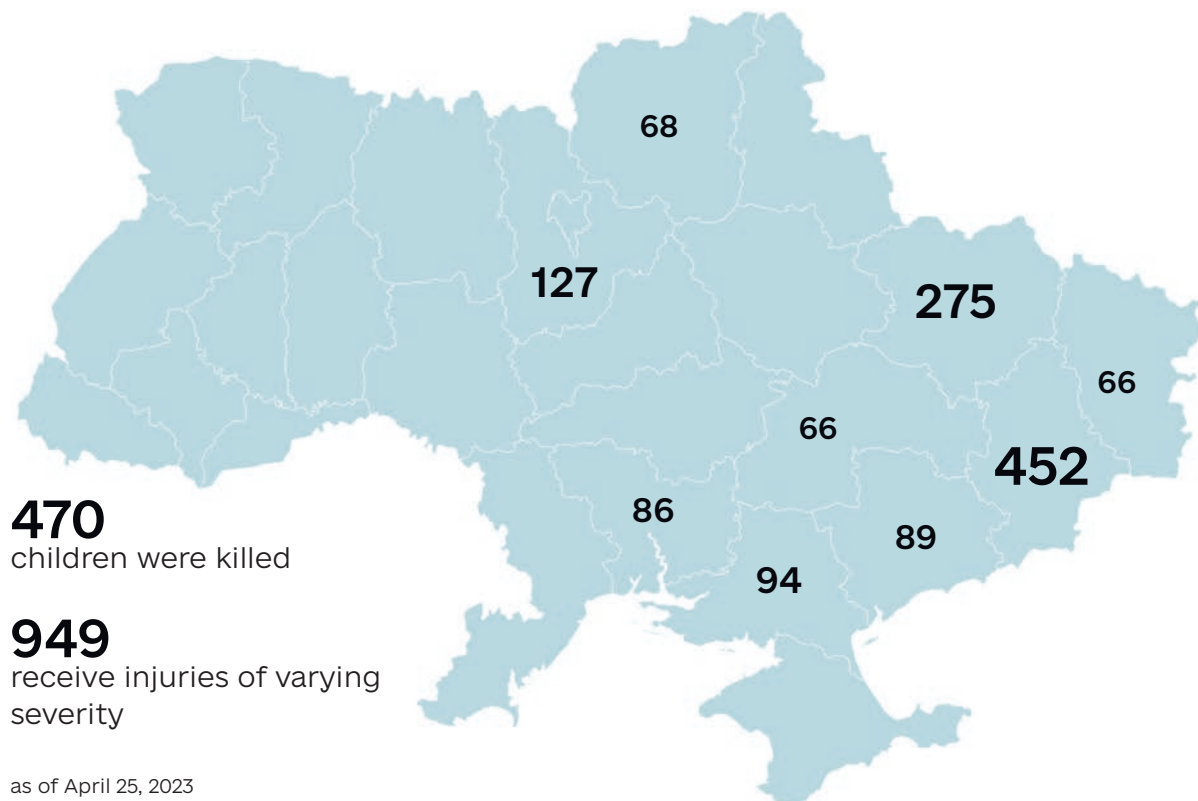
6 Customary International Humanitarian Law. Rules (translated by Anton Liovin, Olha Poyedynok, Lydiia Syvko). Access mode: https://www.icrc.org/en/doc/assets/files/other/ukr-irrc_857_henckaerts.pdf

7 Report on violations of international humanitarian law and human rights, war crimes and crimes against humanity committed in Ukraine since 24 February 2022, Moscow Human Dimension Mechanism of the Organization for Security and Cooperation in Europe (OSCE). Access mode: https://www.osce.org/files/f/documents/f/a/515868.pdf?fbclid=IwAR2Jw3UO7kP5-kRUs62x5a_PgT5pMRtygl_Emb2uHPDVvzqICQJEGz4ZF3g

8 Report of the Independent International Commission of Inquiry on Ukraine to the Human Rights Council (A/HRC/52/62). Access mode: <https://www.ohchr.org/en/hr-bodies/hrc/iic/hr-ukraine/index>

9 Analytical review of “Six+” serious violations against children: challenges and consequences of 9 months of the Russian-Ukrainian war in 2022 / V. Potapova, - Kyiv: Almenda Public Education Center 2022. - 74 p. Access mode: https://almenda.org/wp-content/uploads/2022/12/6-plus-seryoznykh-porushen-proty-ditey-9-misyatsiv_Almenda.pdf

The number of affected children in different regions of the country



As of December 2022, the bodies of 1,116 civilians, of which 31 were children, were discovered in the de-occupied territories of Mykolayiv, Donetsk, Kherson and Kharkiv¹⁰ oblasts. In the occupied territories, cases of arbitrary execution of civilians, including a 14-year-old child, have been established¹¹.

10 torture chambers were also discovered in the de-occupied territories of Kherson oblast, 4 in Kherson itself. In addition, in one of the torture chambers there was a separate cell where children were kept. According to the testimony of people who were there, they knew that there were minors next to them in the so-called "children's cell". The children were given water every other day, in fact they were not given food. They used psychological pressure, told that their parents had abandoned them, that they would not return¹².

Thus, during the Commissioner's visits to the torture chambers found in the liberated territories of the Kherson oblast, testimony was received that children were also in the torture chambers. The Secretariat of the Ukrainian Parliament Commissioner for Human Rights received the testimony of a 14-year-old boy who spent 10 days in such a torture chamber in the building of the Kherson Court of Appeal.

10 On 29 December 2022, more than 1,100 dead bodies were discovered in the de-occupied territories of four regions. Access mode: <https://www.ukrinform.ua/rubric-ato/3643176-na-deokupovanih-teritoriah-cotiroh-oblastej-viavili-vze-ponad-11-tisaci-til-zagiblih.html>

11 Report of the Independent International Commission of Inquiry on Ukraine to the Human Rights Council (A/HRC/52/62). Access mode: <https://www.ohchr.org/en/hr-bodies/hrc/iic/hr-ukraine/index>

12 Press briefing of the Ukrainian Parliament Commissioner on Human Rights; Hanna Khrystova, head of the Council of Europe project "Internal displacement in Ukraine: development of lasting solutions. Phase II", 14 December 2022. Access mode: <https://www.youtube.com/watch?v=SBvpg7Mt9V8>



Source: Media Initiative for Human Rights

The boy, together with his uncle, wanted to see and photograph the broken equipment of the occupiers, but four Russian soldiers approached them and, seeing that they were taking photos, accused them of surrendering Russian positions to the Ukrainian military. The boy and his uncle were tied up and thrown into a car and taken to Kherson. According to the boy, he did not eat anything for four days. Food was brought, but not to him. On the fifth day, he received two spoons of buckwheat and two spoons of pasta. After that, he was fed once a day. The boy also talked about the fact that he was threatened with criminal liability for the photos taken. The child heard sounds and saw the consequences of torture.

According to the Ministry of Health of Ukraine, as of 2 January 2023, out of the total number of injured children, 843 received mine-explosive and gunshot injuries. Among the affected children, 28 cases of amputations at various levels of the upper and lower limbs were recorded, which is 3% of the total number of affected children. 4 children with amputation died, 17 children need prosthetics of upper and lower limbs.

In many cities, children cannot receive proper medical care at their place of residence because of constant shelling by the Russian Federation and systematic destruction of critical infrastructure (more on this later). Therefore, parents with children are forced to move or leave Ukraine in search of proper medical treatment, prosthetics and rehabilitation

1.2. Recruiting children into the enemy's armed forces and using them in hostilities

International law strictly prohibits the recruitment or use of children under the age of 15 as soldiers or allowing them to participate in hostilities. This rule has a customary character¹³. The conscription and mobilization of children under the age of 15, or their use in hostilities, is a war crime under Article 8 (2) (b) (xxvi) of the Rome Statute of the ICC¹⁴. Both Ukraine and the Russian Federation, having ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, undertook to take all possible measures to ensure that persons under the age of 18 do not direct participation in the armed conflict¹⁵.



According to the data of Ukrainian law enforcement agencies, the Russian Federation involves minors in the armed conflict in the role of spies and correctors of shelling¹⁶, as well as in the campaign of forced mobilization of Ukrainian citizens in the temporarily occupied territories¹⁷. A number of tools are used to recruit children: from video games to the militarization of education, recreation in military-patriotic camps, membership in the Young Army Movement and other military-patriotic movements.

13 Customary International Humanitarian Law. Rules (translated by Anton Liovin, Olha Poyedynok, Lydiia Syvko, scientific editor - Mykola Hnatovskiy). Access mode: https://www.icrc.org/en/doc/assets/files/other/ukr-irrc_857_henckaerts.pdf

14 The Rome Statute of the International Criminal Court. Access mode: https://zakon.rada.gov.ua/laws/show/995_588#Text

15 Optional Protocol to the Convention on the Rights of the Child on the Participation of Children in Armed Conflicts. Access mode: https://zakon.rada.gov.ua/laws/show/995_795#Text

16 Russian occupiers use minor Ukrainian children to scout our military positions (video), April 11, 2022. Access mode: <https://ssu.gov.ua/novyny/rosiiski-okupanty-vykorystovuiut-nepovnolitnikh-ukrainskykh-ditei-dlia-rozvidky-nashykh-viiskovykh-pozytsii-video>

17 Forced mobilization by the Russian Federation of citizens of Ukraine in the occupied territory of Ukraine: facts and legal qualification. Analytical report of the Coalition Ukraine. It's five in the morning. Access mode: https://zmina.ua/wp-content/uploads/sites/2/2023/01/mobilization_ukr.pdf

In addition, according to Deputy Prosecutor General Viktoriia Lytvynova, the facts of inciting children to participate in the armed conflict have been recorded, namely: setting up roadblocks, using them as spies, recruiting by the Russian military¹⁸. In particular, according to the Unified Register of Pre-Trial Investigations, since the beginning of the full-scale invasion of the Russian Federation on the territory of Ukraine, 5 criminal proceedings, in which the facts of the use of minors in the armed conflict are investigated by involving them in the collection of information on the movement or placement of the Armed Forces of Ukraine, ensuring the livelihood of military personnel of the aggressor country and arrangement of facilities for military purposes, forced issuance of Russian passports to minors illegally displaced from the Kherson oblast to the Autonomous Republic of Crimea, and their involvement in military exercises, have been registered.

1.3. Rape and other forms of sexual violence

Article 3, common to the four Geneva Conventions, requires humane treatment of all civilians, including children, prohibiting rape and sexual violence¹⁹. Article 77 of Additional Protocol I to the Geneva Conventions provides for that Children shall be the object of special respect and shall be protected against any form of indecent assault²⁰. This norm has a customary character²¹. Rape, sexual violence and exploitation of children are prohibited by a number of international and regional treaties²². Moreover, the International Criminal Tribunal for the former Yugoslavia adapted the approach, according to which rape is also recognized as torture and categorically prohibited²³.

Sexual and gender-based violence can be classified as a war crime (Article 8 (2) (b) (xxii), a crime against humanity (Article 7(1)(g) and genocide (Article 6 (b), for which the perpetrators must bear individual criminal responsibility under international law²⁴.

The UN Independent International Commission of Inquiry on Ukraine has established that sexual violence, tantamount to torture, and threats of such violence were essen-

18 Deputy Prosecutor General: Occupiers recruit Ukrainian children, use them as spies, 5 March 2023. Access mode: <https://interfax.com.ua/news/general/895610.html>

19 Convention on the Protection of the Civilian Population in Time of War. Access mode: https://zakon.rada.gov.ua/laws/show/995_154#Text

20 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), dated 8 June 1977. Access mode: https://zakon.rada.gov.ua/laws/show/995_199#Text

21 Customary International Humanitarian Law. Rules (translated by Anton Liovin, Olha Poyedynok, Lydiia Syvko, scientific editor - Mykola Hnatovskiyi). Access mode: https://www.icrc.org/en/doc/assets/files/other/ukr-irrc_857_henckaerts.pdf

22 Six Grave Violations Against Children During Armed Conflict, October 2009. Access mode: <https://childrenandarmedconflict.un.org/publications/SixgraveviolationsBooklet.pdf>

23 UN: Crimes of Sexual Violence. Access mode: <https://www.icty.org/en/features/crimes-sexual-violence>

24 The Rome Statute of the International Criminal Court. Access mode: https://zakon.rada.gov.ua/laws/show/995_588#Text

tial aspects of the torture used by the Russian authorities²⁵. Experts also emphasized that family members, including children, were sometimes forced to witness these crimes, which amounts to torture²⁶.

According to the information of the Office of the Prosecutor General as of 11 May 2023, facts of sexual violence against 12 girls and 1 boy aged 6 to 17 years were recorded, in particular: attempted rape of a 10-year-old boy in the Kherson oblast, rape of seven girls aged 15 to 17 years, one girl aged 6 years, in the territory of Kyiv, Mykolayiv and Kherson oblasts, attempted rape of three girls aged 15 to 17 years in the territory of Donetsk and Chernihiv oblasts. In addition, two girls aged 10 and 16 witnessed sexual violence in Kyiv and Kherson oblasts.

1.4. Child abduction

International humanitarian law and international human rights law prohibit the child abduction and arbitrary deprivation of liberty of children. According to Article 3 common to the four Geneva Conventions, taking hostages is violation of the laws and customs of war. Article 49 of the Geneva Convention relative to the Protection of the Civilian Persons in Time of War prohibits the illegal mass forcible transfers, as well as deportations of civil population, in particular, children from the occupied territory²⁷. Such acts constitute a war crime and a crime against humanity under Articles 7(1)(d), 8(2)(a)(vii), 8(2)(b)(viii) of the Rome Statute²⁸. Acts that may accompany child abduction during armed conflict exacerbate the violation, including sexual and gender-based violence, recruitment and forced mobilization.

Minors may be detained only in accordance with urgent military necessity. If a child is detained, he should always be treated humanely, preventing torture or abusive treatment²⁹. According to Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the temporary transfer of children is allowed exclusively to guarantee their safety or in connection with particularly compelling reasons of a military nature. In addition, Article 77 of Protocol Additional I to the Geneva Conventions prohibits the evacuation of children to the territory of a foreign country, except in cases of temporary evacuation necessary for urgent reasons related to the health or treatment of children or their safety. In case of such an evacuation, written

25 War crimes, indiscriminate attacks on infrastructure, systematic and widespread torture show disregard for civilians, says UN Commission of Inquiry on Ukraine, 16 March 2023. Access mode: <https://www.ohchr.org/en/press-releases/2023/03/war-crimes-indiscriminate-attacks-infrastructure-systematic-and-widespread>

26 Convention relative to the Protection of Civilian Persons in Time of War. Access mode: https://zakon.rada.gov.ua/laws/show/995_154#Text

27 Convention relative to the Protection of Civilian Persons in Time of War. Access mode: https://zakon.rada.gov.ua/laws/show/995_588#Text

28 Rome Statute of the International Criminal Court. Access mode: https://zakon.rada.gov.ua/laws/show/995_588#Text

29 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), dated 8 June 1977. Access mode: https://zakon.rada.gov.ua/laws/show/995_199#Text

consent of the minor's legal representative shall be required in agreement with the state the citizens of which are being evacuated. In order to facilitate the reunification of families with evacuated children, the receiving party shall send a detailed information card for each minor to the ICRD Central Tracing Agency³⁰. Considering the possible abuse of the evacuation provision by the parties to the armed conflict, the experts of the Moscow Mechanism emphasized: "...The main approach of international humanitarian law is not to evacuate the civilian population to allow the military to conduct operations unhindered, but to oblige the military conduct hostilities taking into account the presence of the civilian population."³¹

According to the data of The Children of War state portal, as of 25 April 2023, 19,393 deported children were identified, and 361 children were successfully returned to Ukraine³². According to data published by the Russian Federation, up to 744 thousand Ukrainian children were displaced to the territory of the Russian Federation³³. The majority of them were transferred with one of their legal representatives, but some of the children are orphans, children deprived of parental care or children unaccompanied for other reasons created by Russia (murders of parents, divorce from parents, rest in camps, dispensation, etc.)³⁴. The presence of children was recorded in 57 regions of the Russian Federation³⁵, in 16 regions – at least 380 children were victims of forced placing in Russian families^{36 37}. Cases of abduction of children by the Russian military in the temporarily occupied territories for the purpose of intimidation, pressure on relatives, and intelligence gathering have also been recorded.

30 Ibid

31 OSCE: REPORT ON VIOLATIONS OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW, WAR CRIMES AND CRIMES AGAINST HUMANITY COMMITTED IN UKRAINE SINCE 24 FEBRUARY 2022 by Professors Wolfgang Benedek, Veronika Bilková and Marco Sassòli. Access mode: https://www.osce.org/files/f/documents/f/a/515868.pdf?fbclid=IwAR2Jw3U07kP5-kRUs62x5a_PgT5pMRtygl_Emb2uHPDVvzqICQJEGz4ZF3g

32 The Children of the War. Access mode: <https://childrenofwar.gov.ua/>

33 Ibid

34 Dispensation is a set of measures that includes a preventive medical examination and additional examination methods, which are carried out in order to assess the state of health of certain groups of the population in accordance with the legislation of the Russian Federation. Based on the results of the examination, a decision may be made on the need for hospitalization and inpatient treatment. (Federal Law of 21.11.2011 N 323-FZ (ed. of 28.04.2023) On the Basics of Citizen Protection in the Russian Federation, Access Mode: http://www.consultant.ru/document/cons_doc_LAW_121895/03764148a1ec0889d20135a4580f8aa76bbf364b/)

35 Kidnapped orphans. Where and why does russia take Ukrainian children, 4 May 2022. Access mode: <https://spravdi.gov.ua/dopomoga-vykradenym-syrotam-yak-rosiya-vsnyovlyuye-ditej-z-ukrayiny/>

36 Forcible transfer of minors is the removal of children from their parents or other legal representatives and their transfer to persons who do not belong to the group in which the children were raised before the transfer, regardless of the legal formalization of this process as guardianship, adoption, patronage, etc.

37 Twitter: Ministry of Foreign Affairs of Russia @MID_RF. Access mode: <https://twitter.com/i/broadcasts/1vAGRAVPkNvKI>

1.5. Attacks on schools and hospitals

Schools and hospitals are civilian objects that care about the needs of children and can provide shelter. Deliberate attacks on educational or medical facilities are a serious violation of the Geneva Conventions and a war crime under Article 8(2)(b)(ix) of the Rome Statute³⁸. In case of doubt in the context of the distinction, it is always assumed that schools and hospitals remain civilian objects protected from attack³⁹.



According to the information of the Ministry of Education and Science of Ukraine at the request of the Commissioner, since the beginning of the armed aggression of the Russian Federation, 127 preschool education institutions were destroyed and 940 were damaged; 211 institutions of general secondary education were destroyed and 1,327 were damaged.

According to Articles 24 and 28 of the Convention on the Rights of the Child, minors have the right to education and the highest attainable level of physical and mental health. In the event of an armed conflict, states are obliged to make their best efforts to ensure the aforementioned rights⁴⁰.

During the war, 3,198 educational institutions were damaged by bombing and shelling, 286 of them were completely destroyed⁴¹. According to the information of the Ministry of Education and Science of Ukraine at the request of the Commissioner, since the beginning of the armed aggression of the Russian Federation, 127 preschool education institutions were destroyed and 940 were damaged; 211 institutions of general secondary education were destroyed and 1,327 were damaged. Most of such institutions are located in Donetsk, Kharkiv, Mykolayiv, Kyiv and Luhansk oblasts. 22 buildings of institutions for orphans and children deprived of parental care (centers for social and psychological rehabilitation of children, centers for social support of children and families, orphanages, boarding houses, children's homes, etc.) were also damaged and destroyed, including 6 of them in the Donetsk oblast⁴².

38 Rome Statute of the International Criminal Court. Access mode: https://zakon.rada.gov.ua/laws/show/995_588#Text

39 Customary International Humanitarian Law. Rules. Access mode: https://www.icrc.org/en/doc/assets/files/other/uk-irrc_857_henckaerts.pdf

40 UN Convention on the Right of the Child. Access mode: https://zakon.rada.gov.ua/laws/show/995_021#Text

41 Ministry of Education and Science: Education at Risk. Access mode: <https://saveschools.in.ua/>

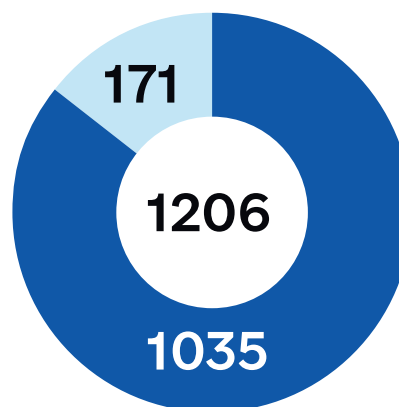
42 Ibid.

According to the information provided at the Commissioner's request, as of 21 March 2023, the prosecutor's office is conducting a pre-trial investigation in 1,642 criminal proceedings on the facts of damage (2,688) and destruction (438) of educational institutions as a result of massive bombings and shelling. Thus, according to the specified category of proceedings, a pre-trial investigation is ongoing in Vinnytsia (1), Dnipropetrovsk (104), Donetsk (520), Zhytomyr (29), Zaporizhzhia (148), Kyiv (79), Kirovohrad (1), Luhansk (86), Mykolayiv (70), Odesa (4), Poltava (2), Sumy (68), Kharkiv (224), Kherson (246), Chernihiv (32) and Kyiv (28) oblasts.

Considering the threat of shelling of educational institutions, the educational process at institutions is interrupted because of the need to go to shelters during the announcement of an air raid alert. The alternative way of conducting the educational process remotely also has its challenges: the lack of access to technology, internet and electricity for some children because of attacks on the energy infrastructure, or internal displacement and the inability to equip a space for learning in a new place of residence means that many pupils do not have access to education. In connection with the targeted attack of the Russian Federation on energy infrastructure facilities during October 2022 – January 2023, Ukraine could not fully guarantee the right to education for almost 4 million children⁴³.

In addition, 1,218 medical facilities were damaged, and 173 of them were completely destroyed. Most of the destroyed and damaged institutions are located in Kharkiv, Donetsk, Mykolayiv and Kyiv oblasts⁴⁴.

During the year of the war in Ukraine, 1,206 objects of medical infrastructure were affected (of which 1,035 objects were damaged and another 171 objects were destroyed without the possibility of further restoration)⁴⁵.



43 Almost 4 million children get education in public and communal secondary education institutions, 13 October 2022. Access mode: <https://mon.gov.ua/ua/news/majzhe-4-mln-ditej-zdobuvayut-osvitu-u-zzso-derzhavnoyi-ta-komunalnoyi-form-vlasnosti>

44 Viktor Liashko, Minister of Health of Ukraine: The health care system confidently holds the medical front, 12 February 2023. Access mode: <https://www.ukrinform.ua/rubric-society/3668211-viktor-lasko-ministr-ohoroni-zdorova-ukraini.html?fbclid=IwAR100>

45 During the 11 months of the war, the Russians destroyed 171 medical facilities and damaged another 1,035, 25 January 2023. Access mode: <https://moz.gov.ua/article/news/za-11-misjaciv-vijni-rosijani-zrujnuvali-171-ob%ca%bcekt-medzakladiv-ta-sche-1035--poshkodilii>

Almost 70% of all attacks on healthcare facilities in the world in 2022 – fell on Ukraine⁴⁶. In 10 oblasts, 48 hospitals were shelled multiple times, underscoring not only the indiscriminate nature of the attacks, but also the possibility that the strikes were deliberate. For example, Severodonetsk town multifield hospital in Luhansk oblast suffered at least 10 attacks from March to May 2022. One of the hospitals in the Kharkiv oblast was hit five times, another – four times⁴⁷. According to the WHO, almost half of the medical facilities in the east and south of Ukraine in the Donetsk, Zaporizhzhia, Mykolayiv and Kharkiv oblasts are partially or completely non-functional⁴⁸.

Thus, on 9 March 2022, the Russian side launched an attack on a maternity hospital and a children's hospital in Mariupol. As a result of the attack, the institution suffered significant destruction, and 17 people were injured – women in labor and medical workers. Three people died, including a child⁴⁹. Considering the obvious signs that the medical facility was operational and performing its main function, as well as the public statements of the representatives of the Russian Federation regarding the attack, the shelling of the maternity hospital and the children's hospital in Mariupol is a war crime⁵⁰.

Together with the general difficult situation in the field of health care caused by the full-scale invasion, this had an impact on the vaccination processes of the population, in particular children. According to the results of 2022, the level of vaccination coverage in Ukraine remains lower than recommended by the World Health Organization⁵¹. In addition, because of displacement, stress, illness, not only the schedule of vaccinations is disrupted, but also medical documents confirming vaccinations are lost, often there is no information about the need for vaccinations, which is caused by the loss of communication with family doctors.

1.6. Denial of access to humanitarian aid

As the occupying power, Russia is obliged to provide children under its effective control with the opportunity to attend educational institutions, to ensure the normal functioning of medical facilities and to maintain public order with the help of local

46 UKRAINE HUMANITARIAN RESPONSE – KEY ACHIEVEMENTS IN 2022. Situation Report. Last updated: 10 Feb 2023. Access mode: <https://reports.unocha.org/en/country/ukraine/>

47 Destruction and Devastation: One Year of Russia's Assault on Ukraine's Health Care System, 21 лютого 2023 року. Access mode: <https://reliefweb.int/report/ukraine/destruction-and-devastation-one-year-russias-assault-ukraines-health-care-system>

48 UKRAINE HUMANITARIAN RESPONSE – KEY ACHIEVEMENTS IN 2022. Situation Report. Last updated: 10 Feb 2023. Access mode: <https://reports.unocha.org/en/country/ukraine/>

49 Airstrike on the maternity and children's hospital in Mariupol on March 9: a chronicle of a war crime, 9 March 2022. Access mode: <https://suspilne.media/407550-aviaudar-po-pologovomu-ta-ditacij-likarni-u-mariupoli-hronika-voennogo-zlocinu-9-berezna/>

50 OSCE: REPORT ON VIOLATIONS OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW, WAR CRIMES AND CRIMES AGAINST HUMANITY COMMITTED IN UKRAINE SINCE 24 FEBRUARY 2022 by Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli Access mode: https://www.osce.org/files/f/documents/f/a/515868.pdf?fbclid=IwAR2Jw3UO7kP5-kRUs62x5a_PgT5pMRtygl_Emb2uHPDVvzqICQJEGz4ZF3g

51 The Minister of Health heard a report on the coverage of preventive vaccinations for 2022 on 9 March 2023. Access mode: <https://moz.gov.ua/article/news/ministr-ohoroni-zdorov%ca%bcja-zaslukah-dopovid-schodo-ohoplennja-profilaktichnimi-shechlennjami-za-2022-rik>

police forces. Russia should promote the proper functioning of institutions responsible for the care of children in the occupied territory. It is obliged to ensure the supply of food products and medicines to the population in the occupied territories, and, if necessary, to allow third parties to provide humanitarian aid. However, Russia systematically refuses to grant access for international organizations to the temporarily occupied territories of Ukraine⁵².

Starting from 24 February 2022, the Russian military has consistently hindered the activities of humanitarian corridors: they shoot objects with the inscription “Children”, they do not agree with or violate the regime of evacuation of the civilian population⁵³, they do not provide access to the occupied territories for humanitarian aid (food, water and medicines)⁵⁴.

Children in the occupied territories also have limited access to medicines, and often to food and drinking water, caused by the refusal of the Russian Federation to allow humanitarian convoys into these territories⁵⁵. A case of death of a child from dehydration was recorded in Mariupol⁵⁶.

Among the documented crimes of the military forces of the Russian Federation against children, not the only facts of the death and injury of children during evacuation attempts, in particular from Kyiv, Kharkiv oblasts, etc., were revealed. Russian soldiers opened fire on cars marked with the words “children” and moving with white flags during the evacuation⁵⁷.

In the conditions of the need for evacuation, the Russian Federation did not provide an opportunity to safely leave the occupied territories to the territory under the control of the Government of Ukraine. According to the information of the Coordination Center under the management of the head of the Donetsk regional military-civilian administration, Pavlo Kyrylenko, the evacuation of civilian persons of Mariupol was to take place on 5 March 2022. However, because of the fact that the Russian side did not observe the regime of silence and continued shelling both Mariupol itself and its sur-

52 Millions of Ukrainians Beyond Reach, as Russia Blocks UN Aid Access in Areas It Controls, 20 жовтня 2022 року. Access mode: <https://www.voanews.com/a/millions-of-ukrainians-beyond-reach-as-russia-blocks-un-aid-access-in-areas-it-controls/6798436.html>

53 On 11 May 2022, 33 civilians, five of them children, were killed by Russian shelling of evacuation convoys. Access mode: <https://www.ukrinform.ua/rubric-ato/3480847-vid-obstriliv-rosianami-evakuacijnih-kolon-zaginuli-33-civilnih-z-nih-patero-diti.html>

54 Iryna Vereshchuk, Deputy Prime Minister – Minister for Reintegration of Temporarily Occupied Territories. Results of work of humanitarian corridors on 14 March 2022. Access mode: <https://www.facebook.com/vereshchuk.iryna/videos/1140574810091775/>

55 Occupying Russian forces prevent vital medical supplies from entering Kherson city, causing preventable deaths - Head of the Regional State Administration adviser, 22 June 2022. Access mode: <https://global.espresso.tv/occupying-russian-forces-prevent-vital-medical-supplies-from-entering-kherson-city-causing-preventable-deaths-head-of-the-regional-state-administration-adviser>
Break out of the blockaded Mariupol. Who was given the green corridor? 14 March 2022. Access mode: <https://www.radiosvoboda.org/a/novyny-pryzovoya-blokada-mariupolya-zelenyy-korydor/31752776.html>

56 The death of a child from dehydration in Mariupol surrounded by the armed forces of the Russian Federation – an investigation has been launched, 9 March 2022. Access mode: <https://gp.gov.ua/ua/posts/zagibel-ditini-vid-znevodnennya-v-otocenomu-zbroinimi-silami-rf-mariupoli-rozpocato-rozsliduvannya>

57 Report by the Office of the United Nations High Commissioner for Human Rights: Killings of civilians: summary executions and attacks on individual civilians in Kyiv, Chernihiv, and Sumy regions in the context of the Russian Federation's armed attack against Ukraine, 22 December 2022. Access mode: <https://www.ohchr.org/sites/default/files/2022-12/2022-12-07-OHCHR-Thematic-Report-Killings-UKR.pdf>



roundings, the evacuation of the population for the sake of safety did not take place⁵⁸. The Russian Federation systematically refused to organize evacuation corridors from the Kherson and Zaporizhzhia oblasts⁵⁹. At the only crossing point from the occupied territories to the territory under the control of the Government of Ukraine in the town of Vasylivka, Zaporizhzhia oblast, the Russian side artificially created queues⁶⁰ in which people wishing to evacuate were forced to stand for several days, including under fire. Because of waiting conditions, four people died in the queue⁶¹. In addition, on 31 August 2022, the Russian occupiers fired mortars at an evacuation column in Vasylivka, Zaporizhzhia oblast. Thus, the Russian military allowed people along the route without checking, hiding in a safe place at that time⁶². This checkpoint has been blocked since January 2023⁶³.

The impossibility of evacuating from the occupied territories is also caused by constant shelling of civilian vehicles and humanitarian corridors. The UN Independent International Commission of Inquiry on Ukraine established the recurrence of cases of shelling of civilians when they tried to leave, as a result of which children died⁶⁴.

58 Mariupol City Council. Access mode: <https://t.me/mariupolrada/8730>

59 Russia continues to block the evacuation of residents of Kherson and Zaporizhzhia oblasts – Vereshchuk, 10 June 2022. Access mode: <https://suspilne.media/248687-rosia-prodovzue-blokuvati-evakuaciu-ziteliv-hersonskoi-i-zaporizkoi-oblastej-veresuk/>

60 On 29 May 2022, a queue of 400 cars heading to Zaporizhzhia formed at the Russian checkpoint in Vasylivka. Access mode: <https://www.unian.ua/war/u-vasilivci-utvorilasya-cherha-na-rosiyskomu-blokpostu-z-400-avto-yaki-pryamuyut-v-zaporizhzhya-novini-vtorgnennya-rosiji-v-ukrajinu-11846544.html>

61 Queue for evacuation: four people died at the checkpoint in Vasylivka, 23 July 2023. Access mode: <https://www.ukrinform.ua/rubric-ato/3535431-cherha-na-evakuaciu-na-blokpostu-u-vasilivci-pomerlo-cotiri-ludini.html>

62 Ivan Fedorov, Mayor of Melitopol, 1 September 2022. Access mode: https://t.me/ivan_fedorov_melitopol/506

63 In Zaporizhzhia, citizens of Ukraine are not released from temporarily occupied areas, 20 January 2023. Access mode: <https://suspilne.media/363272-rosijski-vijskovi-ne-propuskaut-ziteliv-zaporizkoi-oblasti-na-pidkontrolnu-ukraini-teritoriu/>

64 Report of the Independent International Commission of Inquiry on Ukraine to the Human Rights Council (A/HRC/52/62). Access mode: <https://www.ohchr.org/en/hr-bodies/hrc/iic/hr-ukraine/index>



In particular, in the Kyiv oblast, the Russian military fired at a car with a family trying to leave the area of hostilities. The mother and father, as well as the 18-year-old son of the couple, died. The occupiers took a 5-year-old girl with a bullet wound to the head to Belarus⁶⁵.

During March 5-6, 2022, the Russian military shot 10 civilian cars in the Kyiv oblast. Local residents together with small children tried to escape from Irpen, but instead became a target of the Russian military. As a result of the shootings, 9 people died, 12 more were injured⁶⁶.

On 8 April 2022, the armed forces of the Russian Federation carried out missile strikes on the Kramatorsk railway station. At that time, the station was carrying out a pre-announced evacuation of the civilian population – Kramatorsk railway station was the largest evacuation point for residents of the Donetsk, Luhansk oblasts and some districts of the Kharkiv oblast. As a result of shelling of the railway station, where at that time there were almost 4,000 civilians, most of whom were women and children⁶⁷, 61 people died and 121 were injured⁶⁸. 9 children died⁶⁹.

65 The child was operated on: the story of the rescue of a girl whose parents and brother were killed by the occupiers, 17 March 2022. Access mode: https://24tv.ua/ditinu-prooperuvali-istoriya-poryatunku-divchinki-chiyih-batkiv_n1909851

66 People lay on the road and slowly died: the National Police informed the occupiers of suspicions of shooting civilians in the Kyiv oblast, 6 March 2023. Access mode: <https://pl.npu.gov.ua/news/liudy-lezhaly-na-dorozi-ta-povilno-pomyraly-natspolitsiia-povidomya-okupantam-pidozry-u-rozstrili-tsyvilnykh-na-kyivshchyni>

67 Rocket attacks on the railway station in Kramatorsk with dozens of injured and dead people - investigation started, 8 April 2022. Access mode: <https://www.gp.gov.ua/ua/posts/raketni-udari-po-zaliznicnomu-vokzalu-u-kramatorsku-z-desyatkami-poranenix-ta-zagiblix-lyudei-rozpocato-rozsliduvannya>

68 “We collected the bodies, and the worst thing happened: everyone’s phones started ringing.” Memories of the shelling of Kramatorsk railway station, 8 April 2022. Access mode: <https://suspilne.media/438858-mi-zibrali-tila-i-pocalos-najstrasnise-u-vsih-pocali-dzvoniti-telefoni-spogadi-pro-obstril-kramatorskogo-vokzala/>

69 “There was a smell of metal and blood.” The memory of the dead was commemorated in Kramatorsk on 8 April 2023. Access mode: <https://suspilne.media/439596-buv-zapah-metalu-ta-krovi-v-kramatorsku-vsuanuvali-pamat-zagiblih/>

§ 2 Peculiarities of the situation of children in the temporarily occupied territories of Ukraine and children transferred to the Russian Federation

It is worth considering in detail the peculiarities of the situation of children in the temporarily occupied territories of Ukraine, considering the Russian state policy and its implementation through the activities of the occupation administrations regarding this category of the population.

According to Article 42 of the Hague Convention (II) with respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land dated 29 July 1899, territory is considered occupied when it is “actually placed under the authority of the hostile army”⁷⁰, namely : a) the armed forces of a foreign state are physically present without the consent of the sovereign government at the site during the invasion; b) a sovereign state cannot exercise its power because of the presence of foreign forces; and c) the occupying forces establish their own authority over the territory. Since the beginning of the occupation of the territory, the relevant norms of international humanitarian law, in particular, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

One should agree with the experts of the Moscow Mechanism, who, in the Report dated 4 May 2023, note that in order to protect the best interests of the child and to counter the forced transfer and illegal deportation of minors in connection with the seizure of the territories of Ukraine by the Russian Federation, the concept of functional occupation, according to which certain rules of military occupation gradually begin to apply as soon as Russia gains control over the matters governed by them, should be applied. Thus, the ban on forcible transfer and illegal deportation of Ukrainian children, provided for in Article 49 of the Geneva Convention (IV), comes into effect as soon as minors are under the actual control of Russian agents, even if it lasts only a few hours⁷¹.

70 Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 29 July 1899, Article 42. Access mode: <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-ii-1899>

71 Moscow Mechanism, OSCE (2023). 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. pp. 24–25. Access mode: https://www.osce.org/files/f/documents/7/7/542751.pdf?fbclid=IwAR2dYYe70GEr7OE7A0JHjfflDu8NT1D4_2AwhXA8JgwC8qVZdqoRWXfUyR8

With the start of the full-scale invasion on 24 February 2022, in addition to the territories of Ukraine occupied since 2014 (the territories of the Republic of Crimea and the city of Sevastopol, certain areas of the Donetsk and Luhansk oblasts), certain territories of Donetsk, Zaporizhzhia, Kyiv, Luhansk, Mykolaiv, Sumy, Chernihiv, Kharkiv, Kherson oblasts, which are located on the border with the Russian Federation or the Republic of Belarus and which until February 24 were under the control of the Government of Ukraine were placed under Russian control. The Russian offensive in February 2022 happened quickly. For example, on February 26, local authorities in Melitopol (Zaporizhzhia oblast) lost control over administrative buildings⁷², on 2 March 2022, Mariupol (Donetsk oblast) was under siege already⁷³, and in early March, the Russian Federation captured Kherson (the regional center of the Kherson oblast).

In connection with the rapid pace of the occupation, the blocking of settlements and the failure of the Russian side to provide humanitarian corridors, it was almost impossible to evacuate the civilian population and organize the evacuation of all boarding facilities and institutions. At the same time, it is difficult to deny the fact that with information about a possible armed attack by the Russian Federation, no relocation plan was drafted and no preliminary evacuation of institutions where children were located in the border territories of Ukraine was carried out.



After the occupation, the possibility of leaving these territories was limited because of the urgent need to evacuate the civilian population from territories that were under constant shelling with limited access to the basic needs of the civilian population. For instance, the city of Mariupol in the Donetsk oblast was blocked by the Russian military from 3 March 2022, and the civilian infrastructure of the city was purposefully destroyed; at the beginning of March, there was no electricity, gas and water in the city districts because of Russian shelling. Up to 90% of residential buildings in Mariupol were destroyed or damaged⁷⁴, which indicates the deliberate use of indiscriminate shelling.

In the conditions of the impossibility of safely evacuating to the territory under the control of the Government of Ukraine, the only other options are to remain in the occupied territory or try to leave through the territory of the Russian Federation. Departure through the Russian Federation, however, required passing the so-called “filtering procedure”. 21 “filtration points” were organized in Donetsk region alone⁷⁵.

72 In Melitopol, administrative buildings were seized by the Russian military - the mayor, 26 February 2022. Access mode: <https://www.ukrinform.ua/rubric-ato/3413842-u-melitopoli-administrativni-budivli-zahopili-rosijski-vijskovimer.html>

73 Ukraine: Ensure Safe Passage, Aid for Mariupol Civilians, 21 March 2022. Access mode: <https://www.hrw.org/news/2022/03/21/ukraine-ensure-safe-passage-aid-mariupol-civilians>

74 High Commissioner updates the Human Rights Council on Mariupol, Ukraine, 16 June 2022 poky. Access mode: <https://www.ohchr.org/en/statements/2022/06/high-commissioner-updates-human-rights-council-mariupol-ukraine>

75 Conflict Observatory. Mapping the Filtration System in Donetsk Oblast, 25 August 2022 poky. Access mode: <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/filtration-1>



The “filtering” procedure, which is currently carried out by representatives of the Russian Federation, is accompanied by numerous violations:

- excessive collection of personal information by photographing, taking fingerprints, copying the contents of phones, in particular, contacts;
- psychological pressure during interrogations, asking provocative questions about support for the Russian Federation and the Russian military, etc.;
- separation of persons undergoing the procedure together, in particular, separation of parents and children;
- improper conditions of stay in the so-called “filtration camps” (un-equipped premises and accommodation of an excessive number of people in them, inadequate provision of food)⁷⁶;
- detention of persons who have not passed the so-called “filtering” and placing them in places of detention in the occupied territory.

According to an eyewitness, it is known about the case when, during the so-called “filtering” at the checkpoint, representatives of the Russian Federation put children on their knees and said that if the parents did not give money, the children would be shot⁷⁷.

76 “We Had No Choice” “Filtration” and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, 1 September 2022. Access mode: <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

77 “We dug a grave for a still-living mother”: as a result of shelling, a Mariupol resident lost four loved ones at once, 24 January 2023. Access mode: <https://helsinki.org.ua/articles/kopaly-mohylu-dlia-shche-zhyvoi-mamy-vnaslidok-obstrilu-mariupolets-vtratyv-odrazu-chotyrokh-blyzkykh/>

There are also known cases when representatives of the Russian Federation separate children from their parents during the so-called “filtering”. In particular, a 4-year-old girl Alisa from Mariupol was separated from her mother, Victoriia Obidina, who was providing medical aid to the Ukrainian military in Azovstal. The girl arrived in Zaporozhzhia in a convoy with evacuated residents of Mariupol. The child was traveling alone, because her mother was left by the Russian military in the “filtration camp” in Mangush, and was placed under the care of her grandmother, with whom she left for Poland. Victoriia spent 165 days in Russian captivity and returned as a result of the exchange of prisoners of war on 17 October 2022⁷⁸.

In some cases, after separation from their parents, children are deported to the Russian Federation with their subsequent placement in a family under guardianship and the possibility of adoption. Thus, in particular, Yevhenii Mezhevoi was separated from his three minor children at a checkpoint near Mariupol. Yevhenii was sent to Olenivka colony⁷⁹, where he spent 45 days, and his children were taken first to occupied Donetsk, and later to Russia together with 31 other children from Mariupol. On June 16, representatives of the Russian social services came to Polyany Children’s Sanatorium near Moscow, where the children were staying, and informed them that they would either be sent to a boarding school or adopted, and the father had only five days to pick them up. The father managed to take the children, at the moment the family is in Latvia, all the other children taken from Mariupol together with Yevhenii’s children have already been placed in Russian families⁸⁰.

In addition to the above-mentioned violations, the Russian side implements a complex and systematic state policy regarding

1. the forced transfer of children to the temporarily occupied territories of Ukraine and the deportation of children to the territory of the Russian Federation,
2. the implementation of Russian education standards in the occupied territories,
3. the “re-education” and militarization of Ukrainian children relocated to the temporarily occupied territories of Ukraine and the territory of the Russian Federation,
4. forced change of citizenship of children in the occupied territories of Ukraine and passporting,
5. placement of Ukrainian children in families of citizens of the Russian Federation.

It is appropriate to consider all these elements of the policy of the aggressor country in more detail.

78 A military doctor from Azovstal, who was separated from her child by the Russians during the evacuation, was released from captivity on October 17, 2022. Access mode: <https://www.ukrinform.ua/rubric-ato/3595173-z-polonuzvilnili-vijskovogo-medika-z-azovskogo-aku-rosiani-pid-cas-evakuacii-rozlucili-z-ditinou.html>

79 An illegal place of deprivation of liberty, set up by the occupation authorities in the premises of the Volnova colony No. 120 (Donetsk oblast), temporarily occupied since 2014

80 “Dad, they want to adopt us. You have 5 days left”: how a Ukrainian father returned children deported by Russia 14 February 2023. Access mode: <https://www.radiosvoboda.org/a/deportatsiya-mariupol-dity-rosiya-ukraina/32265673.html>

2.1. Forcible transfer and deportation of children to the territory of the Russian Federation

The scale of the policy of forced transfer and deportation of Ukrainian children is astonishing. However, the mass deportation of children began a few days before the deployment of large-scale armed aggression against Ukraine – on 18 February 2022, the so-called “evacuation” from the DPR and LPR was announced⁸¹. As part of the campaign to prepare for a large-scale invasion, the Russian authorities justified the need to transfer children by a possible threat from the Armed Forces of Ukraine. As of 27 February 2022, 457 children from three boarding houses in Donetsk were placed in the Romashka sports and recreation complex in the territory of the Nekliniv district of the Rostov region⁸².

Given the limited access to the occupied territories and the systematic failure of the Russian Federation to provide information about the children displaced by it, Ukraine managed to identify 19,393 children who were deported to the territory of the Russian Federation⁸³. In addition, the state is making efforts to establish the location of the children who were in the temporarily occupied territory of Ukraine at risk of forced transfer or deportation, and whose fate is unknown. According to the Center for Strategic Communications, deportations took place to 57 regions, including the geographically remote Sakhalin oblast (about 8,000 kilometers from the place of usual residence), Novosibirsk oblast (about 4,000 kilometers), Yamalo-Nenets Autonomous Okrug (about 4,000 kilometers), Murmansk oblast (about 3 thousand kilometers), Omsk oblast (about 3 thousand kilometers). The children were transferred to Russian regions, which differ significantly from their usual place of residence in terms of culture and religion: the Republic of Dagestan, the Republic of Tatarstan, the Chechen Republic⁸⁴.

In order to analyze the phenomenon of deportation of Ukrainian citizens, in particular, children, the following categories of minors who were forcibly transferred within the temporarily occupied territories of Ukraine or deported to the territory of the Russian Federation can be tentatively identified. These are, in particular:

- a. accompanied children, i.e. minors, transferred together with their legal representatives or one of them.
- b. orphans, children deprived of parental care who were at institutions in the territories of Ukraine temporarily occupied before 24 February 2022 in the Donetsk and Luhansk oblasts.

81 Heads of the DPR and LPR announced the beginning of a mass evacuation / RIA Novosti, 18 February 2022. Access mode: <https://ria.ru/20220218/evakuatsiya-1773598104.html>

82 Columns with buses and about 200 temporary placement centers: how refugees from the LPR and DPR were accommodated in the Rostov region / DONTR.RU, 27 February 2022. Access mode: <https://dontr.ru/novosti/kolonnys-avtobusami-i-okolo-200-pvr-kak-razmeshchali-bezhentsev-iz-lnr-i-dnr-v-rostovskoy-oblasti/>

83 The Children of the War portal. Access mode: <https://childrenofwar.gov.ua> (as of 14 May 2023)

84 Center for Strategic Communications (2022). Kidnapped orphans. Where and why does Russia take Ukrainian children? 15 March 2023. Access mode: <https://spravdi.gov.ua/dopomoga-vykradenym-syrotam-yak-rosiya-vsnyovlyuye-ditej-z-ukrayiny/>

- c. orphans, children deprived of parental care, who were at institutions in the territories of Ukraine temporarily occupied after 24 February 2022 (as far as we know about the Kherson oblast).
- d. children orphaned or left without parental care as a result of the war (as a result of the death of parents or guardians, separation from parents in the process of so-called “filtration”, captivity of parents/guardians, etc.).
- e. children who, probably with the consent of their parents, were taken to the temporarily occupied territories of Ukraine or the territory of the Russian Federation and are kept in camps or sanatoriums for the purpose of “re-education”⁸⁵;
- f. children who were taken out for the purpose of clinical examination and medical examinations or providing medical assistance (medical intervention).

The child’s belonging to one or another isolated group affects the vulnerability of his situation, in particular, in the context of returning to Ukraine. Therefore, some categories of displaced / deported children should be discussed in more detail.

Thus, today the Russian Federation does not provide for the possibility of repatriation of minor orphans and those deprived of parental care⁸⁶. Moreover, children from this category are at the greatest risk of becoming victims of forced transfer to Russian families and imposed citizenship of the aggressor state, which accompanies the process of transfer to guardianship and/or adoption. A separate problematic issue is the identification and return of children deported and adopted by Russians during 2014-2021, in particular those who, because of the temporary occupation, did not have Ukrainian identity documents.

According to the Russian side, the number of Ukrainian minors deported for so-called “re-education” to the occupied territories of Ukraine was about 30,000 in 2022⁸⁷. Moreover, 10,000 children were forcibly relocated to the territory of the occupied Crimean Peninsula, where a network of seven institutions (in particular, camps, sanatoriums, schools) operates, about 2 – 2.5 thousand – to Belarus, where at least four institutions operate⁸⁸. According to a study by Yale University, other minors were deported to 34 camps in the territory of the Russian Federation, 12 of which are located on the Black Sea coast, 10 around the cities of Moscow, Kazan, and Yekaterinburg. 11 camps are located at a distance of more than 800 kilometers from the child’s usual place of residence (2 of them – in Siberia, 1 – in the Far East).

85 Re-education - the process of removing Ukrainian children from their parents or other legal representatives, transferring them and keeping them at closed institutions, where minors study according to Russian educational standards, undergo patriotic and/or military training. Access mode: <https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data>

86 Twitter: Ministry of Foreign Affairs of Russia - @MID_RF. Access mode: <https://twitter.com/i/broadcasts/1vAGRAVPkNvKI>

87 Russian newspaper (2022). Vladimir Putin discussed the construction of schools and the support of new territories with Sergey Kravtsov. Access mode: <https://rg.ru/2023/01/09/bolshaia-peremena.html>

88 Crimean precedent (2023). Recreation camps as another means of eradicating the Ukrainian national identity of children from the occupied territories. Mode of access: <https://krymbezpravil.org.ua/analytics/tabory-vidpochynku-iaak-shche-odyn-zasib-vykorinnennia-ukrainskoi-natsionalnoi-identychnosti- ditey-z-okupovanykh-terytorii>



The absolute record holder for this parameter is Magadan, located 6,300 kilometers away.

To get to the camp, the children first traveled by bus, then by train, and finally by plane (2 flights)⁸⁹. The largest number of minors was concentrated at 4 institutions – Artek (Crimea), Orlenok (Krasnodar Krai), Okean (Vladivostok), Smena (Krasnodar Krai)⁹⁰. During “re-education”, the duration of which was arbitrarily increased by Russian agents without the consent of legal representatives of minors, children could be placed in several institutions at once. Placement of children in such remote regions is a deliberate measure aimed at complicating their return. Their distribution by different regions is also aimed at greater integration of children into the Russian cultural and educational space and loss of connection with Ukrainian identity as a result of limiting communication with other representatives of the Ukrainian national group.

Regarding the undergoing of the so-called “preventive medical examination”, according to the data of the Russian side, which were made public at the 20th All-Russian Congress of Commissioners for Children’s Rights in the Subjects of the Russian Federation, which took place on April 26-27 in Kazan, as part of the execution of the order of the President of the Russian Federation dated 5 October 2022 No. Пp-1872, **“in-depth preventive medical examinations of children in the territories of the DPR, LPR, Zaporizhzhia and Kherson oblasts” was organized, in particular, in the so-called DPR – more than 106.6 thousand children, in the so-called LPR - more than 79.9 thousand children, in the Zaporizhzhia oblast – more than 32 thousand children, in the Kherson oblast – 11.7 thousand children, as well as in Krasnodar Krai (from among those who left the so-called “new territories”) – 4.2 thousand children.**

As of March 2023, at least 550 children were deported to the Russian Federation as a result of the “preventive medical examination”. Institutions at which minors may be placed include Polyany Sanatorium (a division of the Children’s Medical Center, Moscow oblast), Dr. Roshal’s Clinic, and the Russian Children’s Clinical Hospital (Moscow). Maria Lvova-Belova also announced the possibility of placing deported children

89 Yale University (2023). Russia’s systematic program for the re-education & adoption of Ukraine’s children. Access mode: <https://reliefweb.int/report/ukraine/russias-systematic-program-re-education-adoption-ukraines-children>

90 Russian newspaper (2022). Vladimir Putin discussed the construction of schools and the support of new territories with Sergey Kravtsov. Access mode: <https://rg.ru/2023/01/09/bolshaia-peremena.html>

at specialized institutions in the Khanty-Mansiysk Autonomous District⁹¹. Potentially, the number of minors deported as a result of the “preventive medical examination” will increase, as evidenced by the statistics for individual occupied territories. Thus, according to Russian doctors, 70% of children examined in the so-called LPR need inpatient treatment⁹². Despite the statement of the “minister of health of the LPR” about placing minors in the Luhansk

“Republican” Clinical Hospital, the latter does not have the appropriate capacity (410 beds). The institution can accommodate 7,000 children per year⁹³. This may indicate the potential deportation of some Ukrainian minors to the Russian Federation. In addition, dispensation will continue also during 2023. For this, 435 million rubles have been allocated from the federal budget of the Russian Federation⁹⁴.

Under the pretext of providing for children, Russia also uses the movement of children for rehabilitation and recreation within the occupied territories of Ukraine. In particular, in October 2022, the so-called head of the occupation administration of Kherson Volodymyr Saldo stated that about 5,000 children from the Kherson oblast would come to Crimea for rehabilitation. At that time, there were already about 1,500 Ukrainian children in the territory of the temporarily occupied Crimea⁹⁵. On May 8, the occupation authorities of the Zaporizhzhia oblast announced the transfer of 796 children to “safer settlements”⁹⁶.

In addition, the period of stay in the camps is not limited to a shift – motivating the delay by the danger of the situation in the children’s usual place of residence, they are left for extended shifts and are not returned to their families⁹⁷.

Therefore, the Russian Federation uses a number of methods of forced transfer of children within the occupied territories, as well as their deportation to the Russian Federation in order to separate them from their usual environment, isolate them from their own national group and place them in a “Russian” environment. Moreover, these methods are applied to different categories, in particular, both to children who have parents and to children deprived of parental care.

2.2. Implementation of Russian standards of education in the occupied territories

The Russian Federation systematically uses education in the occupied territories for the purpose of planting propaganda and breaking ties between Ukrainian children

91 Information from the Telegram channel of Commissioner Maria Lvova-Belova. Mode of access: <https://t.me/malvovabelova/1063?single>

92 Luhansk Information Center (2022). Almost 70% of children who underwent medical examination in the LPR have health problems - Ministry of Health. Access mode: <https://lug-info.com/news/pocti-70-prosedsih-dispanserizaciu-v-lnr-detej-imeut-otkloneniya-v-zdorov-e-minzdrav>

93 The official website of the Luhansk Republican Clinical Hospital. Access mode: <https://lrkb.ru/%d0%be-%d0%b1%d0%be%d0%bb%d1%8c%d0%bd%d0%b8%d1%86%d0%b5/>

94 Ruposters (2023). More than 60 thousand children underwent medical examinations in new regions of Russia. Access mode: <https://ruposters.ru/news/02-01-2023/bolee-tisyach-detei-proshli-medosmotri-novih-regionah-rossii>

95 Krym will welcome up to five thousand children from the Kherson region for vacation - Saldo / Crimea news feed, 8 October 2022. Access mode: <https://crimea-news.com/society/2022/10/08/975810.html>

96 https://t.me/melitopol_ru/7425

97 Millet (2022). A national concert for refugee children was held at KIPU. Access mode: <https://trkmillet.ru/v-kipu-proveli-nacionalniy-koncert-d/>

and their national group. The occupying state is obliged to ensure the proper functioning of institutions responsible for the care of children and their education⁹⁸. In fulfilling this obligation, states must also take into account consider the child's right to preserve individuality; any care for a child must consider his ethnic origin, religious and cultural affiliation and native language⁹⁹. It is necessary to entrust the education of children under the age of 15, who were orphaned or separated from their families as a result of the war, to persons with the same cultural traditions¹⁰⁰ and, if possible, persons of their nationality, language and religion¹⁰¹.

In addition, states have an obligation to ensure the child's education with a focus on fostering respect for human rights and fundamental freedoms, as well as the principles proclaimed in the Charter of the United Nations; respect for the cultural identity, language and national values of the country in which the child lives, the country of his origin; preparing a child for a conscious life in a free society in the spirit of understanding, peace, and tolerance¹⁰².

However, the Russian Federation, contrary to its obligations as an occupying state, implements its own education standards and curricula in institutions in the occupied territories of Ukraine, continuing the practice it used in the occupied Crimea.

Starting with the occupation of the Crimean Peninsula in February 2014, the Russian Federation has been consistently eradicating the Ukrainian national identity of minors through Russification, militarization, indoctrination¹⁰³, deportation, and forced placement in Russian families. In a short period of time, the effective functioning of the system of patriotic education of the Russian Federation was restored and ensured on the peninsula, and the isolation and segregation from the educational, informational and cultural space of Ukraine was accelerated. Education in the Ukrainian and Crimean Tatar languages was abolished in the occupied Crimea. In addition, teaching was switched to the state educational standards of the Russian Federation. During the occupation, the number of schoolchildren studying in the Ukrainian language decreased by 60 times¹⁰⁴. Russian teachers are brought from the territory of the Russian Federation to the occupied Crimea¹⁰⁵. In turn, at least 218,974 Crimean school-age children became victims of the militarization of education¹⁰⁶. In addition, until 2017, appli-

98 Article 50 of Convention relative to the Protection of Civilian Persons in Time of War. Access mode: https://zakon.rada.gov.ua/laws/show/995_154#Text

99 Article 20 of the Convention on the Rights of the Child. Access mode: https://zakon.rada.gov.ua/laws/show/995_021#Text

100 Article 24 of the Convention relative to the Protection of Civilian Persons in Time of War. Access mode: https://zakon.rada.gov.ua/laws/show/995_154#Text

101 Article 50 of the Convention relative to the Protection of Civilian Persons in Time of War. Access mode: https://zakon.rada.gov.ua/laws/show/995_154#Text

102 Article 29 of UN Convention on the Rights of the Child. Access mode: https://zakon.rada.gov.ua/laws/show/995_021#Text

103 Indoctrination is the process of transforming minors into a component of the offensive policy of the Russian Federation through propaganda, special training and a systematic educational approach.

104 National Institute for Strategic Studies (2022). Destruction of the national identity of minor children and youth in Crimea as an act of genocide of the Russian Federation in Ukraine. Mode of access: <https://niss.gov.ua/news/komentari-ekspertiv/znyshchennya-natsionalnoyi-identychnosti-nepovnolitnikh-ditey-i-molodi-v>

105 Report on the results of the Russian Federation's policy study on the violent change in the demographic composition of the population of the occupied Crimean Peninsula. Regional Human Rights Center. 2021. Access mode: <https://cutt.ly/h2LGXym>

106 Svoboda Radio (2021). There are Ukrainians, but there is no language. 0.1% of Crimeans learn Ukrainian in Crimea. Access mode: <https://www.radiosvoboda.org/a/crimea-education-ukrainian-language/31274562.html>

cants from the occupied territories of Crimea were provided with benefits for admission to Russian HEIs¹⁰⁷. From the beginning of the full-scale invasion, Crimea became a center for the organization, preparation and further implementation of the proven scenario of Russification of minors in the newly occupied territories of Ukraine.

In particular, the destruction of education in the occupied territories under the “Crimean scenario” includes:

- full transition to Russian education standards;
- replacement of educational materials with Russian ones;
- retraining and replacement of teaching staff with those “loyal” to the new government or displaced from the territory of the Russian Federation;
- exclusion of teaching subjects of the Ukrainian studies cycle, in particular, history of Ukraine, Ukrainian literature;
- restrictions on studying the Ukrainian language;
- militarization of the educational process (cadet schools, Young Army Movement, Bolshaya Peremena Movement, etc.)¹⁰⁸.

All these practices are implemented by the Russian side both in the territories occupied until 24 February 2022, and in the territories that were occupied as a result of large-scale armed aggression against Ukraine.

One of the key steps in destroying the Ukrainian identity of children in the temporarily occupied territories of Ukraine is the actual suppression of the Ukrainian language from the educational process. This practice was applied by the occupying authorities in the territories of Ukraine occupied as early as 2014.

Thus, since July 2018, Vladimir Putin signed Federal Law No. 317-FZ On Amendments to Articles 11 and 14 of the Federal Law On Education in the Russian Federation¹⁰⁹. Despite the positioning of the regulatory act as one that was intended to promote the study of “native languages of peoples” in schools, according to the amendments, Russian as the state language is mandatory at all schools of the Russian Federation, other languages may be chosen by parents as optional subjects. In addition, according to the data of the Ministry of Education, Science and Youth of the Republic of Crimea, by 2018, there was only 1 school with Ukrainian as the language of instruction in the territory of the occupied Crimean Peninsula (9 classes, 146 students), and the number of people who studied Ukrainian as their native language decreased by 73%. According

107 Privileges for Crimeans for admission to Russian HEIs were canceled, 6 October 2016. Access mode: <https://ua.krymr.com/a/news/28034968.html>

108 Almenda Center for Civic Education, Report: The Crimean scenario: how the Russian Federation destroys the Ukrainian identity of children in the occupied territories. Access mode: <https://svidomi.in.ua/page/krymskyi-stsenarii-iaak-rosiia-znyshchuie-osvitu-na-tymchasovo-okupovanykh-terytoriiakh>

109 Federal Law dated 3 August 2018 No. 317-FZ On Amendments to Articles 11 and 14 of the Federal Law On Education in the Russian Federation. Access mode: <http://publication.pravo.gov.ru/Document/View/0001201808030079>

to the educational programs developed by the occupation administration, 3 hours per week shall be allocated for the study of the Ukrainian language and Ukrainian literature, provided that they are “voluntarily” chosen¹¹⁰.

The practice of removing the Ukrainian language from the educational process is applied by the occupation authorities of the Russian Federation in those territories of Ukraine that were occupied after 24 February 2022. One of the main principles of state policy and legal regulation of relations in the field of education in the Russian Federation is the “unity of the educational space in the territory of the Russian Federation”¹¹¹. On 17 February 2023, Vladimir Putin signed the law on the integration of the Kherson, Zaporizhzhia, Donetsk and Luhansk oblasts into the educational space of the Russian Federation¹¹².

In addition, the occupation authorities are trying to preserve the appearance of the possibility of studying the Ukrainian language in the temporarily occupied territories. Thus, on 1 September 2022, the Minister of Education of the Russian Federation announced that textbooks on the “classical Ukrainian language”, which would be used in the so-called DPR, LPR and “other territories affected by the SMO”, were being drafted. According to Kravtsov, on September 1, 1,376 schools and 203 colleges, which are provided with textbooks, opened in these territories. In addition, the approach to studying the Ukrainian language may be formal¹¹³.

On 4 April 2023, the Deputy Minister of Education of the Russian Federation announced the readiness of a Ukrainian language textbook for elementary school pupils in the newly occupied territories. In addition, the Ukrainian language remains exclusively as optional in the program, and the materials used to study it are of the Soviet model and do not meet the current standards of language learning. In addition, according to the technical task contained in the corresponding state contract, the future textbook should “instill in children the traditional Russian values that reflect the unique spiritual, historical and cultural development of the multinational people of Russia, the historical memory and continuity of generations, the unity of the peoples of Russia, higher moral feelings, the priority of the spiritual over the material, family traditions.” Educational tasks in the textbook should instill a “civic position” in children and correspond to the constitution of Russia. All illustrative material in it should consist of 90% Russian content¹¹⁴.

110 https://monm.rk.gov.ru/uploads/monm/attachments//d4/1d/8c/d98f00b204e9800998ecf8427e/php9Bcykw_scan01704820180607113243.pdf

111 Article 3 of Federal Law No. 273-FZ dated 29 December 2012 (ed. dated 17 February 2023) On Education in the Russian Federation (as amended from 28 February 2023). Access mode: http://www.consultant.ru/document/cons_doc_LAW_140174/15956ae575273a483e753fc119fb41fc4c37f846/

112 Federal Law of 17 December 2023 No. 19-FZ On the Peculiarities of the Legal Regulation of Relations in the Spheres of Education and Science in Connection with the Admission of the Donetsk People's Republic, the Luhansk People's Republic, the Zaporozhye Oblast, the Kherson Oblast to the Russian Federation and the formation of new subjects in the Russian Federation – the Donetsk People's Republic, the Luhansk People's Republic, the Zaporozhye Oblast, Kherson Oblast and On Amendments to Separate Legislative Acts of the Russian Federation. Access mode: <http://publication.pravo.gov.ru/Document/View/0001202302170006>

113 Vedomosti (2022). The Ministry of Education will develop a textbook on the «classical Ukrainian language». Access mode: <https://www.vedomosti.ru/society/articles/2022/09/01/938611-minprosvescheniya-razrabotaet-uchebnik>

114 “We Can Explain” Telegram channel. Access mode: <https://t.me/mozhemobyasnit/14801>

On 30 January 2023, Sergey Kravtsov, the Minister of Education of the Russian Federation, announced the creation of a school textbook on history, which will include information about the so-called “special military operation”, that is, the war against Ukraine¹¹⁵. On 24 April 2023, as part of an educational marathon, he presented a textbook on history for 11th grade pupils, to usings of which schools will gradually switch to¹¹⁶.

At the same time, educational materials of the Ukrainian model are being withdrawn from the occupied territories. Thus, in January 2023, the so-called “Ministry of Education and Science of the LPR” sent a document to the heads of city and district administrations, as well as sub-departmental educational organizations, with a recommendation to remove books from the list, which included 365 items, from the school library funds¹¹⁷. The following literature was banned: literature about the Holodomor in Ukraine, textbooks, methodological materials, reference books on the history of Ukraine, books from the Famous Ukrainians series, fiction about “events of the period of recent history” in Ukraine and Donbas (2014-2021)¹¹⁸. In June 2022, the occupiers seized about 22,000 textbooks on the history of Ukraine from schools in the Luhansk oblast and took them to an unknown destination¹¹⁹.

These actions testify to the systematic approach of the Russian authorities to the eradication of the Ukrainian identity of children in the occupied territories of Ukraine. The Russian Federation seeks to create the illusion that there are opportunities to learn the Ukrainian language in the territories occupied in both 2014 and 2022, but the civilian population refuses to use the Ukrainian language, preferring Russian.



At the same time, the occupation authorities take measures that make it impossible for children living in the occupied territories of Ukraine to study at a distance according to the Ukrainian curriculum – there is information that parents are searched and equipment is checked to determine whether children are studying remotely at a Ukrainian school. If it is discovered that the children are studying according to the

115 <https://ria.ru/20230130/uchebnik-1848327587.html>

116 <https://tass.ru/obschestvo/17597557>

117 ARTIUKH Telegam channel. Access mode: <https://t.me/raspisnoyredaktor/5422?single>

118 Russians seize Ukrainian books in TOT, 24 January 2023. Access mode: <https://sprotyv.mod.gov.ua/2023/01/24/rosiyany-vyluchayut-ukrayinski-knygy-na-tot/>

119 The occupiers are destroying Ukrainian history. In the captured territory of Luhansk Region, textbooks were removed from schools, 17 June 2023. Access mode: <https://svatove.city/articles/219395/okupanti-nischat-ukrainsku-istoriyu-na-zahopenij-teritorii-luganschini-zi-shkil-viluchili-pidruchniki>

Ukrainian curriculum, the parents are threatened with a fine and that the children will be taken away if they are not sent to a Russian school¹²⁰.

2.3. “Re-education” and militarization of Ukrainian children transferred to the temporarily occupied territories of Ukraine and the territory of the Russian Federation

In the camps in the temporarily occupied territories of Ukraine and the Russian Federation, the Russian side implements practices aimed at “**re-education**” – cultural and educational activities based on Russian narratives about the history of Ukraine and the presentation of Russian aggression against Ukraine as a forced step aimed at ensuring peace. In particular, special lessons provided for by the Russian school program – “Conversations About Important Things”¹²¹, which are aimed at “forming patriotism and love for the Motherland – the Russian Federation”, are conducted with children from the occupied territories in the camps. As the Ministry of Education of the Russian Federation explains, “the purpose and results of the lesson: the pupils’ understanding of the objectives of the SMO that the residents of the DPR and LPR are Russian people, therefore their return to Russia is important. Russian soldiers are heroes”¹²². During “Conversations About Important Things”, schoolchildren are told that Russia is “saving them from the Nazis”, and Ukrainian territories have in fact “always been Russian”. Events with the involvement of the Russian military, representatives of the occupation administrations, political representatives¹²³ and public figures of the Russian Federation are also held for children¹²⁴.



120 In Berdiansk, the occupiers raided families who do not send their children to Russian schools / National Resistance Center, 8 March 2023. Access mode: <https://sprotyv.mod.gov.ua/2023/03/08/v-berdyansku-okupanty-provely-rejd-po-rodynah-yaki-ne-viddayut-ditej-do-rosijskyh-shkil/>;

The occupiers threaten to take away from their parents the children who will not go to school in Melitopol / TSN, 4 July 2022. Access mode: <https://tsn.ua/ato/okupanti-pogrozhuvt-vidbirati-u-batkiv-ditey-yaki-ne-hoditimu-do-shkoli-u-melitopoli-mer-2102395.html>

121 Conversations about important things: what is it and what is known about the program? / Skysmart Online School, 8 September 2022, updated on 10 January 2023. Access mode: <https://skysmart.ru/articles/useful/razgovory-o-vazhnom>

122 <https://t.me/minprosr/836>

123 What a “good toastmaster” and interesting contests / KHERSON telegram channel: War Without Fakes, 10 July 2022. Access mode: https://t.me/s/kherson_non_fake?q=What+»good+host»+and+competitions+interesting

124 Vkontakte page “Childhood Navigators | CRIMEA”, 9 July 2022. Access mode: https://vk.com/wall-214910068_4716

In particular, 16-year-old Vitalii, who returned from a children's camp in Yevpatoria (the temporarily occupied territory of Crimea), said that children were constantly told that they "are in Russia, Russia is forever, and Ukraine will soon be Russia and they must obey Russia". In the second camp, where the boy was transferred after two weeks of "rest", personal correspondence was checked, and when they saw messages or other contents of the phone indicating support for Ukraine, they threatened to sit in the basement as a punishment¹²⁵.

It should be noted that in the camps, children were in a particularly vulnerable situation, as they were separated from their parents and had no idea when they would be reunited with their families. Psychological pressure and manipulation were used, among other things, in an attempt to obtain the consent of legal representatives for the transfer of minors for so-called re-education. Each of the cases of removal of minors followed by indefinite detention was preceded by the return of several groups of children (mostly children of local collaborators), which created an illusion of safety and a feeling of "bad mother (father)" in connection with a possible refusal. Realizing that the minor was not going to be returned, parents often tried to organize this process on their own, for example, by hiring transport and authorizing one proxy. However, heads of camps refused to repatriate minors in this way.

The educational process in the occupied territories is not limited to formal education. Considerable attention is paid to the patriotic upbringing of children. In addition to "Conversation About Important Things", at school children and teachers are forced to speak exclusively in Russian¹²⁶ and sing the national anthem of the Russian Federation during breaks between classes, and are also required to study the constitution of the Russian Federation outside of working hours.

Also, at the beginning of July 2022, the pro-Putin party United Russia opened a children's leisure center in Kupyansk, where elementary school children painted Russian flags and wrote the slogans "we and Russia are one people." On Children's Day, a holiday, at which Ukrainian children were photographed with the occupiers against the background of military equipment, was held here¹²⁷.

A separate aspect of the destruction of Ukrainian identity and violation of children's rights is the **militarization of education**. Propaganda for military service aimed at residents of occupied territories is prohibited by Article 51(1) of the Fourth Geneva Convention. Since 2014, the Russian Federation has been actively promoting service in the ranks of its own armed forces, focusing its efforts on propaganda among children – these measures are carried out under the guidance and financing of the occupation authorities, in particular, the "Ministry of Education, Science and Youth of

125 TSN (2023). "We must obey Russia": a Ukrainian teenager told what the Russians did to children in a camp in Crimea. Access mode: <https://tsn.ua/ukrayina/povinni-pidkoryatisya-rosiyi-ukrayinskiy-pidlitok-rozpoviv-schorosiyani-robili-z-ditmi-v-tabori-krimu-2305600.html>

126 Zaporozhzhia Investigation Center (2022). "They don't have the word "Ukraine" at all": forced Russification of children in Zaporozhzhia and the role of collaborators in this crime. Access mode: <https://incentre.zp.ua/slova-ukrayina-u-nyh-vzagali-nemaye-prymusova-rusyifikacziya-ditej-na-zaporizhzi-i-rol-kolaborantiv-u-czomu-zlochyni/>

127 Evidence of Genocide: How Russian Occupiers Recruit and Abduct Ukrainian Children, 17 October 2022. Access mode: <https://www.slidstvo.info/warnews/dokazy-genocydu-yak-rosijski-okupanty-verbuyut-ta-vykradayut-ukrayinskyh-ditej/>

the Republic of Crimea” and Russian ministries, in particular, the Ministry of Sports of the Russian Federation¹²⁸. Ukrainian children in the occupied territories are forced to believe that service in the Russian army is prestigious, honorable and an unconditional obligation. Moreover, they form an understanding in the minds of Ukrainian children that sacrificing oneself in the war for the sake of Russia, the “Motherland”, for the sake of its protection from external enemies, is the highest manifestation of heroism. The constant planting of such narratives in education and leisure will have consequences both in the medium and long term, in particular, it will contribute to the involvement of the Ukrainian population, especially children who studied and are studying according to Russian educational standards in the temporarily occupied territories, to serve in the Russian army, to participate in armed conflict on its side, the destruction of Ukrainian identity and the complication of the reintegration of the liberated territories into Ukraine¹²⁹. Given the implications of such propaganda, these measures may also constitute a war crime in the form of forced service in the enemy’s armed forces.

It is common to create units of the Young Army Movement units – an all-Russian children’s and youth military-patriotic public movement, launched in 2016 at the initiative of the Minister of Defense of the Russian Federation, Sergei Shoigu, in the occupied territories. The main task of the movement is to attract children to military training and promote the ideology of Russian world. Various groups and classes, where children learn to use weapons, undergo military and tactical training, participate in military sports games and relay races, are organized for this purpose. A child can join the Young Army Movement from 8 to 18 years of age¹³⁰. Detachments of the Young Army Movement were created in Zaporizhzhia¹³¹ and Kherson¹³² oblasts.

В российских школах ввели посвященные спецоперации на Украине уроки



28 августа 2022, 12:05
 Фото: Евгений Епанчинцев/РИА Новости
 Текст: Валентина Григоренко

Один из уроков «Разговоры о важном» у школьников 5–11-х классов будет посвящен специальной военной операции и пониманию того, что жители ЛНР и ДНР – русские люди, сообщило Минпросвещения России.

«Результаты занятия: понимание учащимися целей СВО, того, что жители ДНР и ЛНР – русские люди, поэтому важно их возвращение в Россию. Российские военные – герои», – говорится в методической рекомендации Минпросвещения, передает РИА «Новости».

В методических рекомендациях для проведения такого урока для школьников 5–7-х классов предлагается использовать истории военнослужащих, участвующих в специальной военной операции. Также в методических рекомендациях даются определения слов «Патриотизм», «Патриот», «Родина» и предлагается дать школьникам возможность рассказать, чем они гордятся в России, что уважают в своей стране и как хотят быть ей полезными.

«Цель занятия: пробуждение интереса к изучению отечественной истории и культуры»

128 Notification to the International Criminal Court in accordance with Art. 15 of the Rome Statute of the ICC: Liability of officials of the Russian Federation for forcing the population of Crimea to serve in the Russian armed forces (in the context of the state policy of promoting military service among children), prepared by the Prosecutor’s Office of the Autonomous Republic of Crimea and the city of Sevastopol and Crimean Human Rights Group NGO

129 Study “School education: a hidden weapon of the Russian Federation against Ukraine” / N. Vaskivska, K. Korniyenko, D. Pidhorna, M. Petrovets, - Kyiv, 2023. 79 p.

130 <https://yunarmy.ru/headquarters/about/>

131 The Russians are organizing a “Crimean” model of militarization of children in the occupied territories - an expert, 7 November 2022. Access mode: <https://www.ukrinform.ua/rubric-regions/3609543-na-zahopenih-teritoriah-rosiani-buduut-krimsku-model-militarizacii-ditej-ekspertka.html>

132 On 6 November 2022, the occupiers created a division of the Young Army Movement in the Kherson region. Access mode: <https://ctrcenter.org/uk/8117-okupanti-stvorili-u-hersonskij-oblasti-vidilennya-yunarmiji>



In the temporarily occupied territory of the Kherson oblast, mandatory so-called “cadet classes” have been introduced at schools, starting from the first grade. Wearing a uniform and additional classes on patriotic education are mandatory for these pupils¹³³.

On the day of the 225th anniversary of the establishment of the village of Novoderkul, in the Bilovodsk district of

the Luhansk oblast, a “solemn swearing-in ceremony and initiation into the participants of the military-patriotic movement” of the Young Guard of 30 school-age children took place¹³⁴.

In the temporarily occupied territories of the Kherson and Zaporizhzhia oblasts, representatives of another Russian organization, Voluntary Society for Assisting Army, Aviation and Navy, are conducting activities aimed at improving the image of the military service. Representatives of the organization come to educational institutions and agitate students of 10-11 grades to join the ranks of the Russian army.

In addition, the occupation administration in the Skadovsk, Kalanchak, Novotroytsk and Henichesk districts of the Kherson oblast announced the creation of cadet classes at schools with the aim of motivating young men aged 15 and over to study military affairs in depth. According to preliminary information, young men who have the appropriate training will have the opportunity to hold primary management (sergeant) positions in the event of being called up for military service¹³⁵.

Schoolchildren are also involved in supporting the Russian military. In general, #МЫВМЕСТЕ campaign has been launched in Russia. Children are asked to write works on the topic of pride in Russia, letters of support and thanks to Russian soldiers according to the template. Some such letters with the same content and with different signatures have already been found in the de-occupied territories of Ukraine¹³⁶.

For “problem teenagers” from the occupied territories of the Luhansk and Donetsk oblasts, a military-patriotic education in the territory of Chechnya with the assis-

133 On 2 March 2023, the occupiers introduced mandatory cadet classes at schools of the Kherson oblast. Access mode: <https://www.unian.ua/war/okupanti-vveli-u-shkolah-hersonshchini-obov-yazkovi-katedski-klasi-12165087.html>

134 On 22 August 2022, the Luhansk occupiers initiated young children into the ranks of the Young Army Movement. Access mode: <https://realgazeta.com.ua/yunarmiya-23-08/>

135 Russians create cadet classes at schools in TOT, 6 February 2023. Access mode: <https://sprotyv.mod.gov.ua/2023/02/06/rosiyany-stvoryuyut-katedski-klasy-v-shkolah-na-tot/>

136 Voices of Children Charitable Fund, Kharkiv Institute of Social Research NGO, report, pp. 26-27.

tance of Ramzan Kadyrov, the head of the Chechen Republic as part of the Russian Federation, which also included a visit to the Russian University of Special Forces, was also organized¹³⁷.

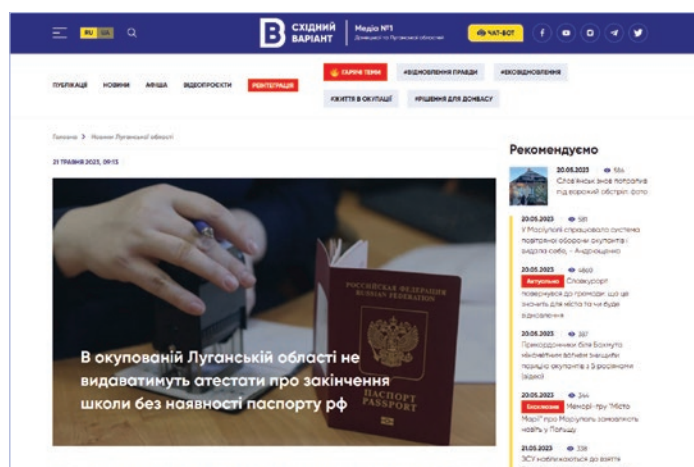
Education and leisure according to the Russian program, the promotion of symbols and Russian ideology in education, its widespread militarization are obviously aimed at forming the consciousness of children in the occupied territories about their belonging to the Russian national group and the perception of Ukrainian identity as hostile.

2.4. Forced change of citizenship of children in the occupied territories of Ukraine and passporting

Another systematic violation that reflects the state policy of the Russian Federation towards Ukrainian children is the imposition of Russian citizenship in the occupied territories and in the territory of the Russian Federation.

This practice began immediately after Russia occupied the territories of Ukraine in 2014 - by federal law, all citizens of Ukraine living in the territory of Crimea were recognized as citizens of Russia¹³⁸. In 2019, the President of the Russian Federation signed a decree that provided for a simplified procedure for obtaining Russian citizenship for residents of the occupied regions of the Donetsk and Luhansk oblasts¹³⁹.

In May 2022, by decree of the President of the Russian Federation, a simplified procedure for acquiring citizenship was provided for orphans, children deprived of parental care, disabled persons who are citizens of Ukraine and are in the temporarily occupied territories of Ukraine¹⁴⁰. On 30 September 2022, Putin signed laws that recognized the territories of the Donetsk, Luhansk, Zaporizhzhia, and Kherson oblasts as part of



137 Kadyrov 95 Telegram channel. Access mode: https://t.me/RKadyrov_95/3104



138 Federal constitutional law dated 21 March 2014 N 6-ФКЗ (ed. dated 14 July 2022) On Admission of the Republic of Crimea to the Russian Federation and Formation of New Subjects in the Russian Federation - the Republic of Crimea and the City of Federal Significance of Sevastopol (as amended from 01 January 2023). Access mode: http://www.consultant.ru/document/cons_doc_LAW_160618/

139 Decree on Determining, for Humanitarian Purposes, the Categories of Persons who Have the Right to Apply for Russian citizenship According to a Simplified Procedure (as of 24 April 2019). Access mode: <http://kremlin.ru/acts/news/60358>

140 Decree of the President of the Russian Federation dated 30 May 2022 No. 330 On Amendments to Decree of the President of the Russian Federation dated 24 April 2019 No. 183 On Determining, for Humanitarian Purposes, the Categories of Persons Who Have the Right to Apply for Citizenship of the Russian Federation According to a Simplified Procedure and Decree of the President of the Russian Federation of 29 April 2019 No. 187 On Certain Categories of Foreign Citizens and Stateless Persons who Have the Right to Apply for Citizenship of the Russian Federation According to a Simplified Procedure

the Russian Federation¹⁴¹. Persons living in these territories, according to the logic of these documents, acquire the citizenship of the Russian Federation from the moment of such recognition, the only requirement is to submit an application and take the oath of citizenship of the Russian Federation. The position of the top leadership of the Russian Federation, however, comes down to the fact that the recognition of the territories as part of the Russian Federation automatically made their residents – both adults and minors – citizens of the Russian Federation¹⁴². In addition, in December 2022, the President of the Russian Federation signed another decree on simplifying the procedure for acquiring Russian citizenship by Ukrainian citizens who have reached the age of 14¹⁴³.

On March 15, 2023, the Federal Law of the Russian Federation No. 62-FZ¹⁴⁴ was adopted, which determines that citizens of the Russian Federation¹⁴⁵ shall be considered not to have Ukrainian citizenship from the moment they submit a statement to the relevant authorities on their unwillingness to have Ukrainian citizenship. In the case of children who have not reached the age of 14, the application shall be submitted on their behalf by one of their parents or adoptive parents. With regard to orphans and children deprived of parental care, such an application may be submitted by a guardian or an authorized representative of the educational, medical or social institution in which the child is permanently staying.

 <p style="text-align: center;">УКАЗ ПРЕЗИДЕНТА РОССИЙСКОЙ ФЕДЕРАЦИИ</p> <p style="text-align: center;">О некоторых вопросах приобретения гражданства Российской Федерации</p> <p>В соответствии с федеральными конституционными законами от 4 октября 2022 г. № 5-ФКЗ "О принятии в Российскую Федерацию Донецкой Народной Республики и образовании в составе Российской Федерации нового субъекта - Донецкой Народной Республики", от 4 октября 2022 г. № 6-ФКЗ "О принятии в Российскую Федерацию Луганской Народной Республики и образовании в составе Российской Федерации нового субъекта - Луганской Народной Республики", от 4 октября 2022 г. № 7-ФКЗ "О принятии в Российскую Федерацию Запорожской области и образовании в составе Российской Федерации нового субъекта - Запорожской области", от 4 октября 2022 г. № 8-ФКЗ "О принятии в Российскую Федерацию Херсонской области и образовании в составе Российской Федерации нового субъекта - Херсонской области" п о с т а н о в л я ю:</p> <p>1. Утвердить прилагаемое:</p> <p>а) Порядок подачи лицами, приобретшими гражданство Российской Федерации в результате признания их гражданами Российской Федерации, заявления о выдаче паспорта гражданина Российской Федерации;</p> <p>б) Порядок подачи заявления о признании ребенка, не достигшего возраста 14 лет, гражданином Российской Федерации;</p> <p>в) Порядок подачи и учета заявления о нежелании состоять в гражданстве Украины.</p> 	<p style="text-align: center;">ПРИЛОЖЕНИЕ № 1 к Порядку подачи и учета заявлений о нежелании состоять в гражданстве Украины</p> <p>Регистрационный номер _____ В _____ (заполняется должностным лицом) (наименование подразделения МВД России или его территориального органа)</p> <p>от _____ (фамилия, имя, отчество (при наличии) проживающего (ей) по адресу: _____)</p> <p>Паспорт гражданина Российской Федерации _____ (серия, номер, кем и когда выдан)</p> <p style="text-align: center;">ЗАЯВЛЕНИЕ</p> <p>Я, _____ (фамилия, имя, отчество (при наличии), дата и место рождения)</p> <p>заявляю о нежелании состоять в гражданстве Украины:</p> <p><input type="checkbox"/> - своим;</p> <p><input type="checkbox"/> - моего ребенка;</p>	<p style="text-align: right;">2</p> <p><input type="checkbox"/> - моего усыновленного ребенка;</p> <p><input type="checkbox"/> - ребенка, над которым установлена моя опека (попечительство);</p> <p><input type="checkbox"/> - ребенка, который остался без попечения родителей, постоянно пребывает в образовательной организации, медицинской организации, организации, оказывающей социальные услуги, или иной организации, в том числе для детей-сирот и детей, оставшихся без попечения родителей;</p> <p><input type="checkbox"/> - недееспособного лица, над которым установлена моя опека;</p> <p><input type="checkbox"/> - недееспособного лица, постоянно пребывающего в образовательной организации, медицинской организации, организации, оказывающей социальные услуги, или иной организации.</p> <p style="text-align: center;">Сведения о ребенке или недееспособном лице*</p> <p>_____ (фамилия, имя, отчество (при наличии), дата и место рождения ребенка,</p> <p>недееспособного лица, номер, дата и место выдачи свидетельства о рождении);</p> <p>_____ серия, номер паспорта (при наличии), кем и когда выдан; номер свидетельства</p> <p>_____ об усыновлении (удочерении), дата и место выдачи; номер, дата и место выдачи</p> <p>_____ документа органа опеки и попечительства о назначении заявителя опекуном</p> <p>_____ или документа, подтверждающего полномочия уполномоченного</p> <p>_____ представителя (подпись заявителя)</p> <p style="text-align: right;">* Сведения не заполняются при составлении заявления только в отношении заявителя.</p>
--	--	--

141 Official website of the State Duma of the Federal Assembly of the Russian Federation [Electronic resource]. – Access mode: <http://duma.gov.ru/news/55420/>

142 Activities of the Russian Federation Presidential Commissioner for Children's Rights Maria Lvova-Belova to protect children during a special military operation, The Bulletin, Issue #1, April 4, 2023, p.12

143 Decree of the President of the Russian Federation dated 26 December 2022 No. 951 On Some Issues of Acquiring Citizenship of the Russian Federation

144 Federal Law dated 18 March 2023 No. 62-FZ On the Peculiarities of the Legal Status of Citizens of the Russian Federation who have Ukrainian citizenship. Access mode: <http://publication.pravo.gov.ru/Document/View/0001202303180001>

145 In this case, citizens of Ukraine whom the Russian Federation considers to be its citizens as a result of the illegal inclusion of the occupied territories of Ukraine into the Russian Federation and the submission by such citizens of an application for Russian citizenship

In such cases, the authorities of the Russian Federation consider Ukrainian citizenship “a fact that has no legal significance”. The law also prohibits the use of Ukrainian passports and other documents indicating Ukrainian citizenship, with the exception of procedures for termination of Ukrainian citizenship. A sample statement on unwillingness to hold Ukrainian citizenship has already appeared on the website of the Ministry of Internal Affairs of the Russian Federation¹⁴⁶.

Morover, in addition to the new law, a draft decree of the President of the Russian Federation¹⁴⁷, which provides for that the Ministry of Internal Affairs of the Russian Federation and its territorial bodies check persons who, after relinquishing their Ukrainian passport, continue to enjoy the rights of a citizen of Ukraine, has been proposed. In case of revealing a violation of the requirement – namely, not to take actions regarding the realization of the rights or compliance with the obligations of a citizen of Ukraine – the Ministry of Internal Affairs of the Russian Federation or its territorial body shall issue a reasoned opinion that the citizen of the Russian Federation does not fulfill his obligations. This opinion shall be sent to the citizen himself and to the FSB (the Federal Security Service)¹⁴⁸.

Federal Law No. 138-FZ On Citizenship of the Russian Federation¹⁴⁹, signed by Vladimir Putin on 28 April 2023, became the quintessence of at least twenty amendments made to Russian specialized legislation since the occupation of the Crimean Peninsula in 2014. In accordance with part 5 of Article 16 of the mentioned regulatory act, a minor foreigner may be admitted to Russian citizenship if his parents, adoptive parents, guardians are already citizens, or if the child is placed in a Russian organization for orphans and children left without parental care. Together with the above-mentioned Decree of the President of the Russian Federation No. 330¹⁵⁰ on the accelerated procedure for the acceptance of these vulnerable categories of minors into Russian citizenship, it can be affirmed about the purposeful and deliberate imposition of the citizenship of the aggressor state on them and the intention to keep them in Russia forever.

The April 2023 bulletin of the Russian Commissioner for Children’s Rights contains information that “All children [at least 380 people] who were placed under guardianship have acquired citizenship of the Russian Federation, but they also retain citizenship of the LPR, DPR or Ukraine. [...] When the children reach adulthood (18 years old), they will be able to decide for themselves whether they want to remain Russian citizens. [...] they must renounce their Russian citizenship”¹⁵¹.

According to Article 10 of Federal Law No. 138-FZ On Citizenship of the Russian Federation, “a citizen of the Russian Federation who has dual citizenship or multiple citizenship shall be considered by the Russian Federation only as a citizen of the Russian Federation regardless of his place of residence, with the exception of cases provided

146 <https://regulation.gov.ru/projects#npa=137377>

147 <https://regulation.gov.ru/projects#npa=137453>

148 <https://tass.ru/obschestvo/17502053>

149 <http://publication.pravo.gov.ru/Document/View/0001202304280013>

150 <https://www.garant.ru/hotlaw/federal/1546526/>

151 <http://deti.gov.ru/detigray/upload/documents/April2023/QYQjD1VHtINu74bQuDAF.pdf>

Защита прав безнадзорных детей

В течение весны 2022 года российские военные в г. Мариуполе обнаруживали безнадзорных детей, их передавали социальным службам города. Впоследствии дети были определены в детский социальный центр в Донецке как оставшиеся без попечения родителей. В мае группа из 31 ребенка с согласия законного представителя – руководителя детского социального центра – была направлена на оздоровление в санаторий в Московской области.

По завершении оздоровительного курса уполномоченные органы в сфере опеки и попечительства ДНР ходатайствовали перед уполномоченными органами в сфере опеки и попечительства Московской области об их дальнейшем устройстве под предварительную опеку в семьи российских граждан.

Из группы 31 ребенок:

- ▶ 3 детей по завлечению отца, прибывшего после фильтрационных мероприятий, переданы ему на следующий день после обращения к уполномоченному через волонтерскую организацию.
- ▶ 6 детей по их желанию были помещены в семейные центры, почти все они впоследствии захотели быть устроенными в приемные семьи.
- ▶ 22 ребенка переданы под предварительную опеку жителей Московской области. Позже одна девочка была передана под опеку соседки, проживавшей рядом с ее семьей в ДНР.

С каждым из оставшихся 28 детей, помимо их готовности устройства в приемные семьи, обсуждались возможности поиска и возвращения в семьи родственников или близких знакомых. Кроме того, дети были проинформированы о заинтересованности украинской стороны в их возвращении. Многие дети заявили о своем нежелании возвращаться в Донецк, в том числе потому, что в городе небезопасно. Некоторые сообщали, что готовы вернуться после окончания военных действий. Тем, кто захотел вернуться, было

оказано содействие в возвращении.

На сегодняшний день четверо из 27 детей достигли совершеннолетия, однако продолжают жить в приемных семьях и учиться в колледжах.

Устройство детей, оставшихся без попечения родителей, под опеку в семьи российских граждан

В апреле-октябре 2022 года в российские приемные семьи из 19 регионов страны было устроено 380 детей-сирот и детей, оставшихся без попечения родителей, из ДНР и ЛНР.

Большинство ребят долгое время находилось в республиканских детских домах. В основном, эти дети – сироты, то есть составляют семейные группы по 3-9 человек, некоторые из детей – с особенностями здоровья. Традиционно устройство таких детей затруднено. Кроме того, в связи со сложившейся обстановкой в ДНР и ЛНР довольно сложно найти семьи, готовые принять детей.

Важно помнить, что территории ДНР и ЛНР много лет подвергались обстрелам со стороны Вооруженных сил Украины, и об этом знает большинство детей-сирот из социальных учреждений Республики. Дети не воспринимают

Россию как врага, ждут от нее защиты и помощи, поэтому устройство на безопасную территорию приемные российские семьи для них не является травмирующим обстоятельством.

Вся работа велась по просьбе и при активном участии руководителей и уполномоченных органов республик Донбасса. Первая группа детей из 27 человек в апреле 2022 года была устроена под временную опеку в семьи Московской области по решению уполномоченных органов в сфере опеки и попечительства ДНР.

Содействие в устройстве детей под опеку в приемные семьи носило временный и экстренный характер: необходимо было

7

оперативно вывезти детей из-под обстрелов и дать им семейное окружение. Альтернативой могло бы быть размещение детей в детских учреждениях или ПВР в безопасных районах, однако это создает дополнительные риски, связанные с коллективным пребыванием в учреждениях, и не соответствует мировому, в том числе российскому, вектору на деинституционализацию.

Среди устроенных под опеку детей – и 22 несовершеннолетних, найденных безнадзорными в Мариуполе.

Все приемные дети получили гражданство Российской Федерации, сохранив гражданство ЛНР, ДНР или Украины.

Важно различать существующие в России формы семейного устройства детей, оставшихся без попечения родителей.

По российскому законодательству опека и попечительство позволяют оперативно устроить ребенка, оставшегося без попечения родителей, в семью, по решению органа опеки и попечительства. Усыновление же приводит к установлению отношений между усыновителем и усыновленным, аналогичным отношениям между родителями и рожденными ими детьми, и осуществляется по решению суда.

Передача детей под опеку и попечительство была определена как предпочтительная форма устройства с учетом потенциального воссоединения несовершеннолетних с их кровными родственниками, если таковые обнаружатся.

Усыновление не использовалось как форма семейного устройства в отношении детей из ДНР и ЛНР.

В случае если родители или законные представители изъявляют желание забрать несовершеннолетних детей, вопрос рассматривается незамедлительно.

Смены «Послезавтра»

Уполномоченный проводит смены для подростков из территорий, затронутых военными действиями. С августа 2022 года состоялось семь таких смен. Их участниками стали 1387 детей из Донецкой и Луганской народных республик, Херсонской, Запорожской, Белгородской, Брянской и Курской областей.

Двухнедельная программа рассчитана на интенсивную социальную и психологическую реабилитацию подростков.

На всех сменах действует служба психологической поддержки, проводится образовательная программа с акцентом на профориентацию, так как участники – ученики старших и выпускных классов. Подростки посещают тренинги, мастер-классы, спортивные секции, ездят на экскурсии, знакомятся с историей и культурой России.

Программа смен не включает военную подготовку.

Смены показали свою эффективность в решении подростковых запросов и проблем, что подтверждается результатами психологических диагностики, а также отзывами детей и их родителей. Психологическое состояние детей стабилизируется, они осваивают способы самопомощи.

«Психолог был единственным, кому я открылся и рассказал абсолютно все, что меня тревожит, и она помогла мне решить свою проблему. У нас проходили очень интересные тренинги, на которые хотелось ходить»

Владислав С., 17 лет, ДНР

8

for by federal law or international treaty of the Russian Federation”¹⁵². As of the beginning of May 2023, the Russian Federation has a corresponding agreement on dual, not second, citizenship only with Tajikistan (signed on 7 September 1995). Therefore, despite the stated possibility of retaining the citizenship of Ukraine, in fact, such a possibility is worthless, because it is not provided for in the proper manner according to Russian legislation. Moreover, upon reaching the age of majority, persons with imposed Russian citizenship will be obliged to perform military service in the armed forces of the Russian Federation¹⁵³. Such a person will not be able to withdraw from Russian citizenship and retain only Ukrainian citizenship, as Maria Lvova-Belova emphasizes, because according to Article 23 of Federal Law No. 138-FZ On Citizenship of the Russian Federation, withdrawal is not allowed if the citizen has unfulfilled obligations to the Russian Federation¹⁵⁴. Compulsion to serve in the armed forces of an opposing state is a serious violation of international humanitarian law and a war crime under Article 8(2)(a)(v) of the Rome Statute¹⁵⁵.

The Report of the group of experts of the Moscow Mechanism of the OSCE dated 4 May 2023 states that changing the nationality of Ukrainian children by granting them

152 https://www.consultant.ru/document/cons_doc_LAW_445998/

153 https://www.consultant.ru/document/cons_doc_LAW_28399/5004a75d54e54d5824c87ac2b96954f252610504/

154 Ibid.

155 Rome Statute of the International Criminal Code. Access mode: https://zakon.rada.gov.ua/laws/show/995_588#Text

Russian citizenship is a violation of Article 50(2) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Experts called on Russia to immediately stop the existing practice of accelerated admission of Ukrainians, especially children, to Russian citizenship and their withdrawal from Ukrainian citizenship. Russia should also create a legal mechanism to facilitate the restoration of the identity of all children who were forcibly transferred to the temporarily occupied territories of Ukraine or deported to the Russian Federation, in full compliance with Article 8(2) of the UN Convention on the Rights of the Child¹⁵⁶.

Maria Lvova-Belova insists that all the children agreed to receive Russian passports and were happy with these documents¹⁵⁷. The consent of minors referred to by the Commissioner does not legitimize the imposition of Russian citizenship. According to Clause 6 of Article 5 of the Law of Ukraine On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine, forced automatic acquisition of citizenship of the Russian Federation shall not be recognized by Ukraine and be a reason to lose Ukrainian citizenship¹⁵⁸. Moreover, the Law of Ukraine On the Citizenship of Ukraine does not provide for the right of a minor to independently withdraw from the citizenship of Ukraine. Imposed Russian citizenship contributes to the impossibility of preserving Ukrainian national identity, which does not comply with Article 8 of the UN Convention on the Rights of the Child and the principle of the best interests of the child in accordance with Article 3 of the Convention¹⁵⁹ and Committee on the Rights of the Children General comment No. 14¹⁶⁰.

The coercion of children to obtain Russian citizenship is also manifested through the blackmail of parents – they are threatened with dismissal at work and the refusal of social benefits¹⁶¹, and the children themselves are threatened with the refusal to issue a school certificate¹⁶².

In addition, there is a separate problem of minor Ukrainians who were deported or were taken by their parents or guardians to the Russian Federation, but have no desire to change Ukrainian citizenship and want to return home to Ukraine. Given that such applicants have parents who are personally responsible for their life and health, this issue and ways to resolve it require a coordinated, consolidated position of state authorities, in particular, the Office of the Prosecutor General of Ukraine, the Ministry of Social Policy of Ukraine, the National Social Service of Ukraine, the National Police of Ukraine, the State Border Guard Service of Ukraine.

156 Moscow Mechanism, OSCE (2023). 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. pp. 78–79. Access mode: https://www.osce.org/files/f/documents/7/7/542751.pdf?fbclid=IwAR2dYYe70GEr7OE7A0JHjfflDu8NT1D4_2AwhXA8JgwC8qVZdqoRWXfUyR8

157 Twitter: Ministry of External Affairs of Russia - @MID_RF. Access mode <https://twitter.com/i/broadcasts/1vAGRAVPkNvKI>

158 The Law of Ukraine On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine. Access mode: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

159 UN Convention on the Rights of the Child. Access mode: https://zakon.rada.gov.ua/laws/show/995_021#Text

160 Committee on the Rights of the Children General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*. Access mode: https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf

161 Telegram channel Artem Lysohor. Luhansk OVA. Access mode: <https://t.me/luhanskaVTSA/7692>

162 Telegram channel Andriushchenko Time. Access mode: <https://t.me/andriyshTime/6678>

Therefore, the Russian side implements a purposeful and systematic policy of changing the identity and imposing Russian citizenship on children who are in the occupied territories or in the territory of the Russian Federation. This is done both as a result of a direct change of citizenship of the children themselves, and by influencing their identity by imposing citizenship on their parents.

2.5. Placing Ukrainian children in families of citizens of the Russian Federation

The policy of the Russian Federation aimed at the illegal deportation and forcible transfer of Ukrainian children to Russian families has been implemented since the occupation of the Crimean Peninsula and the launch of armed aggression in eastern Ukraine in 2014. As of 1 January 2014, there were 4,995 orphans and children deprived of parental care living in the Autonomous Republic of Crimea and the city of Sevastopol. The Russian Federation consistently denied Ukraine access to these children and did not respond to inquiries about their fate. It became known from open sources that minors of this category were given for adoption to Russian families. As mentioned, children from the temporarily occupied Crimea were transferred to Russian families from the beginning of the occupation of the peninsula¹⁶³. Similar actions were also consistently implemented against children from the so-called DPR and LPR, despite the opposition of Ukraine and some successful attempts to repatriate minors¹⁶⁴.

Thus, at least 12 children were adopted and deported by citizens of the Russian Federation as part of the Train of Hope project in October-November 2014. Children aged 10 months to 8 years were sent to new families from the cities of Moscow, Belgorod, the Republic of Adygea, Krasnodar Krai and Voronezh oblast¹⁶⁵.

In 2016, Iryna Klyuyeva, the so-called Commissioner for Children's Rights of the Republic of Crimea, announced the adoption of 43 Crimean orphans by Russians following by the deportation of minors to the territory of the Krasnodar and Zabaykalsky Krai, as well as the Leningrad oblast¹⁶⁶. According to information from the Prosecutor's Office of the Republic of Crimea and the city of Sevastopol, for the period 2015-2017, more than 1,900 children were adopted, placed under custody of foster families. Currently, the fate of these children remains unknown. From 2014 until the start of the full-scale invasion, Ukrainian children from the so-called LPR/DPR were also deported and transferred to Russian families¹⁶⁷. In particular, violations of the rights of 37 children from the Donetsk and Luhansk oblasts, who were forcibly deported to the territory of the Russian Federation, became the subject of an interstate application from Ukraine to the ECHR¹⁶⁸.

163 Radio of Russia (2014). The Issue of Children. Issues 274-275. The Train of Hope - Crimea. Access mode: <https://deti.radiorus.ru/hopetrain/118>

164 IA REGNUM (2015). In Russia, it is impossible to adopt a child from the DPR and LPR. Access mode: <https://regnum.ru/news/polit/1920057.html>

165 According to information from the Prosecutor's Office of the Autonomous Republic of Crimea as of 30 March 2023

166 <https://crimea.ria.ru/20160605/1105416548.html>

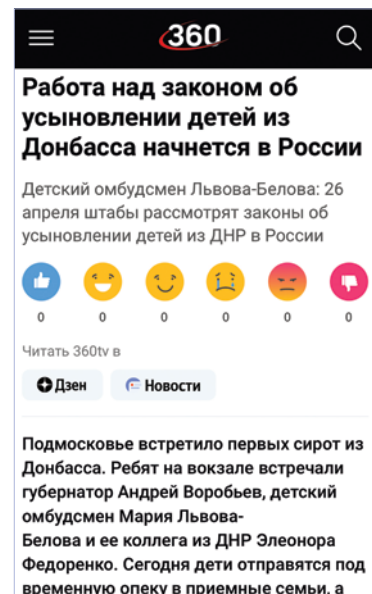
167 https://rutube.ru/video/private/e11642522fd2e55778805976cbb73912/?p=uK_qM3Z1-TveZHzQID70qw

168 According to the response to the request of the Verkhovna Rada Commissioner for Human Rights to the Ministry of Justice of Ukraine dated 3 April 2023.



From 24 February 2022, the forcible transfer of Ukrainian children to the Russian national group finally acquired the characteristics of a formed policy.

In April 2022, two special headquarters were created in the Russian Federation for the synchronization of legislation and the development of forms of temporary guardianship and adoption, and for the “search” of relatives of children who are deported to the Russian Federation and transferred to Russian families¹⁶⁹. A network of dozens of institutions has been deployed to house deported and forcibly transferred children, which are under the constant supervision of Russian law enforcement agencies¹⁷⁰. Existing vehicles were repurposed or new vehicles were purchased to transport children¹⁷¹. The necessary amendments are being made to the legislation and law enforcement practice of the Russian Federation in order to speed up the process of forced transfer (in the field of imposing citizenship, establishing guardianship and adoption, creating additional incentives, executing the necessary documents, absorbing data about children into the Russian federal database, etc.)¹⁷².



169 Retrieved on March 15, 2023, from <http://deti.gov.ru/articles/news/otvety-po-voprosam-semejnego-ustrojstva-detej-sirot-iz-dnr-i-lnr-v-rossijskie-sem-i>; <https://er.ru/activity/news/edinaya-rossiya-zakonodatelno-prorabatyvaet-vopros-ustrojstva-detej-sirot-donbassa-v-rossijskie-sem-i>

170 Yale University (2023). Russia's systematic program for the re-education & adoption of Ukraine's children. Access mode: <https://reliefweb.int/report/ukraine/russias-systematic-program-re-education-adoption-ukraines-children>

171 The official website of the Commissioner under the President of the Russian Federation for the Rights of the Child (2022). The headquarters of Into Children's Hands humanitarian mission has been opened in the Donetsk Republic. Retrieved on 15 March 2023, from <http://deti.gov.ru/articles/news/shtab-gumanitarnoj-missii-detyam-v-ruki-otkrylsya-v-doneckoj-respublike>

172 Retrieved on March 17, 2023, from <http://publication.pravo.gov.ru/Document/View/0001202205250004> <http://duma.gov.ru/news/55420/> <https://360tv.ru/news/mosobl/vyplaty-priemnym-roditeljam/> <https://t.me/malvovabelova/1063> <https://t.me/malvovabelova/466?single>

Moreover, in the case of forcible transfer to Russian families, direct pressure of the guardianship authorities of the Russian Federation and the social policy departments of regional authorities on the so-called resource families (families that already have adopted children or children under custody) with the aim of encouraging them to take Ukrainian children for upbringing¹⁷³. In addition, in propaganda materials, in particular, in the series of films about Ukrainian minors transferred to Russian families, “Childhood. Return”¹⁷⁴, the purpose of the transfer - the return of “lost” Ukrainians to Russia – was mirrored in accordance with the dogma of “one nation” proclaimed by Putin¹⁷⁵.



The Moscow oblast became a pilot region for placement of Ukrainian children in Russian families. Back in April 2022, a “humanitarian project to help orphans in Donbass” was proposed in the region. The initiator of the project was Andriy Vorobyov, the governor of the Moscow oblast, and the “head” of the so-called DPR Denis Pushylin, the vice-speaker of the Federation Council Andriy Turchak, the vice-speaker of the State

Duma Anna Kuznetsova, the deputy head of the government of the Moscow oblast Vyacheslav Dukhin and Commissioner for Children’s Rights in the Russian Federation Maria Lvova-Belova. The essence of the project was to find relatives of the children, but only in the territories temporarily occupied by the Russian Federation, or in the Russian Federation itself. If no relatives were found in these territories, the children were planned to be placed under interim custody¹⁷⁶.

The program piloted in the Moscow oblast, as of June 2022, has already been implemented in Moscow, the Yamalo-Nenets Autonomous District, the Kaluga, Tula, Rostov, and Voronezh oblasts of the Russian Federation¹⁷⁷.

In 16 regions of the Russian Federation, Ukrainian minors were forcibly transferred to Russian families. As of the end of 2022, the number of such children is at least 400¹⁷⁸. Since October 2022, according to the testimony of Maria Lvova-Belova, the Commis-

173 BBC News (2022). “We are in a hurry, they are calling from Moscow.” How a boy from Donbass ended up in a Russian family and acquired Russian citizenship. Access mode: <https://www.bbc.com/russian/features-62917712>

NGSRU (2022). “I raised my son, gave it to the Motherland”: a Siberian woman took up two children from Luhansk. Retrieved on March 17, 2023, from <https://ngs.ru/text/family/2022/10/25/71761355/>

174 ПРАВДА ЗДЕСЬ (2022). Childhood. Return (5 series). Access mode: <https://www.youtube.com/watch?v=9d2Kq8d69M0&list=PLIrcJr3M-GtmgpEJNDV9PHIP5j2-e6GHS>

175 Vladimir Putin (2021). On the historical unity of Russians and Ukrainians. Access mode: <http://kremlin.ru/events/president/news/66181>

176 <https://360tv.ru/news/mir/podmoskove-pomozhet-s-ustrojstvom-detej-sirot-iz-ldnr-v-priemnye-semi-v-rossii/>

177 Foster families in Yamalo-Nenets Autonomous District are ready to accept children from Donbass / URA.RU. Access mode: <https://ura.news/news/1052560207>

178 RCHR (2022). Genocide in Ukraine: Legal assessment. Access mode: https://drive.google.com/file/d/1zaR3WTRp4RMgBzOQ3_IF7O_YjS6l2OD/view?usp=sharing

sioner for Children's Rights under the President of the Russian Federation, there is no special procedure for establishing guardianship or adoption of minors from the temporarily occupied territories of Ukraine¹⁷⁹. Considering the secrecy of adoption, which is provided for in Article 139 of the Family Code of the Russian Federation, the number of victims of forced transfer to Russian families may be much higher¹⁸⁰. The information from the official website of the Administration for Family and Childhood of the Krasnodar Krai, published in August 2022, about the adoption by Russians from Tyumen, Irkutsk, Kemerovo, and Altai Krai of more than a thousand Ukrainian children deported from Mariupol, indirectly testifies in favor of such an assumption. These publications were later removed from the website¹⁸¹.

The Russian side purposefully deports Ukrainian children to its territory, without taking measures to find their relatives and without informing the Ukrainian side about such relocation, and places such children in Russian families under various conditions. These actions are aimed at making it impossible for the children to return to Ukraine and to completely sever their connection with the Ukrainian national group. Such actions of the Russian side may contain signs of the crime of genocide.

179 Interfax (2022). Orphans from the DPR, LPR, Kherson and Zaporozhye regions will be transferred to foster families in accordancy with the usual procedure – Children's ombudsman. Access mode: <https://www.interfax-russia.ru/index.php/south-and-north-caucasus/main/deti-siroty-iz-dnr-lnr-hersonskoy-i-zaporozhskoy-oblastey-budut-peredav%E2%80%A6>

180 Family code of the Russian Federation of 29 December 1995 N° 223-FZ (ed. of 19 December 2022). Access mode: http://www.consultant.ru/document/cons_doc_LAW_8982/

181 New Newspaper Europe (2022). The guardianship service of Krasnodar announced the adoption of "more than 1,000 babies from the liberated Mariupol", and then deleted the news. Access mode: <https://novyagazeta.eu/articles/2022/08/24/sluzhba-opeki-krasnodara-soobshchila-ob-usynovlenii-bolee-1000-malyshei-iz-osvobozhdennogo-mariupolia-a-potom-udalila-novost-news>

§ 3 Political assessment and legal classification of the actions of the aggressor state towards Ukrainian children

According to Articles 7 (1) (d), 8 (2) (a) (vii)-1 and 8 (2) (b) (viii) of the Rome Statute, unlawful deportations and forced transfers of civilians, including children, may be qualified as crimes against humanity and/or war crimes.

The Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity Committed in Ukraine (1 April – 25 June 2022) by the panel of experts of the Moscow Mechanism of the OSCE states: “During the visit to Ukraine, the mission received confirmation of the existence of cases of deportations, although [...] could not obtain the exact number of affected children. Mass forced transfers of civilians during the conflict to the territory of the occupying power are prohibited by the Geneva Conventions of 1949. This practice is considered a war crime.”¹⁸²



Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity Committed in Ukraine (1 April - 25 June 2022)

The report of the Independent International Commission of Inquiry on Ukraine, among other things, includes information on the forced transfer and deportation of children, which “are tantamount to war crimes.” The commission identified three main cases when the Russian authorities transferred Ukrainian children from some areas controlled by the Russian authorities in Ukraine to other such areas or to the Russian Federation. In particular, these are children who:

182 Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity Committed in Ukraine (1 April – 25 June 2022), 14 липня 2022 року. Access mode: <https://reliefweb.int/report/ukraine/report-violations-international-humanitarian-and-human-rights-law-war-crimes-and-crimes-against-humanity-committed-ukraine-1-april-25-june-2022>

- lost parents or temporarily lost contact with them during military operations;
- are separated from parents, when one of the parents was detained at the so-called filtering points;
- and children who were at care institutions.

Experts suggested that “Russian government officials have taken legal and political measures against Ukrainian children transferred to the Russian Federation, in particular, granting Russian citizenship and placing children in foster families, which probably creates grounds for which some of the children will have to stay forever in the Russian Federation. In this regard, in May 2022, President Putin signed a decree on simplifying the procedure for obtaining citizenship of the Russian Federation for certain categories of children. In July 2022, Maria Lvova-Belova, the Commissioner for the Children’s Rights under the President of the Russian Federation, stated in an interview with the media that “now that the children have become citizens of Russia, temporary guardianship can become permanent.” In October 2022, the Commissioner stated that the Russians “will set up a normal procedure for placing children – all these children will enter the federal data bank, and all parents who have expressed a desire to adopt children in large numbers will be able to choose those who are close to them.” According to Lvova-Belova, because of difficulties with the “new parents” visiting the territories, not far from the hostilities, the authorities of the Russian Federation will “help with the arrival” of the children in the Russian Federation. The publication containing the relevant statement of the Commissioner was removed from the official website of the Interfax news agency.

The commission found that the transfer of children did not meet the requirements established by international humanitarian law and was not justified by security or health reasons. In addition, according to experts, there was an opportunity to evacuate the children to the territory under the control of the government of Ukraine. The Report indicated that, probably, the Russian authorities did not try to establish contact with the children’s relatives or with the Ukrainian authorities. Although the transfers were supposed to be temporary, for various reasons most of them became long-term, and parents or legal guardians and children faced a number of obstacles in establishing contact, family reunification and returning the children to Ukraine. According to Article 85(4)(b), “Unjustified delay in the repatriation of prisoners of war or civilians” is a serious violation of Protocol Additional I. The fact that the article was adopted by consensus is significant, indicating the customary nature of the rule and the universal recognition of its binding nature. Unjustified delay in repatriation as a serious violation of laws and customs applied in international armed conflicts within the established framework of international law is a war crime¹⁸³.

On March 17, 2023, the Pre-Trial Chamber of the II ICC issued warrants of arrest for Vladimir Putin and Maria Lvova-Belova in connection with war crimes in the form of illegal deportation of the population (children) and illegal transfer of the population (children) from the occupied territories of Ukraine to Russia (according to with Articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute). In his Statement, Prosecutor of

¹⁸³ Legal Commentary on the Right to Challenge the Lawfulness of Detention in Armed Conflict. Access mode: <https://www.icj.org/wp-content/uploads/2015/09/Universal-Commentary-WGAD-PrincGuideArmedConflict-Advocacy-2015-ENG.pdf>

the ICC Karim Khan emphasized that the incidents uncovered by his Office include the deportation of at least hundreds of children taken from orphanages and children's homes. Many of these children were given up for adoption in the Russian Federation. In order to speed up the granting of Russian citizenship, the legislation of the Russian Federation was changed by issuing presidential decrees. According to the Prosecutor's Office, such actions were aimed at facilitating the adoption of Ukrainian children by Russian families, and the suspects intended to permanently take the minors from their own country. Illegal deportations and forcible transfers of children were carried out in the context of acts of aggression committed by Russian military forces against the sovereignty and territorial integrity of Ukraine, which began in 2014¹⁸⁴.



Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova

The Russian Federation tries to justify illegal deportations and forced transfer on humanitarian grounds, in particular, portraying this process as evacuation. The decision of the Trial Chamber in the case "Prosecutor v. Blagojevic and Jokic"¹⁸⁵ emphasized that evacuation should be a voluntary decision of the affected party. In this context, coercion is not limited to physical force and also includes the threat of violence, harassment, detention, psychological oppression, abuse of power, deliberate creation of an environment of danger. Parties to the conflict have an obligation to prevent transfer caused by their own actions, including intimidation of the population and indiscriminate attacks. In addition, the evacuation rule has a protective element that is absent in the case of deportation.

The actions of the Russian Federation aimed at illegal deportations and forced transfer of Ukrainian children have been repeatedly condemned, both at the level of foreign parliaments and in regional and international organizations.

For example, on 15 September 2022, the European Parliament adopted the Resolution on human rights violations in the context of the forced deportation of Ukrainian civilians to Russia and the forced adoption of Ukrainian children in Russia (2022/2825(RSP)). The Resolution, among other things, strongly condemns the forced deportation of Ukrainian civilians, including children, to Russia, as well as Russia's disgusting practice

184 Statement by Prosecutor Karim A. A. Khan KC on the issuance of arrest warrants against President Vladimir Putin and Ms Maria Lvova-Belova. Access mode: <https://www.icc-cpi.int/news/statement-prosecutor-karim-khan-kc-issuance-arrest-warrants-against-president-vladimir-putin>

185 Judgement in the Case The Prosecutor v. Vidoje Blagojevic and Dragan Jokic. Access mode: <https://www.icty.org/en/sid/8661>

in so-called filtration camps in which families are separated. In addition, the European Parliament called on Russia to fully comply with its obligations under international law and immediately stop the forced deportation and forced transfer of children to the territories occupied by Russia and to the Russian Federation, cancel any interstate adoptions of children taken from the entire internationally recognized territory of Ukraine, reverse all laws promoting the adoption of Ukrainian children¹⁸⁶.

On 5 April 2023, responding to the Russian Federation's desire to use the informal UN Security Council Arria-formula meeting as a platform for disinformation, 49 states and the EU unanimously condemned the actions of the Russian Federation in Ukraine, in particular, the forced deportation of Ukrainian children, as well as other serious violations against children, committed by the Russian military in Ukraine¹⁸⁷.

Article 2 (e) of the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter – the Genocide Convention)¹⁸⁸, reproduced in Article 6 (e) of the Rome Statute of the International Criminal Court, provides for that “forcible transfer of children from one human group to another” is the crime of genocide if it is committed with the intent to destroy, in whole or in part, any national, ethnic, racial or religious group as such.

The abduction of children from the occupied territories of Eastern European states for the purpose of their Nazism during the Second World War was recognized as a particularly cruel and unacceptable act by the international community. In the judgment of the Nuremberg Military Tribunal in Greifelt et al. (the so-called RuSHA case) dated 10 March 1948, this practice was qualified as genocide¹⁸⁹. Subsequently, this conclusion was repeated in decisions on cases of forcible transfer of children, which were considered by the Supreme National Tribunal of Poland and the Military Court of Great Britain¹⁹⁰.

The forcible transfer of children from one human group to another has been enshrined as one of the material elements of the crime of genocide since 28 March 1947. In the commentary to Article 3 (a) of the draft Convention on the Prohibition of Genocide, prepared by the Economic and Social Council, it is emphasized that “the separation of children from their parents leads to the imposition of a culture and mentality different from the parents’ mentality on the children, who are at a vulnerable and receptive age. Such a process, as a rule, leads to the disappearance of the group as

186 European Parliament resolution of 15 September 2022 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)), 15 September 2022. Access mode: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022IP0320>

187 Deportation of Ukrainian children: «Russia cannot deny the truth», 5 April 2023. Access mode: <https://onu.delegfrance.org/deportation-of-ukrainian-children-no-amount-of-disinformation-spread-by-russia?fbclid=IwAR0Vq5-IS3o-X2S1PGh255u00V5cMU61E6BpjLklu0j-43AxMbRCBtIDXbc>

188 Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948). Access mode: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

189 Nuremberg International Military Tribunal, “Indictment,” in Trial of the Major War Criminals before the International Military Tribunal under Control Council Law no. 10. Vol. 1 (Washington D.C.: Government Printing Office, 1947), 50

190 The United Nations War Crimes Commission, Law Reports of Trials of War Criminals, Vol. 7 (London: The United Nations Crimes Commission and His Majesty's Stationery Office, 1948); The United Nations War Crimes Commission, Law Reports of Trials of War Criminals, Vol. 13 (London: The United Nations Crimes Commission and His Majesty's Stationery Office, 1949)

a cultural unit in a relatively short time.¹⁹¹ The relevant considerations, among other things, testify to the universal vision of the members of the international community of children as a key component of the social and cultural well-being of the state and the survival of the nation.

The prohibition of genocide is a peremptory norm of international law (*jus cogens*), which makes any deviation from it impossible. It existed at the universal level even before the adoption of the relevant UN Convention, as evidenced, in particular, by UN General Assembly Resolution 96(1) "The Crime of Genocide" dated 11 December 1946¹⁹². In 1951, the UN International Court of Justice declared that the prohibition of genocide is binding on states even in the absence of a treaty obligation¹⁹³. The problematic point in this case is that, usually, the state and individuals who commit genocide in the form of forcible transfer of children to another human group refer to humanitarian considerations in order to justify their actions. At the same time, the damage caused to forcibly transferred children and their rights makes appropriate references impossible, as reflected in the position of prosecutor Harold Nilly in the case "United States America v. Greifelt" (US Military Tribunal, Nuernberg, 10 October 1947 – 10 March 1948). The prosecutor insisted that the guilty person is not protected by the reference to the good treatment of the victim. Innocent children were abducted precisely for the purpose of teaching them Nazi ideology and raising them as "good" Germans. This is an aggravating, not a mitigating, circumstance.¹⁹⁴

Among the arguments in favor of recognizing the forcible transfer of children to another human group as genocide, there are primarily two:

- destructive consequences of such practice for the existence of the group, and
- children belong to vulnerable groups of victims who can be imposed the identity of the criminal.

During the development of the Convention on the Prohibition of Genocide, the delegate from the United States, John Maktos, as well as the delegate from Greece, Alexander Vallindas, argued that because of its harmful effect, the forcible transfer of children is not a form of cultural, but physical or biological genocide. It is interesting that the Soviet delegate Valery Morozov strongly opposed the inclusion of this material element in the text of the Convention on the Prohibition of Genocide. He argued that the forcible transfer of children "goes far beyond the established provisions" and in retrospect none of these acts constituted genocide because the target group was not exterminated. Morozov equated genocide with physical extermination, which was not supported by the international community even during the drafting of the Convention on Genocide¹⁹⁵.

191 The United Nations Secretary General, "E/447 Draft Convention for the Prevention and Punishment of Genocide, Dated June 26, 1947," in *The Genocide Convention: The Travaux Préparatoires*, Vol. 1, 235.

192 UN General Assembly Resolution 96 (1) "The Crime of Genocide" dated December 11, 1946. Access mode: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/47/PDF/NR003347.pdf?OpenElement>

193 ICJ. Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide. Access mode: <https://www.icj-cij.org/case/12>

194 International Military Tribunal, *Trials of War Criminals before the Nuernberg Military Tribunals Under Control Council Law no. 10*, Vol. 4 (Washington D.C.: Government Printer, 1949), 674

195 Sixth Committee of the UN General Assembly, UN Document A/C.6/238, Third Session Dated October 19, 1948

In subsequent international judicial practice regarding the interpretation of the mentioned treaty, it was established that the purpose of criminalizing the forcible transfer of children as genocide is not only to sanction the direct act of forcible physical transfer, but also the threats or injuries that led to the implementation of such acts. In addition, since the Convention does not provide for either the form of transfer of minors (adoption, guardianship, placement in institutions), nor the length of stay of minors outside their group, provided there is a special intent, even temporary transfer may be qualified as genocide.

Russia has considerable experience in implementing a policy of eradicating the identity of minors from protected groups by separating them from their families and forcibly Russifying them. Thus, since the 1920s, children from among the indigenous peoples of Siberia were taken away without their parents and placed in remote closed institutions for “re-education”. In the 1940s, during the civil war in Greece, the USSR forcibly deported about 30 thousand Greek minors under the pretext of evacuation. The children were placed in training camps in the territory of the countries of the socialist bloc, where their militarization and indoctrination took place. In November 1948, this practice was condemned in two resolutions of the UN General Assembly. These and subsequent resolutions demanding the return of minors were not implemented¹⁹⁶.

The relevant actions of the Russian Federation towards the children of Ukraine are not chaotic and sporadic, but have signs of a genocidal policy aimed at turning Ukrainian children into enemies of their own nation. The pace and scope of the implementation of the mentioned policy increased significantly in connection with the full-scale invasion of Ukraine by Russia on 24 February 2022.

According to the ICC Elements of Crimes, in order to prove the commission of genocide by forcible transfer of children from one protected group to another, the availability of the following elements must be demonstrated:

1. The perpetrator forcibly transferred one or more persons.
2. The transferred persons belonged to a separate national, ethnic, racial or religious group.
3. The perpetrator acted with the intent to destroy, in whole or in part, that national, ethnic, racial or religious group as such.
4. The transfer took place from one group to another.
5. The transferred persons were younger than 18 years.
6. The perpetrator knew or should have known about the age of the transferred persons.
7. The conduct took place in the context of a clear pattern of similar conduct directed against that group which itself could have caused such destruction¹⁹⁷.

¹⁹⁶ Gary Busch (2022). Paidomazoma: The Abducted Greek Children. Access mode: https://www.linkedin.com/pulse/paidomazoma-abducted-greek-children-gary-busch/?trk=pulse-article_more-articles_related-content-card

¹⁹⁷ ICC (2002). Element of crimes. Access mode: <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>

The elements of crimes provide for that the violent nature of the transfer must be interpreted broadly, not only as the use of physical force, but also as coercion, threat of force, detention, psychological pressure, abuse of power, creating an atmosphere of fear and lack of freedom. The most debatable under these circumstances is the voluntariness of the consent given by legal representatives for the transfer of children from the temporarily occupied territories to “re-education” camps. In favor of the forced nature of such a transfer of minors, the following facts testify:

- psychological pressure (each of the cases of transfer of children followed by indefinite detention was preceded by the return of several groups of minors, which created the illusion of safety and the feeling of a “bad mother (father)” in connection with the refusal to repeat a “positive” experience);
- abuse of power (representatives of the occupation administration, Russian military and/or local collaborators came to homes and insisted on making the “right decision”);
- threats and intimidation (parents’ refusal could be interpreted as a threat to the best interests of the child, and, therefore, a reason for deprivation of parental rights by the occupation authorities);
- the general atmosphere (armed conflict with a permanent threat of indiscriminate missile, air, and artillery strikes, limited access to information, misunderstanding when deoccupation will take place).

In addition, “consent” was given for the temporary relocation, rest and return of the child within the stipulated period depending on the institution (2-3 weeks). Therefore, the actions of the Russians regarding the arbitrary extension of the period of moving children, changing their place of stay (including without notifying the parents), refusing to centrally return minors are not covered by consent given under duress. Moreover, in one of the camps, about 200 Ukrainian children aged 14-17 were kept without the consent of their parents¹⁹⁸.

In the Report dated 4 May 2023, experts of the Moscow Mechanism emphasize that “involuntary transfer always involves an element of coercion, but this element does not necessarily involve the use of physical or other force. Rather, the emphasis is on “the absence of real choice /.../ in the process of /.../ transfer”. At the same time, “it does not matter whether the transfer is permanent or temporary.” The experts also concluded that even despite the initial consent of their legal representatives for their children to stay in the camps, the Russian occupation authorities’ arbitrary extension of the terms of detention of minors constituted the transfer without consent and separation from their families, which equates the situation of such children to forcibly transferred or deported¹⁹⁹.

198 Yale University (2023). Russia’s systematic program for the re-education & adoption of Ukraine’s children. Access mode: <https://reliefweb.int/report/ukraine/russias-systematic-program-re-education-adoption-ukraines-children>

199 Moscow Mechanism, OSCE (2023). 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. pp. 33–34. Access mode: https://www.osce.org/files/f/documents/7/7/542751.pdf?fbclid=IwAR2dYYe70GEr70E7A0JHjffIDu8NT1D4_2AwhXA8JgWC8qVZdqoRWXfUyR8

By manipulating the consciousness of legal representatives who are in a vulnerable situation, senior officials of the Russian Federation, as well as representatives of the administration of child care facilities, threaten them with criminal liability from Ukraine for collaborationist activities²⁰⁰. As of 9 May 2023, not a single case of criminal or administrative prosecution of legal representatives of minors, forcibly transferred and/or deported to the territory under the control of the Russian Federation in connection with “consent” given under duress has been recorded. Moreover, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights emphasizes that there cannot be any criminal liability in this case, and legal representatives and minors are victims of the Russian policy aimed at forcibly changing the identity of children, separating them from their families, militarization and indoctrination of consciousness.

Intimidating the legal representatives, Russian agents seek to leave them and the children forever in the territories under the control of the Russian Federation. Such actions, together with several hours of “preventive talks” with the participation of representatives of the security forces, attempted bribery and threats to intensify hostilities, testify in favor of the presence in the actions of the responsible persons of the signs of a separate war crime, namely: the unjustified delay in the repatriation of minors²⁰¹.

In the Report dated 4 May 2023, the experts of the Moscow Mechanism note that the absence of a separate system for the repatriation of Ukrainian children taken from the theater of hostilities is a violation of the right to repatriation and the obligation to facilitate such return. The pattern efforts of the Russian authorities testify to the deliberate impossibility of further evacuation of minor children to third countries or back to safe areas of Ukraine. Experts of the Moscow Mechanism also emphasized that even in the case of the advance of the Ukrainian armed forces, the Russian Federation itself was obliged to look for alternative ways and methods of timely return of children²⁰².

In order to identify whether minors belong to one of the protected groups in accordance with the understanding of Article 2 of the Convention on Genocide, the criterion of citizenship is important. First of all, because a child’s self-identification as a member of a protected group is not permanent and depends, in particular, but not exclusively, on age, upbringing and social environment. In addition, according to existing international jurisprudence, a “national group” is a set of people who have a common legal relationship, based on common citizenship, combined with mutual rights and obligations²⁰³.

200 <https://www.itv.ru/shows/antifeyk/vypuski/antifeyk-vypusk-ot-14-04-2023>

201 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977). Article 85. Access mode: https://zakon.rada.gov.ua/laws/show/995_199#Text

202 Moscow Mechanism, OSCE (2023). 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. pp. 45, 49. Access mode: https://www.osce.org/files/f/documents/7/7/542751.pdf?fclid=IwAR2dYye7OGEr7OE7A0JHjfflDu8NT1D4_2AwhXA8JgwC8qVZdqoRWXfUyR8

203 Prosecutor v. Akayesu (2001), ICTR, paras 512. Access mode: <https://www.refworld.org/cases,ICTR,40278fbb4.html>

According to Article 7 of the Law of Ukraine On the Citizenship of Ukraine, a person whose parents or one of parents were citizens of Ukraine at the time of his/her birth, as well as persons who were born in the territory of Ukraine from stateless persons who legally reside in the territory of Ukraine, shall be citizens of Ukraine²⁰⁴. The imposition of Russian citizenship on minors from the temporarily occupied territories does not affect the children's affiliation to the Ukrainian national group. Such an act is a violation of international law and has been repeatedly condemned at the universal level in the resolutions of the UN General Assembly²⁰⁵, and at the regional level – in EU statements²⁰⁶. According to paragraph 6 of part 2 of article 5 of the Law of Ukraine On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine, “Forcible automatic acquisition of citizenship of the Russian Federation by citizens of Ukraine living in the temporarily occupied territory is not be recognized by Ukraine and is not a reason for the loss of Ukrainian citizenship.”²⁰⁷

Children who were deported from the temporarily occupied territories of Ukraine and transferred to Russian families may also be identified as members of the Ukrainian national group in connection with other objective criteria: connection with the territory and ethnic group, language, culture, traditions. The existing practice of international court tribunals is in favor of this approach. In Judgement on case “Prosecutor v. Vidoje Blagojevic and Dragan Jokic” the Trial Chamber emphasized: “A group consists of individuals, as well as its history, traditions, connections between members and with other groups, relations with the land. [...] the physical or biological destruction of a group is the likely result of a violent transfer of a population, if this transfer is carried out in such a way that the group can no longer restore itself, especially when it involves the separation of its members.”²⁰⁸

With its actions aimed at the illegal deportation and forcible transfer of Ukrainian children to the Russian national group, the aggressor state, among other things, seeks to implement the policy of demographic engineering.

On 11 January 2023, during a meeting with members of the government, Putin called for special attention to be paid to acute problems in the field of demography of the Russian Federation²⁰⁹. He named 5 regions with low birth rates, which are the Penza, Leningrad and Ryazan oblasts, in which deported Ukrainian children were forcibly

204 Law of Ukraine On Citizenship of Ukraine. Access mode: <https://zakon.rada.gov.ua/laws/show/2235-14#Text>

205 Resolution 72/190 “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”, adopted by the General Assembly on 19 December 2017. Access mode: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F72%2F190&Language=E&>

206 Ukraine: Declaration by the High Representative on behalf of the EU on attempts of the Russian Federation to forcefully integrate parts of Ukrainian territory. Access mode: <https://www.consilium.europa.eu/de/press/press-releases/2022/06/03/ukraine-declaration-by-the-high-representative-on-behalf-of-the-eu-on-attempts-of-the-russian-federation-to-forcefully-integrate-parts-of-ukrainian-territory/>

207 The Law of Ukraine On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine. Access mode: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

208 ICTY, Ch. I, Prosecutor v. Vidoje Blagojevic and Dragan Jokic, Judgment, IT-02-60-T, January 17, 2005, p.666. Access mode: https://www.icty.org/x/cases/blagojevic_jokic/tjug/en/bla-050117e.pdf

209 RIA News (2023). Putin urged to pay special attention to problems in the field of demography. Access mode: <https://ria.ru/20230111/demografiya-1844142696.html>

transferred to Russian families, as well as the Smolensk oblast and the Republic of Mordovia, where children were deported under the pretext of evacuation or re-education.

In favor of the existence of a policy regarding the forcible transfer of Ukrainian children to the Russian group, the statements of Russian officials testify. Thus, Maria Lvova-Belova calls the activity related to the “placement” of Ukrainian minors in Russian families as “jewellery” one²¹⁰. The statements of high-ranking officials are supported by specific actions, and the process of forcible transfer of minor Ukrainians is well institutionalized.

Russia is trying to legitimize deportations and forcible transfer, referring to the need to take Ukrainian minors “for security and humanitarian reasons” (the so-called “evacuation”), for rest and recreation (placement in so-called “re-education camps”), to receive medical services (within “preventive medical examination”). For this purpose, propaganda mechanisms are actively used: interviews with competent high-ranking officials, information digests, videos with testimonies of deported children and the families that took them in for upbringing. At the same time, commenting on the forcible transfer of Ukrainian children to Russian families, the Commissioner Maria Lvova-Belova noted in April 2023: “It is important to understand that the territories of the DPR and LPR have been shelled by the Armed Forces for many years, and most of the orphans from social institutions of the republics are aware of this. Children do not perceive Russia as an enemy and expect protection and help from us, therefore staying in a safe territory in Russian foster families is not a traumatic circumstance for them.” At the same time, the Commissioner’s bulletin mentions at least 28 children deported from Mariupol who are staying in Russia in family forms of upbringing²¹¹. Back in July 2022, Maria Lvova-Belova testified that these minors showed a negative attitude towards the Russian Federation, hated President Putin, sang the Ukrainian national anthem and shouted “Glory to Ukraine”. After being forcibly transferred to Russian families, the children, according to the Commissioner, “began to love” Russia²¹².

The ultimate goal of the implementation of the policy of the Russian Federation is the eradication of Ukrainian national identity in minors, turning them into enemies of their own nation, absorbing them into the Russian national group and making the future existence of a part of the Ukrainian national group impossible by breaking the ties of kinship between generations. Such forcible transfer of children can lead to the physical disappearance of the group, as the group ceases to exist as it was.

210 Official website of the Commissioner for Children’s Rights under the President of the Russian Federation (2022). In the near future, foster families in 6 regions of Russia will take care of 108 children from the DPR. Access mode: <http://deti.gov.ru/articles/news/v-blizhajshee-vremya-priemnye-sem-i-6-regionov-rossii-vozmut-pod-opeku-108-detej-iz-dnr>

211 Access mode: <http://deti.gov.ru/detigray/upload/documents/April2023/QYQjD1VHtINu74bQuDAF.pdf>

212 Twitter “Grani.Ru” - @GraniTweet. Access mode: https://twitter.com/GraniTweet/status/1575131149722177538?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwterm%5E1575131149722177538%7Ctwgr%5E94cb18f9035fe161cb71c5c0cf3d4003a1ed8220%7Ctwcon%5E5s1_&ref_url=https%3A%2F%2Ftelegraf.com.ua%2Fnovosti-rossii%2F2022-09-28%2F5717760-obzyvali-putina-i-peli-gimn-ukrainy-v-rf-pokhvastalis-chto-perevospitali-detej-iz-mariupolya-video

The corresponding intention can be interpreted from the statements of Russian agents. The most demonstrative from this point of view is the thesis of Maria Lvova-Belova during a speech at a briefing in the Public Chamber of the Russian Federation. The Commissioner positively evaluates the experience of “re-education” of deported minors from Mariupol, who, despite the fact that at first, they were hostile to everything Russian, after a few months of stay in families in the territory of the occupying state, began to integrate into Russian society and love Russia²¹³. Funds from the Presidential Grants Fund are allocated for the formation of favorable attitudes towards the Russian Federation. Thus, more than 299 million rubles (about 3,642,743 dollars) was received by Assistance to Orphans of Donbass project, one of the tasks of which is “organization of patriotic upbringing of orphans – pupils of orphanages of the so-called DPR/LPR and members of foster families using opportunities of Don Cossacks” in the process of “changing the Motherland”²¹⁴.

According to the testimony of the Commissioner for Children’s Rights under the President of the Russian Federation, Maria Lvova-Belova, rest in the camps was aimed at familiarizing children with the Russian language, culture and prospects for a bright future in Russia²¹⁵. The representatives of the occupation administrations define the goal even more pretentiously “to raise real patriots of the Motherland in the shortest possible time”²¹⁶. Obviously, the Russian Federation is understood as the motherland. For example, the Deputy Prime Minister of the Republic of Tatarstan, Leyla Fazleeva, noted that “all camps... are aimed at patriotic education of youth, development of communication skills, and preservation of [Russian] cultural heritage.”²¹⁷ Such statements indicate, at the very least, an attempt to “appropriate” Ukrainian children, weakening the Ukrainian national group and strengthening the Russian one.

Given that statements regarding the transfer of Ukrainian children to the Russian group and calls and incitements to do so are made publicly, as well as with the assistance, and often - at the initiative and on behalf of official representatives of the Russian Federation, they are another confirmation of the existence of a formed policy of the Russian side regarding the deliberate transfer of Ukrainian children in the Russian national group.

In addition, for the Russification of Ukrainian children, forced transfer to Russian families is not mandatory. Taking into account the testimony of minors who managed to be returned from “re-education” camps, it is possible to assert the desire of the Russians to eradicate the Ukrainian national identity also through temporary separation from legal representatives, placement under the round-the-clock control of Russian

213 Information from the Telegram channel of Commissioner Maria Lvova-Belova. Access mode: <https://t.me/malvovabelova/605>

214 <https://xn--80afcdbalict6af0oklqi5o.xn--p1ai/public/application/item?id=64BDD719-9788-4EDF-9468-C843F7940776>

215 Smotrim.ru (2022). Maria Lvova-Belova on reorganization of children’s homes and support for children from new regions. Retrieved on March 17, 2023, from <https://smotrim.ru/video/2537814>

216 Official Telegram channel of the Head of the Republic of Crimea. Access mode: <https://t.me/Aksenov82/1305>

217 Tatar inform (2022). Leyla Fazleeva met with children from the LPR and DPR who are vacationing in the camps of Tatarstan. Access mode: <https://www.tatar-inform.ru/news/leila-fazleeva-vstretilas-s-detmi-iz-lnr-i-dnr-otdyxayushimi-v-lageryax-tatarstana-5875388>

agents together with peers from among Russian citizens, restrictions on communication with family, prohibitions to communicate in the Ukrainian language and to show loyalty to Ukraine, transfer to study according to Russian educational programs, militarization, indoctrination, involving in Russian Orthodoxy²¹⁸.

The forcible transfer of Ukrainian children to the Russian national group takes place in the conditions of the aggression of the Russian Federation against Ukraine. The latter is accompanied by the commission of numerous war crimes and crimes against humanity. According to international court judge Volodymyr Vasylenko, a characteristic feature of the Russian genocide against the Ukrainian nation is precisely that its material elements are other international crimes united by a common intention – to destroy the Ukrainian national group as such, at least partially²¹⁹.

Taking into account all the above-mentioned aspects in their totality, namely, the existence of a state policy of the Russian Federation, which is also confirmed by the public promotion of this policy by official representatives of the state, regarding the deportation of Ukrainian children to the territory of Russia, cultural and educational activities aimed at changing their consciousness, as well as the promotion of service in the ranks of the Russian armed forces, the imposition of Russian citizenship on children and their parents, the placement of children in Russian families, the actions of the Russian Federation constitute the crime of genocide in terms of the forcible transfer of children from one protected group to another.

218 Crimean precedent (2023). Recreation camps as another means of eradicating the Ukrainian national identity of children from the occupied territories. Access mode: <https://krymbezpravil.org.ua/analytics/tabory-vidpochynku-iak-shche-odyn-zasib-vykorinennia-ukrainskoi-natsionalnoi-identychnosti-ditey-z-okupovanykh-terytoriy/>

219 RCHR (2022). Genocide in Ukraine: Legal assessment. Access mode: https://drive.google.com/file/d/1zaR3WTTRp4RMgBzOQ3_IF7O_YjS6i2OD/view?usp=sharing

§ 4 Actions of the authorities of Ukraine aimed at the protection of children's rights

Since 2014, Ukraine has been taking measures to protect the rights of children in the territories occupied by the Russian Federation, in conditions of limited access to these territories. The severity of the violations by the Russian Federation and the refusal to fulfill its obligations to ensure the rights of the child make it necessary to find new means of protection after exhausting the previous ones.

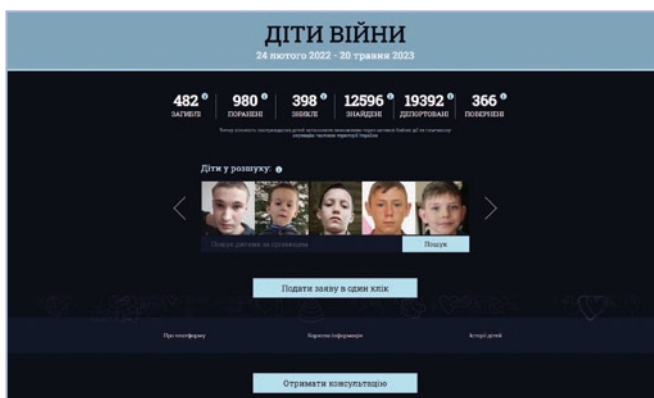
However, the full-scale invasion led to the spread of the illegal policy of the Russian Federation to new territories and contributed to the acceleration of the implementation of measures for the forcible integration of these occupied territories of Ukraine and their population into the Russian Federation, in particular, the transfer of education to the Russian program and the implementation of various extracurricular activities (cultural events, military-patriotic education measures, sports competitions, etc.), persecution for learning according to the Ukrainian program remotely, forced passporting and imposition of Russian citizenship, activation of the deportation of Ukrainian children to the Russian Federation.

4.1. Collection of information and recording of all cases of violations of children's rights

One of the key tasks, which should contribute to the protection of children's rights in the conditions of armed aggression and occupation of part of the territory of Ukraine, is the systematic actions of the state to collect and record all cases of violations of children's rights. State authorities and human rights organizations systematically work on documenting committed war crimes, including those committed against children.

A. The Children of the War portal

The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, together with the National Information Bureau, the Office of the Prosecutor General,



[Childrenofwar.gov.ua](https://childrenofwar.gov.ua)

the National Police of Ukraine, the Ukrainian Parliament Commissioner for Human Rights, the Office of the President in the person of the Counselor-Commissioner for Children's Rights and Children's Rehabilitation have joined forces to implement the Decree of the President of Ukraine to create The Children of the War platform²²⁰. Informational and analytical support for the team is provided by Support for Ukraine's Reforms for Governance (SURGe) project funded by the Government of Canada.

This is a unified platform that collects information about children who suffered as a result of the war (killed, injured, missing, deported), as well as information about cases when children were found and returned.

In addition, the platform serves as a channel for reporting to law enforcement agencies (in particular, the National Police of Ukraine, the Office of the Prosecutor General), as well as the National Information Bureau about cases of disappearance of a child, a crime committed against a child, detection of an unaccompanied child, deportation, forced change of citizenship and documents and other violations of children's rights during the war by registering appeals on the website.

It is important to note that the website itself does not aggregate information on the number of deported children – these figures are accumulated and provided by the National Information Bureau (SE Ukrainian National Center for Peacebuilding, which is in the sphere of administration of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine). At the same time, it is not very clear how the NIB receives and verifies information about children who were deported to the territory of the Russian Federation.

B. Unified register of persons, including children, deported or forcibly transferred in connection with the armed aggression of the Russian Federation against Ukraine

On 18 April 2023, the Cabinet of Ministers of Ukraine adopted Resolution No. 339 Certain Issues of Protection of Persons, Including Children, Deported or Forcibly Transferred in Connection with the Armed Aggression of the Russian Federation against Ukraine²²¹, which provides for the creation of a Unified Register of Persons, Including Children Deported or Forcibly Displaced in Connection with the Armed Aggression of the Russian Federation against Ukraine. The register will consolidate information on all deported or forcibly transferred persons. Information will be entered into the Register by the National Information Bureau based on the monthly submission of information from ministries, central and local authorities, heads of regional military administrations. As of 15 May 2023, the registry has not yet started working.

220 The Children of the War portal. Access mode: <https://childrenofwar.gov.ua>

221 CMU Resolution: «Some Issues of Protection of Persons, Including Children, Deported or Forcibly Displaced in Connection with the Armed Aggression of the Russian Federation against Ukraine» dated 18 April 2023. Access mode: <https://www.kmu.gov.ua/npas/deiaki-pytannia-zakhystu-osib-u-tomu-chysli-ditei-deportovanykh-abo-prymusovo-peremishchenykh-u-zviazku-iz-zbroinoiu-ahresiieiu-rosiiskoi-federatsii-proty-ukrainy-i180423-339>

4.2. Investigation of war crimes against children and bringing perpetrators to justice

The Office of the Prosecutor General of Ukraine provides procedural guidance in proceedings regarding war crimes recorded during the armed conflict. In total, more than 80,000 criminal offenses under Article 438 of the Criminal Code of Ukraine (violation of the laws and customs of war) have been registered by the OPG at the moment²²².

Since the beginning of the full-scale invasion of the Russian Federation on the territory of Ukraine, the Office of the Prosecutor General has singled out the area of documenting international crimes committed by the Russian military against Ukrainian children, since children are a special category that is under the protection of international humanitarian law.

So far, the prosecutor's offices have recorded the facts of a number of serious violations against children committed by the military personnel of the aggressor country, which are war crimes according to the norms of international humanitarian law, namely: recruitment and use of children; murder and maiming, rape and other forms of sexual violence, attacks on schools, hospitals and protected persons associated with them, abduction of children, denial of access to humanitarian aid.

As of May 15, 2023, more than 2,830 criminal proceedings are under investigation, including:

- war crimes against children – 1,012;
- on the facts of an armed attack on children's organizations and institutions – 1,720;
- on facts of sexual violence against children – 13;
- on facts of deportation, forcible transfer, abduction – 85.

The Office of the Prosecutor General cooperates with the investigators and prosecutors of the International Criminal Court. The prosecutors of the Department of Child Protection and Combating Domestic Violence provided the ICC with more than 40 volumes of criminal proceedings materials for examination, prepared and transferred more than one thousand sheets of criminal proceedings materials (evidence on physical media), including electronic evidence, protocols of inspections according to the Berkeley method, protocols with video interviews of witnesses and victims.

On 17 March 2023, the International Criminal Court issued warrants of arrest for the President of the Russian Federation and the Commissioner for Human Rights of the Russian Federation based on a request from the Office of the Prosecutor of the International Criminal Court.

²²² The Office of the Prosecutor General. Access mode: <https://www.gp.gov.ua/storage/uploads/9bb62ce5-8bbe-4c76-8671-1c5a48fe143f/warcrime-25042023ua.jpg>

The possibility of creating task forces regarding certain criminal proceedings, which Ukraine is ready to refer to the International Criminal Court, was agreed between the OPG and the ICC²²³. On 23 March 2023, the Prosecutor General signed the Agreement on Opening the Representative Office of the ICC in Ukraine²²⁴.

One of the key areas of international cooperation is work within the framework of the Joint Investigation Team (JIT). It includes 24 countries, including Poland, Estonia, Lithuania, Latvia, Slovakia, Romania and the Prosecutor's Office of the International Criminal Court. Competent bodies of the JIT member countries (24 countries) have the opportunity to interrogate victims and witnesses of the facts of forced transfer/deportation of children who are in the territory of these countries.

The materials of the interrogations (surveys) of the victims and witnesses (including documents, audio, video recordings, etc., provided by the interrogated) received from the competent authorities of the JIT member countries, as well as other available information related to the pre-trial investigation of crimes related to the illegal transfer/deportation of children as a war crime and as an element of genocide is evidence in national level proceedings.

Since 24 February 2022, the Secretariat of the Commissioner has been collecting information on the facts of violations of children's rights as a result of military operations. The Ukrainian Parliament Commissioner for Human Rights appealed to the Prosecutor General with a proposal to join forces in order to take maximum measures to investigate crimes against children in the conditions of a military conflict.

As part of cooperation, the Secretariat Commissioner documented 360 cases of death and injury of children as a result of war crimes committed by the Russian Federation in the territory of Ukraine and sent these cases to the Office of the Prosecutor General for information and use in the work of juvenile prosecutors.

4.3. Coordination of efforts of various state authorities

Coordination of the activities of state authorities, national and international partners involved in the implementation of measures for the protection and restoration of children's rights is an important task of the state. Effective coordination of state authorities and non-state partners contributes to ensuring the restoration of the rights of affected children.

At the beginning of the full-scale invasion, on 17 March 2022, the Cabinet of Ministers of Ukraine established the Coordination Headquarters for the Protection of Children's Rights under Martial Law, however, at the very beginning it was not determined that

²²³ Special investigative groups will be created in Ukraine to collect evidence of Russian crimes for the ICC on 31 March 2023. Access mode: <https://www.ukrinform.ua/rubric-society/3689981-v-ukraini-stvorat-specialni-slidci-grupi-aki-zbiratimut-dokazi-zlociniv-rosii-dla-mks.html>

²²⁴ On 23 March 2023, Prosecutor General Andrii Kostin signed the Agreement on the Opening of the Representative Office of the International Criminal Court in Ukraine in The Hague. Access mode: <https://www.gp.gov.ua/ua/posts/genprokuror-andrii-kostin-u-gaazi-pidpisav-ugodu-pro-vidkrittva-predstavnictva-mks-v-ukrayini>

the tasks of the Headquarters included issues related to the protection of children affected by violations of their rights²²⁵.

Thus, the main activities of the Headquarters in the first months of its work were:

1. Ensuring the safe transfer (evacuation) of children who live or are enrolled for a 24-hour stay at institutions of various types, forms of ownership and subordination, children placed in family forms of upbringing, to a safe territory.
2. Ensuring accommodation and meeting the needs of children transferred (evacuated) to safe territories, including control over consular registration in the state of their temporary accommodation.
3. Determining problematic issues related to the protection of children's rights arising in the conditions of martial law, and methods of solving them²²⁶.

In March 2023, the Government's Coordination Headquarters for the Protection of Children's Rights under Martial Law was headed by the Deputy Prime Minister – the Minister for Reintegration of the Temporarily Occupied Territories²²⁷. Corresponding amendments were made to the Regulations on the Coordination Headquarters, according to which the Headquarters coordinates activities related to the return to the territory of Ukraine of children who were forcibly transferred to the temporarily occupied territory or to the territory of the Russian Federation or other states²²⁸.

In April 2023, as part of the activities of the Headquarters, there was a discussion on the issues of identifying children deported to the Russian Federation, in particular, orphans and children deprived of parental care and those who are in temporarily occupied territories²²⁹.

The issue of protection of children's rights in the armed conflict was identified as one of the priorities for the Office of the President of Ukraine. On 8 August 2022, Decree of the President of Ukraine No. 568/2022²³⁰ established the Coordination Council for the Protection and Safety of Children, the tasks of which include a systematic analysis of

225 Resolution of the Cabinet of Ministers of Ukraine dated 17 March 2022 No. 302 On the Formation of the Coordination Headquarters for the Protection of Children's Rights under Martial Law

226 Coordination Headquarters for the Protection of Children's Rights under Martial Law. 30 days of work. Access mode: <https://ombudsman.gov.ua/storage/app/media/uploaded-files/finalkoordinatsiiniishtabzpitanzakhistupravditinivumovakh.pdf>

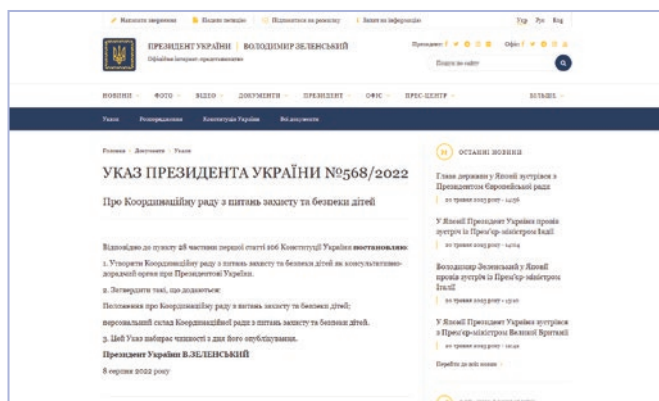
227 Iryna Vereshchuk was appointed the head of the Coordination Headquarters for the Protection of Children's Rights under Martial Law on 10 March 2023. Access mode: <https://www.kmu.gov.ua/news/irynu-vereshchuk-pryznacheno-holovoju-koordinatsiinoho-shtabu-z-pytan-zakhystu-prav-dytny-v-umovakh-voiennoho-stanu>

228 Resolution of the Cabinet of Ministers of Ukraine dated 10 March 2023 No. 217 On Amendments to the Resolution of the Cabinet of Ministers of Ukraine dated 17 March 2022 No. 302

229 Meeting of the Coordinating Headquarters for the Protection of Children's Rights under Martial Law and a working meeting on the identification of deported children were held on 28 March 2023. Access mode: <https://dn.gov.ua/news/vidbulisya-zasidannya-koordinacijnogo-shtabu-z-pitan-zahistu-prav-ditej-v-umovah-voyennogo-stanu-tarobocha-narada-z-pitan-viyavlennya-deportovanih-ditej>

230 Decree of the President of Ukraine No. 568/2022 of 8 August 2022. Access mode: <https://www.president.gov.ua/documents/5682022-43581>

the situation, determination of areas and priorities for the protection of the rights and safety of children, primarily in conditions of martial law, drafting proposals for measures to prevent crimes against children, prevention of forced deportation of young citizens of Ukraine outside the state, promotion of coordinated implementation of such measures, ensuring monitoring of the effectiveness of their implementation.



Decree of the President of Ukraine No. 568/2022

About the Coordinating Council for the Protection and Safety of Children

A separate task of the Coordination Council is to monitor the situation regarding the temporary transfer (evacuation) of children, including orphans, children deprived of parental care, children with disabilities, children with special educational needs, who live in or are enrolled in institutions of various types and forms of ownership and subordination for a 24-hour stay, from territories that are located in the area of military (combat) operations or that are under temporary occupation, encirclement (blockade) or bordering such territories, return and placement of such children in the post-war period.

4.4. Counseling of victims and their relatives

On 18 August 2022, as part of the operation of the Children of War information and communication portal, the Ukrainian Parliament Commissioner for Human Rights opened a new space – the Consultation Center of the Ukrainian Parliament Commissioner for Human Rights. Similar consultation centers also started their activities on 9 December 2022 in the cities of Khmelnytskyi and Lviv, on 31 March 2023 – in the city of Dnipro, and on 14 April 2023 – in the city of Odesa.



In Consultation Center every citizen can receive reference and consultation assistance regarding:

- search for a child;
- return of the child from the temporarily occupied territory and the territory of the Russian Federation;
- return of the family with the child to the territory of Ukraine in case of deportation;
- legalization of the birth certificate obtained in the temporarily occupied territory;
- obtaining a birth certificate of a child born within the administrative-territorial unit where, because of the war, state registration of civil status acts is temporarily not being carried out;
- receiving assistance for children who suffered injuries as a result of the war;
- receiving humanitarian aid for a family with children;
- establishment of contact or return of the child from abroad in case of taking away the child by one of the parents;
- receiving advice on filling in a child search form.

Since the beginning of the work of the Consultation Center, the employees have provided the most consultations on the following issues:

- establishing contact with the child or returning him/her from abroad in case of taking away the child by one of the parents – 104 appeals. Most often, people apply for the return of children who were taken to Poland, Germany, Canada, and the Czech Republic. More than 100 written clarifications have also been provided on this issue;
- return of a child from the temporarily occupied territory or the territory of the Russian Federation – 41 appeals;
- searching for a child who was taken away by one of the parents – 8 appeals.

In addition, the number of appeals to the Consultation Center on the issue of issuing a birth certificate for a child born in the temporarily occupied territory has increased.

4.5. Return of children from the territory of the Russian Federation and their support after return

The issue of the return of Ukrainian children from the temporarily occupied territories of Ukraine and the territory of the Russian Federation is one of the priority areas of activity of state authorities, national and international partners. However, the state is limited in its tools for searching for and returning children if they are in the occupied territories of Ukraine or in the territory of the Russian Federation.

Despite this, the state authorities of Ukraine are taking all possible measures to ensure the return of the children. Thus, the Government coordination of actions on the return of children is carried out by the Ministry of Reintegration of the Temporarily Occupied Territories. In accordance with the Regulation on the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine²³¹, the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine coordinates the implementation of measures for the return to the territory of Ukraine, where state authorities exercise their powers in full, of citizens of Ukraine, in particular children, who were forcibly transferred (deported) to the temporarily occupied territory or to the territory of the Russian Federation, other states.

The NIB is also given certain powers to ensure the return of Ukrainian children. In particular, the NIB is authorized²³²:

- to ensure the exchange of information with the International Committee of the Red Cross, the Central Tracing Agency and other international organizations;
- to represent the interests of deported children, in particular orphans and children deprived of parental care, in order to protect their rights and interests;
- to provide the Ministry of Foreign Affairs with all necessary information for the search and return of such persons.

However, in practice, the implementation of the above-mentioned powers of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine and the NIB is impossible. There is no exchange of information through the Central Tracing Agency. The Ministry of Foreign Affairs does not have the ability to protect citizens who stay in the territory of the Russian Federation because of the termination of diplomatic missions in the territory of the aggressor state, so they cannot search for or return children from the Russian Federation.

The Secretariat of the Ukrainian Parliament Commissioner for Human Rights is actively involved in the procedure for the return of Ukrainian children – responding to appeals, contacting the Commissioner for Human Rights of the Russian Federation Tetyana Moskalkova. As of May 2023, this is the only channel of official contact between representatives of the Ukrainian and Russian sides, which exists exclusively as a platform for resolving humanitarian issues.

²³¹ Resolution of the Cabinet of Ministers of Ukraine dated 8 June 2016 No. 376: Some Issues of the Ministry of Reintegration of Temporarily Occupied Territories

²³² According to Resolution of the CMU: Some Issues of Protection of Persons, Including Children, Deported or Forcibly Transferred in Connection with the Armed Aggression of the Russian Federation against Ukraine dated 18 April 2023

The organization of the return of children deported to the territory of the Russian Federation is a complex process that currently functions as an ad hoc mechanism because of the absence of representatives of Ukrainian authorities in the territory of the Russian Federation, the non-compliance with agreements by the Russian Federation, constant denial by the Russian Federation of the facts of the deportation of children, etc. According to the National Information Bureau, as of May 14, 364 children were returned to the territory of Ukraine.



At the same time, the need to develop a national mechanism of support and protection for children who were forcibly transferred to the temporarily occupied territories of Ukraine or deported to the territory of the Russian Federation after their return to the territory controlled by the Government of Ukraine remains relevant. Thus, among the most urgent needs that may arise for such children, the following can be named:

- **travel.** This issue is often taken over by volunteer organizations, but if the family dealt with the return of the child without the help of the state or volunteer organizations, the question of paying its cost arises, as it can be a great financial burden for the family. If we are talking about the return of a large group of children from the Russian Federation, the question will arise as to how the children can be taken from the border and delivered to the settlement for further action;
- **identification.** Among the children who were forcibly transferred or deported, there are children under the age of 6, there are “status children” from the occupied territories, there are children orphaned as a result of the war. Undoubtedly, the issue of identifying these children, establishing their identity and finding relatives, guardians/custodians, determining the future fate of the child in case his relatives are not found is very important;
- **providing humanitarian aid to children.** Since children can return without personal belongings, or without seasonal clothing, it is necessary to provide a minimum set of humanitarian aid (hygiene, clothing);
- **providing medical examination.** Since complaints about deprivation of food, violence on the part of families in which children are placed in the territory of the Russian Federation are not unusual, it will be necessary to provide medical examination of children;

- **providing temporary accommodation for children**, including together with families (if necessary). To conduct a survey, produce documents, undergo additional examinations, as well as in the event that the territory where the child lived is occupied, it is necessary to provide temporary accommodation of children together with their families;
- **conducting a survey by law enforcement agencies** to find out information about persons who committed the crime of deportation / forced transfer, as well as information about other affected persons;
- **assistance in the production of documents** (birth certificate, passport of a citizen of Ukraine, passport of a citizen of Ukraine for traveling abroad, etc.). This issue will be especially acute for children who were orphaned as a result of the war and do not have relatives, because before documents can be restored, it will be necessary to determine who should take care of them;
- **measures of social support and psychological rehabilitation of children**. The long-term stay of children in camps where so-called “re-education measures” were carried out, or their stay in the families of Russian citizens, studying at Russian schools, where militarization is a widespread phenomenon, will require ensuring the rehabilitation of such children;
- **placement of orphans, children deprived of parental care, in families**. If the child has no relatives, then as part of the deinstitutionalization policy, the child should be placed exclusively in a family;
- **financial assistance to the family** (for example, in the form of one-time cash assistance);
- **continuation of education** – some children have been in deportation for more than a year, and therefore the question of continuation of education (confirmation of educational level) arises for them after their stay at institutions in TOT or in the Russian Federation (especially when it concerns graduation classes, obtaining vocational technical education, the first courses of HEIs) .

Currently, most of these needs are met through communication between state authorities in specific cases. At the same time, the development of a sustainable support mechanism for returned children should be a priority for state authorities..

4.6. Cooperation with international partners

Within the scope of his powers, the Commissioner cooperated in the field of protection of children's rights with the European Network of Ombudsmen for Children (ENOC). Thus, in September 2022, a delegation from the Secretariat of the Commissioner discussed the observance of the rights of Ukrainian children with representatives of the European Network of Ombudsmen for Children. Then, in November 2023, the Commissioner held a meeting in Brussels with the head of the European Network of Ombudsmen for Children.

As a result of the meetings, agreements were reached on strengthening the network's participation in the protection of the rights of Ukrainian children both in Ukraine and abroad, in particular, the return of deported children from the Russian Federation.

The Ukrainian Parliament Commissioner for Human Rights, within the framework of various organizations of the UN system, worked on the return of Ukrainian children who were forcibly transferred from the temporarily occupied territories to the Russian Federation. On 30 August 2022, the UN Committee on the Rights of the Child heard a report on Ukraine's implementation of the UN Convention on the Rights of the Child.



On 28 April 2023, an informal UN Security Council Arria-Formula meeting was held at the UN headquarters on the topic: Responding to the Abduction and Deportation of Children During Armed Conflicts: Specific Measures for Accountability and Prevention²³³. The meeting was initiated by the members of the UN Security Council Albania, France and the USA, as well as the Permanent Mission of Ukraine to the UN with the support of such countries as: Australia, Austria, Belgium, Bulgaria, Great Britain,

Guatemala, Greece, Georgia, Denmark, Ecuador, Estonia, Ireland, Iceland, Spain, Italy, Cyprus, Cyprus, Kingdom of the Netherlands, Latvia, Lithuania, Luxembourg, Malta, Moldova, Germany, New Zealand, Norway, Republic of Korea, North Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Hungary, Finland, Croatia, Czech Republic, Montenegro, Switzerland, Sweden, Japan and delegations of the European Union.

The purpose of the event was to draw special attention of the international community to the problem of abduction and deportation of children in the context of armed conflicts, and Russia's war against Ukraine, in particular.

The briefers of the event were the Ukrainian Parliament Commissioner for Human Rights Dmytro Lubinets, Councilor - the Commissioner of the President of Ukraine on Children's Rights and Child Rehabilitation Dariia Herasymchuk, citizens of Ukraine - victims of crimes of the Russian Federation, as well as Dr. Ezequiel Heffes, Director of Watchlist on Children and Armed Conflict, non-government coalition of human rights organizations.

²³³ Perm Mission of Ukraine to the UN. Access mode: https://www.facebook.com/UKRinUN/posts/pfbid02kY657zFG3p92cFQmy2zaP4HtVkkmagw6YJTU5K2gfiH3Jc4iDwX1bKCA4r5Z3SksI?locale=ru_RU

Recommendations

To the Cabinet of Ministers of Ukraine:

- to draft a procedure for the interaction of state authorities, local self-government authorities during and after the return of children forcibly transferred to the temporarily occupied territory of Ukraine and/or deported to the territory of the Russian Federation or the Republic of Belarus, and further support of the family;
- to develop programs of assistance and provision of support for children subjected to deportation to the territory of the Russian Federation, forcible transfer to the temporarily occupied territories of Ukraine, after returning to the territory of Ukraine.

To the Ministry of Health of Ukraine:

- to develop and integrate long-term programs to provide psychological and medical rehabilitation to children who have suffered or witnessed violence in armed conflict, including gender-based violence, family separation, etc.

To the Ministry of Social Policy of Ukraine and the National Service of Ukraine:

- to develop a plan for the evacuation of residential institutions and establishments, as well as an algorithm for the actions of employees, their cooperation with representatives of local authorities and law enforcement agencies during such an evacuation;
- to ensure the analysis of data on residential institutions and establishments located in the territory under the control of the Government of Ukraine, as well as those located in the temporarily occupied territories, in particular, regarding the number of children and staff staying in the institutions, their status, etc.

To the Ministry of Foreign Affairs of Ukraine:

- to explore opportunities for cooperation with other countries in order to provide assistance to children who have suffered or witnessed violence in armed conflict, including gender-based violence, family separation, etc.

To the National Information Bureau:

- to develop an algorithm for verification of recorded cases of forcible transfer to the temporarily occupied territories of Ukraine and deportation of Ukrainian children to the Russian Federation.

To the Office of the Prosecutor General, the Security Service of Ukraine, the National Police of Ukraine, the Ministry of Justice of Ukraine:

- to ensure cooperation in order to record and carry out a proper investigation of cases of violation of international humanitarian law, including the killing of children, injuring them, forcible transfer, destruction of educational and health care institutions, to bring the guilty to justice.

To international organizations and partners:

- to intensify efforts to obtain from the authorized authorities of the Russian Federation the information on the number and location of Ukrainian children deported to the Russian Federation;
- to make maximum efforts to gain access to and conduct monitoring of institutions where children deported from Ukraine to the Russian Federation are located;
- to promote communication between representatives of Ukraine and the Russian Federation regarding the effective and safe transfer of children deported to the Russian Federation to Ukraine;
- to promote the development of a mechanism/platform model for the return of all children deported to the Russian Federation to Ukraine.





Омбудсман України
Ombudsman of Ukraine



ombudsman.gov.ua/childrenof-war-2023