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Violation of International Humanitarian Law and Forced Deportation of Ukrainian Children by the Russian Federation during Russian Ukrainian War

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UNIVERSITY OF CALIFORNIA,  
IRVINE

Violation of International Humanitarian Law and Forced Deportation of Ukrainian Children by  
the Russian Federation during Russian Ukrainian War

THESIS

submitted in partial satisfaction of the requirements  
for the degree of

MASTER OF ARTS  
in European Thought and Culture

by  
Tetiana Tsiselska

Thesis Committee:  
Distinguished Professor Gabriele M. Schwab, Chair  
Professor John H. Smith  
Professor David Tse-Chien Pan

2023



## DEDICATION

To

all the innocent victims of the Russian-Ukrainian war

and to my beloved husband who fought for freedom and future of Ukraine until his last breath...

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## ABSTRACT OF THE THESIS

Violation of International Humanitarian Law and Forced Deportation of Ukrainian Children by  
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by

Tetiana Tsiselska

Master of Arts in European Thought and Culture

University of California, Irvine, 2023

Distinguished Professor Gabriele M. Schwab, Chair

The international armed conflict that Russia started against Ukraine became a horrific event not only in the recent history of Ukraine but, to a certain extent, in the life of Europe and the whole world. The Russian annexation of Crimea, "hybrid" warfare, the invasion of Luhansk and Donetsk in 2014, and, as a result, a full-scale invasion of Ukraine on February 24, 2022, caused the radical transformation of the international political landscape of Europe.

This work is aimed to describe shortly the violation of international humanitarian law, human rights law, the laws and customs of warfare, and other international crimes committed by Russian troops on the territory of Ukraine after the full-scale invasion on February 24, 2022. This research pays special attention to the analysis of the illegal forced displacement and/or deportation of children from the occupied territories of Ukraine to different regions of the Russian Federation. This essay analyzes the underlying reasons for the displacement and further deportation of Ukrainian children by the aggressor. The analysis of different documents accepted by international organizations and statements of responsible authority's representatives can help to understand the attitude of the world's community to the Russian invasion of Ukraine and its reaction to the crimes committed against Ukrainians, especially when we talk about children. The correct qualification

and documentation of the committed crimes from the very beginning of the invasion and during the active phase of hostilities that are now happening on the territory of Ukraine can help in the future to bring justice to the responsible parties regardless of their level of involvement. The leader of the country who started the war, its military leadership and the soldiers who directly commit all the atrocities on the territory of Ukraine must be punished for their actions. Such crimes must not be repeated in human history. They should become a part of the national memory not only of Ukraine but also of all war-affected and unaffected countries. Furthermore, as far as the aggressor is concerned, there should be a solid awareness of personal and collective responsibility for what has been committed to prevent the aggressor from repeating such atrocities again.

## Introduction

The international armed conflict that Russia started against Ukraine became a horrific event not only in the recent history of Ukraine but, to a certain extent, in the life of Europe and the whole world. The Russian annexation of Crimea, "hybrid" warfare that is the combination of conventional and irregular tactics of war, such as using of mass communication, fake-news and propaganda, the invasion of Luhansk and Donetsk in 2014, and, as a result, a full-scale invasion of Ukraine on February 24, 2022, caused the radical transformation of the international political landscape of Europe.

It seemed that the Second World War finalized all territorial disputes, and most of the states and nations that had been at war with each other realized the danger of wars and their destructive consequences for humanity, especially with the development of nuclear powers. However, as it turned out, Moscow, the aggressor throughout its history, remained aloof from the rest of the civilized world and, unable to limit itself to regional ambitions, kept seeking global hegemony. Having strengthened itself economically, the Moscow regime continued its aggression on the perimeters of its borders trying to establish its protectorate over the former republics of the USSR. Restoring sovereignty, it tried to influence the internal and foreign policy of the world's leading states.

During the last 30 years, Russia provoked several bellicose conflicts under the pretense of protecting the Russian people and spreading the so-called "Russian world" in the outside territories that the Russian Federation wanted to control and influence. On August 14, 1992, Russia supported the Abkhaz separatists and provoked a war between them and the Georgian government. During 1994–1996 the first Russian-Chechen War and during 1999–2009 the second Russian-Chechen war took place. On August 8, 2008, again under the pretext of protecting the population, Russian troops invaded Georgia from the territories of the separatist republics of South Ossetia and Abkhazia. In 2014, Ukraine became the next country whose foreign policy direction could harm the existence of Putin's dictatorship regime and change his plans – ghostly plans – to restore the Russian Empire. As Zbigniew Brzezinski, Polish-American diplomat and political scientist, argued in one of his articles: "Without Ukraine, Russia ceases to be an empire, but with Ukraine suborned and then subordinated, Russia automatically becomes an empire."<sup>1</sup>

This work is aimed to describe shortly the violation of international humanitarian law, human rights law, the laws and customs of warfare, and other international crimes committed by Russian troops on the territory of Ukraine after the full-scale invasion on February 24, 2022.

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<sup>1</sup> Zbigniew Brzezinski, *"The Premature Partnership"*, Foreign Affairs, March/April 1994, <https://www.foreignaffairs.com/articles/russian-federation/1994-03-01/premature-partnership>

Definitions of the most severe crimes provided by international conventions will allow us to operate with generally recognized categories of international crimes in the system of international law. This work pays special attention to the analysis of the illegal forced displacement and/or deportation of children from the occupied territories of Ukraine to different regions of the Russian Federation. In the doctrine of international law such deportation is considered to be one of the components of the crime of genocide. That is what the Russian authorities commit against the Ukrainian nation during this unprovoked war.

This research is largely based on verified open-source materials, the reports prepared by different international organizations, and the information provided by state authorities of the warring countries. It also includes information directly provided to different media resources by the families who suffered from the Russian military aggression and whose children were displaced and deported to the Russian Federation. Considering various thoughts and opinions from both sides, this essay analyzes the underlying reasons for the displacement and further deportation of Ukrainian children by the aggressor describing the effects this traumatic experience already has on the Ukrainian children and Ukrainian society. The analysis of different documents accepted by international organizations and statements of responsible authority's representatives can help to understand the attitude of the world's community to the Russian invasion of Ukraine and its reaction to the crimes committed against Ukrainians, especially when we talk about children, the most vulnerable human category during the war aggression. The correct qualification and documentation of the committed crimes from the very beginning of the invasion and during the active phase of hostilities that are now happening on the territory of Ukraine can help in the future to bring justice to the responsible parties regardless of their level of involvement. The leader of the country who started the war, its military leadership that supports him and the soldiers who directly commit all the atrocities on the territory of Ukraine must be punished for their actions. Such crimes must not be repeated in human history. They should become a part of the national memory not only of Ukraine but also of all war-affected and unaffected countries. Furthermore, as far as the aggressor is concerned, there should be a solid awareness of personal and collective responsibility for what has been committed to prevent the aggressor from repeating such atrocities again.

## Crimes committed by the Russian Federation in Ukraine

The Russian armed invasion of Crimea in February-March 2014 started this undeclared war. The creation of the terrorist so-called Donetsk and Luhansk People's Republics (DPR and LPR) on the territory of Ukraine became possible in April 2014 thanks to officers from special forces of the Russian Federation. From 2014 till 2022 these separatist states, arranged under the guise of "people's" performances, but controlled and supported by Russia existed as self-proclaimed states. In 2022, after the full-scale invasion of Ukraine these territories along with two additional regions of Ukraine (Kherson and Zaporizhzhia) were annexed by Russia. At the same time, the beginning of the full-scale invasion of Ukraine on February 24, 2022 has shaken and shocked the civilized world's community by its absurdity and cruelty.

Since the invasion, every day has brought new horrors to Ukrainians. Systematic and massive shelling, missile attacks on civilian objects including hospitals, schools and kindergartens terrorize the population throughout the territory of Ukraine. Deportation of children, sexual violence, rape and execution became common on the territories temporarily occupied by the troops of the Russian Federation. Indiscriminate and absolutely shocking attacks on civilians while they are trying to escape from the war zone, shelling of corridors through which people, in particular women and children, try to leave, shelling of shopping centers and train stations and therefore of people who want to evacuate confirm ignoring by the Russian Federation the laws and customs of warfare established by the Geneva Conventions. Numerous cases of murders and tortures, especially against current or former military of the Armed Forces of Ukraine and their family members, filmed and spread on the network by the perpetrators and a lot of other methods of atrocities and messages of Kremlin propaganda testify to the existence of a specific goal of so-called "special military operation" in the leadership of Russia, which is actually a crime of aggression. Moreover, this goal can be defined as the destruction of Ukrainians as such. The concept of genocide implies the coordinated plan of various activities, directing to the lowering of the essential foundations of the life of the national group. Mr. Putin himself repeatedly stated that Ukraine does not exist, that it is an artificial entity<sup>2</sup>, and that there is no such language, identity, or culture. State Russian TV channels (such as RT, Russia-1, Russia-2) direct propaganda towards tens of millions of Russian citizens that Ukrainians are Nazis who must be destroyed. Russian propagandists call for burning Ukrainians in their houses and drowning Ukrainian children.<sup>3</sup> Russian state television announces through their officials that there should be no Ukrainians, that

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<sup>2</sup> *Встреча с Председателем Конституционного Суда Валерием Зорькиным*, Президент России, 23 мая 2023, <http://kremlin.ru/events/president/news/71187>

<sup>3</sup> *Российский пропагандист Красовский призвал «топить и жечь» украинских детей*, 23 октября 2022, <https://nokta.md/video-rossijskij-propagandist-krasovskij-prizval-topit-i-zhech-ukrainskih-detej/>

they must be assimilated, and those who cannot be assimilated and turned into Russians must be destroyed, even if there are millions of them.

As previously stated, the correct qualification of the crimes that the Russian Federation commits on the territory of Ukraine during this war can help bring justice to Ukrainian people and hold responsible the aggressor and the military leadership. International law provides strict definition of the meaning of the specific phenomenon like genocide. Therefore, the proof of existence of this phenomenon should be based on the defined list of elements. That is why the responsible authorities in Ukraine and all over the world are careful and attentive with assessments of the crimes committed by the Russian state and military leaders in Ukraine.

War crimes, crimes against humanity, crimes of genocide, and crimes of aggression differ and are characterized by a particular set of elements. Russia is perpetrating terror against Ukrainians, and the world community has no doubts about that. The crime of aggression is the first and main crime that started this war. War crimes and crimes against humanity are perpetrated by Russian soldiers on the territory of Ukraine every day, and debates continue whether genocide is taking place in Ukraine. However, the forced deportation of Ukrainian children is already recognized as a manifestation of a crime of genocide by the Parliamentary Assembly of the Council of Europe, in the spring session of 2023.<sup>4</sup>

The international humanitarian law or law of armed conflicts is codified in the Hague Conventions and Declarations of 1899 and 1907, the Geneva Conventions for the Protection of War Victims dated August 12, 1949 with Additional Protocols to them of June 8, 1977, resolutions of the UN General Assembly and other documents. This set of international legal norms and principles was created precisely to impose certain limits on violence during war. To limit suffering and protect victims of war through the formation of rules and customs of warfare, it defined ways and methods of conduct. Those prohibited certain types of weapons that can cause unnecessary suffering and limited the circle of persons and objects that could be attacked. The uniqueness of these conventions lies in the fact that, together with the UN Charter, they are the only international treaties in which all nations of the world participate. Ignoring the fundamental norms proclaimed in these conventions puts a nation outside the bounds of a civilized world community. Aggression, genocide, and crimes against humanity are international crimes and fall under the jurisdiction of the International Criminal Court in The Hague (ICC).

War crimes are severe violations of customary international humanitarian legal prohibitions. The complete list of what is considered war crimes is contained not only in the

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<sup>4</sup> Parliamentary Assembly of the Council of Europe, Resolution 2495 (2023), *Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators*, April 27, 2023, <https://pace.coe.int/en/files/31776/html>

Geneva Conventions but also in Article 8<sup>2</sup> of the Rome Statute of the International Criminal Court. The latter cover most of what the Russian soldiers are perpetrating now on the territory of Ukraine during the active phase of Russian Ukrainian war.

Genocide is one of the most complex and specific crimes in the international legal doctrine and the practice of international courts. According to Raphael Lemkin, lawyer, author of the term "genocide" and the UN "Convention on the Prevention and Punishment of the Crime of Genocide," "Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group."<sup>5</sup>

At the same time, crimes against humanity are defined as large-scale or systematic armed attacks against any civilian population. Crimes against humanity are aimed at the systematic mass killing of large numbers of people. Genocide focuses on something else. The target is not the killing of individuals but the extermination of a particular group. The peculiarity of the crime of genocide in comparison to crimes against humanity lies in the specific intent. It is not enough to investigate and establish the fact of the committing of acts of genocide. Two other factors must be included. First, that this act was committed against a particular group of people. Second, that there is an intention to destroy this specific group of people. And this is the hardest thing to prove. Therefore, this article of the convention is rarely used to punish the responsible leader of the country for genocide.

Aggression is the fourth and most systematic crime in the context of international justice. At the Nuremberg Trials in 1946, the waging of aggressive war was indelibly branded as "the supreme international crime."<sup>6</sup> It is unique because historically it was not considered after the Second World War. For the first time in history, the crime of aggression is investigated during the Russian aggression against Ukraine, that is, during the war itself and not after its end.

Thus, unlike the crime of genocide, war crimes, or crimes against humanity, the ICC's jurisdiction over the crime of aggression extends only to those states that hypothetically committed such a crime one year after the ratification or adoption by the state of the Rome Statute together with the Kampala Amendments.<sup>7</sup> And this means that it is unlikely that the ICC will be able to punish the Russian leadership for this crime. Neither Ukraine, nor the Russian Federation have ratified the Rome Statute. However, this does not exclude the possibility of punishing high-ranking officials of the Russian Federation for genocide, war crimes, and crimes against humanity committed on the territory of Ukraine, not only since the beginning of the full-scale war but since

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<sup>5</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, 2nd ed. (Clark, NJ: Lawbook Exchange, 2008), 79.

<sup>6</sup> International Military Tribunal, Nuremberg, p.427, [https://tile.loc.gov/storage-services/service/l1/lmlp/2011525338\\_NT\\_Vol-XXII/2011525338\\_NT\\_Vol-XXII.pdf](https://tile.loc.gov/storage-services/service/l1/lmlp/2011525338_NT_Vol-XXII/2011525338_NT_Vol-XXII.pdf)

<sup>7</sup> International Criminal Court, *Rome Statute of the International Criminal Court*, Article 15 bis<sup>5</sup>

the beginning of Russian aggression in 2014. Nevertheless, creating a special tribunal that will become an additional instrument to existing international legal mechanisms is necessary to prosecute the Russian Federation and Putin personally. That is, the tribunal will focus only on punishing the highest officials of the Russian Federation precisely for the crime of aggression, the crime that is committed by the heads of state who start wars, and only the countries' leaders can be accused of this crime.

Philippe Sands, Professor of Law and Director of the Centre on International Courts and Tribunals at University College London became the first who proposed to create a special tribunal for the crime of aggression against Ukraine immediately after the start of Russia's full-scale invasion in early 2022. He emphasized: "The crime of aggression is the underlying crime that triggers all other crimes. It is a leadership crime, for which those perpetrators who organized, decided on, and ordered aggression are tried."<sup>8</sup> All human and material losses that Ukrainians suffered because someone in Russia, having power, decided to start aggression are included in this fundamental crime. If the decision to start a large-scale war in Ukraine had not been made on February 24, 2022, Russian troops would not have occupied new Ukrainian territories and all the terrible atrocities in Buch, Irpin, Borodyanka, Gostomel, Izyum, Mariupol, Kherson, Chernihiv, Zaporizhzhia and many other cities of Ukraine would not have happened. Thousands of people would have remained alive. Therefore, the starting point that made all these horrors possible was the decision of one specific person to start a full-scale war against Ukraine. Furthermore, all other war crimes resulted from that single fateful decision. That is why to punish the responsible leader of the Russian Federation for the crime of aggression is probably even more critical than to prove the act of genocide at this stage, even though it is also essentially necessary.

The Ukrainian government and the international partners must make every possible effort to create and implement this tribunal, the unique mechanism for achieving a fair trial and punishment for all those prove guilty and involved in this unprovoked and unjustified war against a peaceful, independent state. Moreover, Ukraine already has the first victories on its way to justice.

According to the ICC procedures, recognition of the ICC's jurisdiction is possible through ratifying the Rome Statute. However, it should be emphasized that the organization is flexible in determining jurisdiction. Thus, any state in the world can appeal to the ICC, having given the organization authority over a specific case.

In 2015, Ukraine appealed to the ICC regarding war crimes and crimes against humanity committed in Eastern Ukraine and Crimea, recognizing the court's jurisdiction over these crimes

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<sup>8</sup> Irina Paliashvili, *Calls mount for Russia to face tribunal for aggression against Ukraine*, Atlantic Council, February 28, 2023, <https://www.atlanticcouncil.org/blogs/ukrainealert/calls-mount-for-russia-to-face-tribunal-for-aggression-against-ukraine/>

starting from February 20, 2014, without a specified end date. ICC Prosecutors studied the provided documents and announced that there were all grounds for creating an official investigation. In 2016, ICC recognized the situation in Crimea as tantamount to an international armed conflict.<sup>9</sup> After that, the Russian Federation announced its withdrawal from the jurisdiction of the ICC. Nevertheless, even the withdrawal of the Russian Federation from the organization's jurisdiction cannot prevent the court from investigating war crimes on the territory of Ukraine and the responsible from being punished for the committed crimes.

In January 2020, the Office of the Prosecutor General of Ukraine created a special department to investigate crimes in the context of a full-scale invasion of the Russian Federation, designed to cooperate with the International Criminal Court. In December 2020, ICC Prosecutor Fatou Bensouda announced the completion of the preliminary study of the situation in Ukraine and the existence of grounds for starting a full-fledged investigation of crimes in the south and east of Ukraine.<sup>10</sup>

On March 1, 2022, the Lithuanian government officially requested the ICC to investigate war crimes and crimes against humanity in Ukraine. The next day, another 39 countries applied to the organization with a similar request. 4 more states joined at the beginning of April, 2022.<sup>11</sup>

Moreover, on March 2<sup>nd</sup>, 2023, the International Criminal Court began an investigation in Ukraine. The Prosecutor General of Ukraine on April 27, 2023 stated, "Since Russia invaded Ukraine last February, Ukrainian prosecutors have documented more than 80,000 war crimes committed by Russian forces, as well some 17,000 crimes against the foundations of the national security of Ukraine."<sup>12</sup>

The independent International Commission of Inquiry on Ukraine established by the United Nations Human Rights Council on March 4, 2022, investigates all alleged violations and abuses of human rights, violations of international humanitarian law, and related crimes in the context of the aggression by the Russian Federation against Ukraine. By its report number A/HRC/52/62 dated March 15, 2023, this International Commission determined Russia's crimes committed in Ukraine as the crimes against humanity.<sup>13</sup>

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<sup>9</sup> International Criminal Court, The Office of the Prosecutor, *Report on Preliminary Examination Activities (2016)*, November, 14, 2016, [https://www.icc-cpi.int/sites/default/files/iccdocs/otp/161114-otp-rep-PE\\_ENG.pdf](https://www.icc-cpi.int/sites/default/files/iccdocs/otp/161114-otp-rep-PE_ENG.pdf)

<sup>10</sup> International Criminal Court, *Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination in the situation in Ukraine*, December 11, 2020, <https://www.icc-cpi.int/news/statement-prosecutor-fatou-bensouda-conclusion-preliminary-examination-situation-ukraine>

<sup>11</sup> International Criminal Court, *Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation*, March 2, 2022, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states>

<sup>12</sup> Oleksii Kovalenko, *Ukraine's Prosecutor General Discusses Accountability for Putin's War Crimes*, VOA news, April, 27, 2023, <https://www.voanews.com/a/ukraine-prosecutor-general-discusses-accountability-for-putin-warcrimes/7069088.html>

<sup>13</sup> Human Rights Council, *Report of the Independent International Commission of Inquiry on Ukraine*, March, 15, 2023, [https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A\\_HRC\\_52\\_62\\_AUV\\_EN.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf)

The European Parliament adopted a resolution in January 2023, supporting the establishment of a special tribunal.<sup>14</sup> Also in January, the Parliamentary Assembly of the Council of Europe (PACE) voted for a resolution that confirmed that Russia's invasion of Ukraine met the definition of international aggression and reiterated its call "to set up a special international criminal tribunal for the crime of aggression against Ukraine, which should be endorsed and supported by as many states and international organizations as possible, and in particular by the United Nations General Assembly."<sup>15</sup>

Moreover, the war crimes of the Russian Federation fall under at least several of the listed elements that determine genocide. Samuel Totten, former distinguished professor of history at the University of Arkansas, Fayetteville, researcher, and author of several books about genocide, stated in one of his interviews during his work in Ukraine: "The children have been taken to Russia from their families, and given to different families in Russia. They've been taken to school. They're being indoctrinated. They're living in a new culture. That under the United Nations Convention on Genocide, taking children away, giving them away, and indoctrinating them into a culture is genocide. And I think from the pattern that we have seen how many children have been taken, what those children are going through now constitutes genocide. I think it's a clear example of genocide..."<sup>16</sup>

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<sup>14</sup> European Parliament, *European Parliament resolution of 19 January 2023 on the establishment of a tribunal on the crime of aggression against Ukraine (2022/3017(RSP))*, [https://www.europarl.europa.eu/doceo/document/TA-9-2023-0015\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0015_EN.pdf)

<sup>15</sup> Parliamentary Assembly of the Council of Europe, Resolution 2482 (2023), *Legal and human rights aspects of the Russian Federation's aggression against Ukraine*, January 26, 2023, <https://pace.coe.int/en/files/31620/html>

<sup>16</sup> *Genocide researcher Totten: Ukrainian situation is unique as evidence of genocide is being collected during the war*, Espresso TV, Interview, April, 10, 2023, <https://global.espresso.tv/genocide-researcher-totten-ukrainian-situation-is-unique-as-evidence-of-genocide-is-being-collected-during-the-war>

## Forced Deportation of Ukrainian Children by the Russian Federation

Treatment of Ukrainian children is the most painful topic in the context of hostilities committed by Russia in this war. After all, this category of people is the most vulnerable and unprotected, both physically and psychologically. As practice shows, in addition to the danger of being injured by exploding shells and bullets, children and adults are subjected to different kinds of violence at the hands of the occupiers. Moreover, they become instruments in achieving the political goals of the Russian Federation. For example, Faina Savenkova, a thirteen-year-old Ukrainian girl from Luhansk, has been used as a propaganda weapon for several years by Russian authorities to convince people from all over the world that in 2014 it was not Russia that attacked Ukraine but that Ukraine began to destroy itself. To achieve the aims of the Kremlin propaganda, not only living children but also those whom they killed by attacking Ukraine are being used as part of the propaganda. In 2015, the administration of the temporarily occupied Donetsk created the memorial named "Alley of Angels." It is used as a visual confirmation of the Kremlin propaganda message that "Ukrainians kill children." Another tactic the Russian Federation uses regarding children of their own country is militarizing childhood, which is commonplace in fascist societies. The so-called "Unarmy," which is managed by the Ministry of Defense of Russia, is similar in scale to the Nazi youth organization "Hitler Youth." The only difference is that the one million "Unarmy" still lagged behind the more than 7 million young men of the Hitler Youth in 1940.<sup>17</sup> Therefore, considering this, it is difficult to expect that the country of the aggressor will treat Ukrainian children better than children of its own country.

"Children in Ukraine have experienced a year of horror. Children have been killed and injured, and many have lost their parents, siblings, homes, schools, and playgrounds. No child should ever have to bear that kind of suffering," emphasized United Nations Children's Fund (UNICEF) Executive Director Catherine Russell.<sup>18</sup> Raping, killing, forced displacement, and deportation from the temporarily occupied territories of Ukraine to the territory of the Russian Federation is only part of the crimes committed by Russian soldiers against Ukrainian children starting in 2014 and escalating after the Russian full-scale invasion of Ukraine in 2022.

As of September 4, 2023, according to the official information of juvenile prosecutors, 503 children died and 1119 were injured<sup>19</sup> as a result of the full-scale armed aggression of the Russian Federation. However, these data are far from being final, as it is impossible to investigate

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<sup>17</sup>United States Holocaust Memorial Museum, Holocaust Encyclopedia, *Hitler Youth*, <https://encyclopedia.ushmm.org/content/en/article/hitler-youth-2>

<sup>18</sup> UNICEF Ukraine, *365 days of war for children in Ukraine*, <https://www.unicef.org/ukraine/en/365-days-of-war>

<sup>19</sup> Офіс Генерального Прокурора, *Ювенальні прокурори: 503 дитини загинули в Україні внаслідок збройної агресії рф*, <https://www.gp.gov.ua/>

and document all the cases on the territories of active hostilities and those still occupied by the military forces of the Russian Federation.

According to UNICEF, during the war period the education of more than 5 million children was interrupted.<sup>20</sup> According to the Ministry of Education and Science of Ukraine, as of February 2023, Russians destroyed or damaged 1,702 schools and 1,069 kindergartens. In total, 10% of Ukraine's educational infrastructure was damaged by Russian shelling.<sup>21</sup> Two hundred sixty-one schools and 127 kindergartens in Ukraine were completely destroyed due to Russian shelling and cannot be restored. In addition, 1,441 schools and 942 kindergartens were damaged by Russian shelling. These are data as of February 2023 from the savED charitable foundation, which helps children to restore access to education across the country.<sup>22</sup> UNICEF reports an estimated 1.5 million children in Ukraine are at risk of depression, anxiety, post-traumatic stress disorder, and other mental health issues, with potential long-term effects and implications.<sup>23</sup>

The number of Ukrainian children who were displaced and deported from the territory of Ukraine by the Russian occupiers is even more severe. According to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, Dmytro Lubinets, there may be about 150,000 deported children.<sup>24</sup> The National Information Bureau verified only the names of 19,546 children.<sup>25</sup> These are only those cases that were officially recorded when a parent, guardian, or witness of a child's deportation reported it to the National Information Bureau of Ukraine. This particular body of information was created in March 2022 to collect and generalize data about prisoners of war, dead, missing, and illegally detained people by the occupiers, including civilians from both sides of the hostilities.<sup>26</sup> But this means that there are only personal data for each of the 19,546 children. There is an available knowledge about who these children are and where they were deported from. However, this does not mean that there is information about where these children are at the moment.

Information about the number of children "evacuated" by Russia from the occupied territories of Ukraine can also be traced through different statements and reports made by Russian authorities, even though it is hard to consider this information reliable. Still, according to the

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<sup>20</sup> UNICEF, *11 months of war in Ukraine have disrupted education for more than five million children*, January 24, 2023, <https://www.unicef.org/press-releases/11-months-war-ukraine-have-disrupted-education-more-five-million-children>

<sup>21</sup> Нагаля Міняйло, *10% освітньої інфраструктури України постраждало від обстрілів Росії. Скільки збитків нанесла РФ українській освіті*, Forbes, 20 квітня 2023, <https://forbes.ua/money/10-osvitnoi-infrastrukturi-ukraini-postrazhdali-vid-obstriliv-rosii-skilki-zbitkiv-nanesla-rf-ukrainskiy-osviti-20042023-13147>

<sup>22</sup> SAV<sup>ED</sup>, <https://saved.foundation/programs>

<sup>23</sup> UNICEF, *War in Ukraine pushes generation of children to the brink, warns UNICEF*, February 21, 2023, <https://www.unicef.org/press-releases/war-ukraine-pushes-generation-children-brink-warns-unicef>

<sup>24</sup> *Кількість незаконно вивезених у росію українських дітей може сягати 150 тисяч*, Укрінформ, 17 лютого 2023, <https://www.ukrinform.ua/rubric-ato/3671478-kilkist-nezakonno-vivezenih-u-rosiu-ukrainskih-ditej-moze-sagati-150-tisac.html>

<sup>25</sup> *Children of War*, <https://childrenofwar.gov.ua/en/>

<sup>26</sup> *Ministry of Reintegration of the Temporally Occupied Territories of Ukraine*, <https://minre.gov.ua/informacziya/nacjonalne-informacziyne-byuro/>

statement of the Interagency Coordination Staff of the Russian Federation on Humanitarian Response dated June 18, 2022, since the beginning of the "special military operation," a total of 1,936,911 people have been evacuated from dangerous areas of Ukraine and the Donbas republics to the territory of the Russian Federation, of which 307,423 are children.<sup>27</sup> In February 2023, according to TASS, there were already more than 5.3 million people and 738,000 evacuated children.<sup>28</sup> The country of the aggressor provides no lists or personal data of these children. Russia does not submit reports to any international organizations and does not provide information to Ukraine either. Therefore, it is impossible to understand who is included in this number.

In his interview with *Voice of America*, French lawyer Emmanuel Daoud, who filed a lawsuit regarding the illegal and violent deportation of children from Ukraine with the International Criminal Court, emphasized that he is convinced that Russian president Vladimir Putin will be tried and punished. "You might think that genocide is when a criminal wants to destroy an entire country, an entire nation, an entire ethnic group. Actually, the very fact of the deportation of children is an element of the crime of genocide."<sup>29</sup> Mr. Daoud states that the attacks on the part of the population with the aim to assimilate this population are enough to qualify what is happening in Ukraine as genocide. Taking the Ukrainian children by force, deporting them, bringing them to Russia, transferring them to Russian adoptive parents, and then breaking all ties – both psychological and physical ones – with their parents, with their country, with history is called an assimilation of a part of the Ukrainian nation, and therefore it can be called genocide.

The Parliamentary Assembly of the Council of Europe, in the spring session of 2023, recognized already the deportation of Ukrainian children to Russia as a crime of genocide.<sup>30</sup> On March 17, 2023, the International Criminal Court issued a warrant for the arrest<sup>31</sup> of the president of Russia, Vladimir Vladimirovich Putin, and the Russian Commissioner for Children's Rights, Maria Alekseyeva Lvova-Belova. Both are suspects in the illegal forced deportation of Ukrainian children from the temporarily occupied territories of Ukraine to the Russian Federation during the full-scale invasion. This decision allows countries that have ratified the Rome Statute to arrest them on their territory. The warrant against the Russian president became the first in history against

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<sup>27</sup> Заявление Межведомственного координационного штаба Российской Федерации по гуманитарному реагированию от 18 июня 2022 г., <https://telegra.ph/Zayavlenie-Mezhvedomstvennogo-koordinacionnogo-shtaba-Rossijskoj-Federacii-po-gumanitarnomu-reagirovaniyu-ot-18-iyunya-2022-g-06-18>

<sup>28</sup> За год с Украины и из Донбасса на территорию РФ прибыло 5,3 млн беженцев, ТАСС, 19 февраля 2023, <https://tass.ru/obschestvo/17091725>

<sup>29</sup> Ксенія Туркова, *Депортація дітей є складовою злочину геноциду - юрист, за чийм позовом МКС видав ордер на арешт Путіна. Інтерв'ю*, VOA news, 24 березня, 2023, <https://ukrainian.voanews.com/a/7020296.html>

<sup>30</sup> Parliamentary Assembly of the Council of Europe, Resolution 2495 (2023), *Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators*, April 27, 2023, <https://pace.coe.int/en/files/31776/html>

<sup>31</sup> International Criminal Court, *Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova*, March 17, 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>

a leader of a permanent member of the UN Security Council and the third against a current head of state. This judicial institution can try anyone since it does not recognize immunity. Such crimes as described above do not have a statute limitation, and the arrest warrants have no time limit. Nevertheless, the International Criminal Court cannot judge in absentia. It is possible to arrest Putin or Lvova-Belova only if they arrive on the territory of one of the 123 countries that recognize the jurisdiction of the International Criminal Court. However, most likely, now Putin and Lvova-Belova will be careful in choosing their trip destination.

As ICC Prosecutor Karim A.A. Khan KC indicated during his fourth official visit to Ukraine, - "The children must no longer be the forgotten victims of conflict. In southern Ukraine, two kilometers from the frontlines, I visited a care home for children. The drawings pinned on the wall and the cupboards full of clothes spoke to a context of love and support that was once there. But this home was empty due to the alleged deportation of children from Ukraine to the Russian Federation or their unlawful transfer to other parts of the temporarily occupied territories... Children cannot be treated as the spoils of war."<sup>32</sup>

At the same time, the comments of the authority representative in Russia regarding the ICC decision prove once again the great work of Kremlin propaganda and the desire to justify for their people their illegal actions for their protection and safety. "We consider the very formulation of the issue outrageous and unacceptable. Russia, as well as several other states, do not recognize the jurisdiction of this court and, accordingly, any decisions of this kind are null and void for Russia in terms of law," said Kremlin representative Dmitry Peskov.<sup>33</sup>

"Well, you know this inflated, in fact, story about the kidnapping of children. Well, we explain it simply, there was no kidnapping; there was a demand and specific actions aimed at rescuing children who were taken out of the war zone. Do we need to leave the orphans' homes under artillery fire or what? – Putin told journalists during one of his press conferences. Of course, these children were taken away, – added the president of the Russian Federation".<sup>34</sup>

"It is great that the international community appreciated the work we do to help the children of our country, that we do not leave them in war zones, that we take them out, we create good conditions for them, that we surround them with loving, caring people. There were sanctions from all countries, even Japan, against me, and now I have an arrest warrant. I wonder what will

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<sup>32</sup> International Criminal Court, *ICC Prosecutor Karim A. A. Khan KC concludes fourth visit to Ukraine: "Amidst this darkness, the light of justice is emerging"*, March 7, 2023, <https://www.icc-cpi.int/news/icc-prosecutor-karim-khan-kc-concludes-fourth-visit-ukraine-amidst-darkness-light-justice>

<sup>33</sup> Sergei Bobylev, *Russia claims ICC's warrant for Putin's arrest 'null and void' — Kremlin*, TASS, March, 17, 2023, <https://tass.com/politics/1590501>

<sup>34</sup> Павел Бедняков, *Путин прокомментировал историю с якобы похищением детей из Украины*, РИА Новости, 29 июля 2023, <https://ria.ru/20230729/deti-1887124407.html>

happen next. Well, we continue to work,"<sup>35</sup> – said Lvova-Belova in one of her interviews after the arrest warrant was issued.

Indeed, they continue their work regarding the illegal displacement and deportation of Ukrainian children, showing on the Russian state channels how these children are brought by buses, trains, or planes from the occupied territories of Ukraine, how they are met by the governors and families from various regions of the Russian Federation, how they are placed in Russian families for adoption, who change their names and surnames, places and dates of birth, so they can become very comfortable little Russians who probably will never discover where they are from, will be "re-educated" and will hate Ukraine in the nearest future. It is hard to imagine that children of two or even five years will reunite in several years with their birth parents, in case they are alive, after all these procedures that are aimed at erasing completely the true identity of the deported Ukrainian children.

Russian propaganda has repeatedly talked about the displacement of children from Ukraine, their illegal adoption, and re-education in the spirit of love for the Russian Federation. In May of last year, Vladimir Putin signed a law on the simplified acquisition of Russian citizenship for Ukrainian orphans, particularly in the occupied territories of Ukraine.<sup>36</sup> And the Russian commissioner for children's rights, Maria Lvova-Belova, announced last year that she herself adopted a child from Mariupol into her family.<sup>37</sup>

There have been cases of deportation of Ukrainian children from the occupied territories since 2014. Back in May-June 2014, so-called Russian volunteers were actively engaged in the forced deportation of children from the occupied parts of Donetsk and Luhansk regions. Under the pretext of saving children from the war, the invaders took them to the Rostov region, where they were transferred to Russian families. However, there were much fewer such cases, as the occupied territory was smaller and Russian troops in Ukraine were much less in quantity. Additionally, we should take into account that Russia considers the Ukrainian regions that are temporarily occupied to be officially the territory of Russia. That is why we should understand that the deportation of children also took place from the annexed territory of Crimea and not only from the occupied Donetsk and Luhansk regions.

After the full-scale invasion, the number of displaced and deported children increased in proportion to the number of Russians who invaded Ukraine. If a child has at least one guardian, one of the living parents or relatives, then he or she has a chance to survive the Russian occupation

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<sup>35</sup> *Львова-Белова назвала ордер МУС на свой арест оценкой помощи детям*, РБК, 17 марта 2023, <https://www.rbc.ru/rbcfreenews/6414973a9a79479d10484a81>

<sup>36</sup> *Официальное опубликование правовых актов, Указ Президента Российской Федерации от 30.05.2022 № 330*, <http://publication.pravo.gov.ru/Document/View/0001202205300008>

<sup>37</sup> *Детский омбудсмен Мария Львова-Белова взяла в свою семью ребёнка из Мариуполя*, RT, 26 октября 2022, <https://russian.rt.com/russia/news/1066140-detskii-ombudsmen-mariya-lvova-belova-priemny>

and stay on the territory of Ukraine. Otherwise, it is practically impossible to avoid displacement and deportation. Moreover, in the case of deportation, it is almost impossible to return home to Ukraine. It is equally unlikely for the Ukrainian authorities to receive information about the deported child and to find it. The Russian side constantly declares that it does not keep Ukrainian children by force, it saves and helps them only. The responsible Russian authorities state that the Russian Federation in all possible ways facilitates the return home of displaced children. At the same time, they accuse Ukraine of indifference to the fate of these children. But a large number of messages from parents who survived the procedure of filtration, along with the officially confirmed numbers of children who were returned to Ukraine indicate the opposite.

Orphans and unaccompanied children who have been left without care for a long time in the temporarily occupied territories are the most vulnerable and at the highest risk of displacement and deportation. Commonly, they are placed in foster or adoptive families on the territory of the Russian Federation. Deported children may be considered orphans for reasons unrelated to the current invasion or because of the death of their parents due to war. Regarding the unaccompanied children, these children still have their parent(s), but they have been separated for reasons that may or may not be related to the current invasion. For example, children can be left by their parents with other family members due to parents' work, or children can have only a father who is mobilized into the army. Some children are forcibly separated from their parents during the current war when their parents have not passed through the filtration camps, also referred to as concentration camps. These camps are used by Russian forces since the Russian invasion of Ukraine to register, interrogate, and detain Ukrainian citizens in regions under Russian occupation before transferring them into Russia.<sup>38</sup> Alternatively, another category are children who have been sent to the so-called "recreation camps." According to the National Social Service of Ukraine, from February 24, 2022 to April 1, 2023, regional services for children found 8,512 children who, for one reason or another, were left without parental care in wartime conditions. Among those, one thousand four hundred seventy-six children became orphans due to the Russian military aggression against Ukraine.<sup>39</sup>

The authorities of the Russian Federation offer several reasons to explain the displacement of children from the temporarily occupied territories of Ukraine and their deportation to the territory of Russia. The main of them, often repeated on state TV Channels and in the comments of Russian authority representatives, is evacuation for security reasons, transfer for adoption or foster care, and temporary stay in the so-called recreation camps.

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<sup>38</sup> *Russian filtration camps for Ukrainian*, [https://en.wikipedia.org/wiki/Russian\\_filtration\\_camps\\_for\\_Ukrainians](https://en.wikipedia.org/wiki/Russian_filtration_camps_for_Ukrainians)

<sup>39</sup> *National Social Service of Ukraine*, <https://nssu.gov.ua/timeline?type=posts>

The evacuation for security reasons was suggested as the legal ground for the large-scale transfer of civilian population, including children, from the territories of the so-called Donetsk and Luhansk People's Republics even before the full-scale invasion on February 24, 2022. As of February 20, 2022, the regional authorities in the Rostov region reported that more than 2,904 children from the territory of the so-called DPR and LPR had arrived in the Rostov region<sup>40</sup> due to "the worsening situation in Donbas." Since February 24, the evacuation for security reasons has become the widespread explanation for the deportation of adults and children by Russian troops from all controlled Ukrainian territories where active hostilities are taking place.

The administration of the temporarily occupied territories of Luhansk and Donetsk regions also introduced several additional instruments that helped to conduct and to justify the hidden deportation of children from the temporarily occupied territories of Ukraine. The so-called juvenile commissions that were created in DPR and LPR carry out sudden inspections of families. If they notice any violations, they impose an administrative fine on parents and refer the case to court with a recommendation to revoke parental rights. Over the past six months, such commissions have transferred more than 37,500 cases of deprivation of parental rights to the so-called "courts" of the terrorist pseudo-republics. But the figures may increase significantly, as information from not all districts of the occupied territory of Ukraine is available.<sup>41</sup>

Similar transfers with the same security reasons have occurred before and during the withdrawal of Russian military forces and occupation administration from Ukrainian regions like Kherson, Zaporizhzhia, and Mykolaiv. Russia claims that the evacuation of children is a rescue from alleged shelling by the Ukrainian army during the attempt to liberate the occupied territories.

On October 8, 2022, the so-called deputy head of the Russian occupation administration in the temporarily occupied Kherson region, Kiril Stremousov, indicated that the administration had decided to start the evacuation of families with children to the territory of the occupied Crimea and Russia (Rostov and Krasnodar regions).<sup>42</sup> "46 orphans were taken from the house where they lived and brought to Crimea where they are now under the supervision of doctors. It was a complicated operation. The children are now in Simferopol and the Simferopol region," said Stremousov in his video message in October 2022.<sup>43</sup> Children from a home for disabled children in Oleshky, Kherson region were displaced to the Clinical Psychiatric Hospital in the Simferopol

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<sup>40</sup> В Ростовской области подсчитали количество прибывших из Донбасса детей, LENTA.RU, 20 февраля 2022, <https://lenta.ru/news/2022/02/20/over40/>

<sup>41</sup> Павло Лисянський, *Операція "Яничари", або як Росія вкрала в Україні десятки тисяч дітей*, 24 Канал, 21 листопада 2022, [https://24tv.ua/viyna-rosiyi-ukrayinoyu-yak-okupanti-deportuyut-ditey-okupovanih\\_n2202142](https://24tv.ua/viyna-rosiyi-ukrayinoyu-yak-okupanti-deportuyut-ditey-okupovanih_n2202142)

<sup>42</sup> В Херсонской области решили начать эвакуацию детей с родителями, ИА Красная Весна, 8 октября 2022, <https://rossaprimavera.ru/news/6447aa4f>

<sup>43</sup> *Детей-сирот из Дома малютки в Херсоне эвакуировали в Крым – власти*, Интерфакс Россия, 21 октября 2022, <https://www.interfax-russia.ru/south-and-north-caucasus/news/detey-sirot-iz-doma-malyutki-v-hersone-evakuirovali-v-krym-vlasti>

district of occupied Crimea, stated the Commissioner for Human Rights of the Verkhovna Rada, Dmytro Lubinets.<sup>44</sup> One of the most recent examples is the evacuation of children from the town of Enerhodar in the Zaporizhzhia region to Crimea, which started in mid-April 2023.<sup>45</sup>

Transferring children for adoption or foster care mainly concerns children from orphanages in Crimea that the Russian Federation considers, after its annexation in 2014, its territory where Russian laws<sup>46</sup> are applicable. It means that anyone from the Russian Federation can adopt Ukrainian orphans from Crimea. In 2014, Crimea joined the all-Russian campaign "Train of Hope," a program aimed to organize meetings of potential adoptive parents and guardians with children left without parental care. According to the information provided by Natalya Goncharova, the Minister of Education, Science and Youth of the annexed Crimea on the program's start date, "Today, we have more than 4,000 children who belong to the category of orphans and children deprived of parental care. Two hundred twenty children are waiting for their parents." Commenting on the first "Train of Hope" to Crimea, Goncharova then emphasized: "We hope that the participants of the "Train of Hope" will be interested in children over 14 years old, children, who have health problems, and if these children find their families, it will be the best result of the action for us."<sup>47</sup>

After the full-scale invasion, as per the understanding of the Russian Federation, Russian laws were also applied to children from Donetsk, Luhansk, and additionally occupied territories of the Kherson and Zaporizhzhia regions. The Russian online database providing information on children that can be adopted includes information about children not only from Crimea and DPR, LPR but also from Kherson and Zaporizhzhia regions.<sup>48</sup>

Regarding the transfer of children from Ukraine to annexed Crimea or to the Russian Federation for a temporal stay in the recreation camps, it should be stated that it can be traced through numerous cases confirmed by both the Ukrainian and the Russian side. Generally, it works in the following way: Russians forcefully collect signed documents from the parents stating that they send the child to a camp for three weeks. At the end of this period, the Russians must per agreement return the children. But once the child is taken to a camp, no one returns the child afterward. Children can be told different things such as: "You will not come back," "The parents

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<sup>44</sup> Ірина Сітнікова, *Окупанти вивезли дітей із херсонського інтернату до психіатричної лікарні у Криму — омбудсмен*, Громадське, 5 листопада, 2022, <https://hromadske.ua/posts/okupanti-vivezli-ditej-z-hersonskogo-internatu-do-psihiatrichnoyi-likarni-u-krimu-ombudsmen>

<sup>45</sup> Юрій Кобзар, *Рашисти вирішили депортувати дітей з Енергодара*, ІА УНІАН, 16 квітня 2023, <https://www.unian.ua/war/okupanti-virishili-vikrasti-ditey-v-energodari-12220737.html>

<sup>46</sup> *Закон Республіки Крим от 1 сентября 2014 г. № 62-ЗРК "Об организации деятельности органов опеки и попечительства в Республике Крым"*, Уполномоченный по правам ребенка в Республике Крым, <https://deti.rk.gov.ru/ru/document/show/8>

<sup>47</sup> *Крым присоединился к всероссийской акции "Поезд надежды"*, ІА Крим, 14 октября 2014, <https://www.c-inform.info/news/id/13529>

<sup>48</sup> *Усыновите.ру*, <https://www.usynovite.ru/db/>

have given up on you," "They do not need you," and "A Russian family is waiting for you." Children can be transported from camp to camp for six months. Moreover, after six months, Russian authorities consider such children as being left without parental care because no one came to take them home.

According to the conflict observation record of the Yale School of Public Health, more than 6,000 Ukrainian children were transferred to the recreation camps on the territory of Crimea and the Russian Federation starting in February 24, 2022.<sup>49</sup> But obviously, this number is far from being final. According to this report, at least 43 facilities are used by Russia as camps for displaced children both on the territory of annexed Crimea and the Russian Federation. The camp furthest from Ukraine is situated in the Magadan region, "roughly three times closer to the United States than to the border of Ukraine."<sup>50</sup> At least 32 (78%) of the camps identified by Yale HRL appear engaged in systematic re-education efforts that expose children from Ukraine to Russia-centric academic, cultural, patriotic, and/or military education. The main focus lies on promoting the Russian language, ideology, messages of Kremlin propaganda, and the Russian version of this war against Ukraine. Re-education is a relatively common and wide-spread measure. Even according to Lvova-Belova's statements,<sup>51</sup> Ukrainian children spoke negatively about the president of the Russian Federation, said all sorts of nasty things, sang the anthem of Ukraine, and exclaimed "Glory to Ukraine." But then they were re-educated. The ombudsman came to this conclusion after her communication with 30 children who were taken from Mariupol. She claimed they were abandoned by their parents in the basements and heroically saved by the Russian military, transferred to the Moscow region, where they were placed in fostering families. Soon, under the influence of re-education, a negative attitude towards Russia turned into love.

The camps were advertised through schools in the occupied areas as restorative breaks, offering a mix of sports, arts, games, and sea air or lake swimming. However, the children have also been taught Russian narratives about the invasion of Ukraine, Russian and Soviet history, and Russian culture. It is confirmed by interviews and videos posted online. In one video, hundreds of children can be seen in a school playground in Crimea singing the Russian national anthem.<sup>52</sup> Most appear not to know the words.

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<sup>49</sup> *Russia's systematic program for the re-education and adoption of Ukraine's children*, Yale school of Public Health, Humanitarian Research Lab. A conflict observatory report, 14 February 2023, <https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data>

<sup>50</sup> *Russia's systematic program for the re-education and adoption of Ukraine's children*, Yale school of Public Health, Humanitarian Research Lab. A conflict observatory report, 14 February 2023, <https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data>

<sup>51</sup> *У РФ покаржилися, що діти з Маріуполя обзивали Путіна та співали Гімн України (відео)*, Фокус, 29 вересня 2022, <https://focus.ua/world/531187-v-rf-pozhalovalis-cto-deti-iz-mariupolya-obzyvali-putina-i-peli-gimn-ukrainy-video>

<sup>52</sup> Isobel Koshiw, *Weeks turn to months as children become stuck at camps in Crimea*, The Guardian, December, 27, 2022, <https://www.theguardian.com/world/2022/dec/27/children-become-stuck-at-camps-in-crimea-ukraine-russia>

"Deported Ukrainian children in Russia are under constant pressure and 'brainwashing,' says Mykola Kuleba<sup>53</sup>, the founder of "Save Ukraine," one of the charitable foundations that deals with the return of children to Ukraine. Children in Russian camps and schools are forced to listen to and sing the Russian national anthem. They constantly hear that Ukrainians are Nazis and Banderivtsi, that are the followers of Stepan Bandera's ideology, a Ukrainian politician, the leader of the Ukrainian nationalist movement, one of the leading ideologists, practitioners, and theoreticians of the Ukrainian nationalist movement of the 20<sup>th</sup> century. All supporters and defenders of Ukraine's independence are called Banderivtsi by the Russian state propaganda. Children should also write letters of thanks to the Russian military, who are killing Ukrainians and are at war with Ukraine.

Such re-education of Ukrainian children once again confirms the violation of children's right to education and access to information, the right to identity and free expression of their ideas and thoughts, as well as the right to liberty and security, the right to unite with their family, the right for rest and play and other rights children have all over the democratic countries.

Ukrainian parents from the occupied territories provide different reasons explaining why they allowed their children to attend such camps. Often parents agreed to send their child for rehabilitation because it was offered to them by those they trusted – school employees. Along with elementary everyday needs such as access to medical care, food, safety, and rest that cannot be normally provided during the active phase of hostilities or occupation, there are many cases when representatives of Russian authorities forced parents to send their children to such camps, or children were simply kidnapped. There are examples of kidnapping children of former Ukrainian military personnel, volunteers, or pro-Ukrainian activists in Kherson regions that can be considered a specific way to punish their parents for their Ukrainian position. Among other examples of kidnapped Ukrainian children are those whose parents opposed Russian aggression. Some adults were tortured or shot, and their children were sent for "re-education." According to the head of Chechnya, Ramzan Kadyrov,<sup>54</sup> who announced cooperation with the Russian Commissioner for Children's Rights, Maria Lvova-Belova, these so-called "difficult teenagers" are sent from the occupied territories of Donetsk and Luhansk to Chechnya for "preventive work" and "military-patriotic education."

The occupiers kidnapped children from the South of Ukraine according to prepared lists. They caught children on the streets, in schools and kindergartens, and forcibly took them from houses and apartments. After that, the invaders transported children in buses to different cities of

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<sup>53</sup> Ірина Соломко, *Шлях додому: які труднощі долають родини депортованих у Росію дітей, заради повернення додому своїх синів та доньок*, VOA news, 29 квітня 2023, <https://ukrainian.voanews.com/a/7071411.html>

<sup>54</sup> *Telegram channel*, [https://t.me/RKadyrov\\_95/3104](https://t.me/RKadyrov_95/3104)

Crimea, where they were temporarily housed in hospitals and schools. Later, when a new family was found for the children, or children were linked with an orphanage somewhere on the territory of the Russian Federation, they were transported directly there.

Feodosia became one of the hubs for the distribution of kidnapped Ukrainian children. Here the "volunteers" provide children with necessities. At the same time, they conduct explanatory talks with them about "wrong upbringing," "banderization," and how "Russia is saving the world from Nazism." Most children taken to Feodosia are from the families of activists, veterans, and volunteers from Kherson.<sup>55</sup> Thus, as of October 25, 2022, more than 2,000 children aged 4 to 17 were forcibly removed from the South of Ukraine to Feodosia.<sup>56</sup>

Some children were returned to their families after their stay in the recreation camps. However, there are also many children whose stay in such camps was suspended from two-three weeks to two, three, six months, or even more. The main reasons indicated by the representatives of the camps for the change of term for children stay there are safety concerns and ongoing hostilities on the territory of Ukraine. However, the communication between the camp employees and the parents is generally absent or significantly restricted. So, parents find out about time changes mainly from their children if they have access to mobile connection with parents. Such information can also be traced through different telegram channels. Children are often told that they will not be returned home to their parents, that they have to be transferred further away to a safe place, and that is the territory of the Russian Federation, of course. When the stay in the recreation camp is suspended, and the camp administration does not return the children home, the only opportunity for parents to take the child back is to pick up the child personally. To do so, parents have to cross the Russian block posts on their way to Crimea or go to the Russian Federation through Poland, the Baltic States, Belarus, or Crimea. It is thousands of kilometers, and challenging and dangerous for the family, as parents undergo numerous interrogations by Federal Security Service officers, moral pressure, and provocations.

Only 386<sup>57</sup> cases of children returning home to Ukraine are known. Due to the secrecy of the investigation or the parents' desire not to disclose the details for security reasons, information is only available about some of them. Generally, it is possible to organize a return primarily for children who have parents or legal guardians. With the help of Ukrainian authorities and volunteer organizations, the parents or guardians can physically go to the occupied territories of Ukraine or the Russian Federation and take their children back home.

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<sup>55</sup> Олексій Чибісов, *Росіяни вивозять із Херсонщини до Криму дітей закатованих та розстріляних активістів*, 24 Канал, 26 жовтня 2022, [https://24tv.ua/rosiyani-vivezli-hersonshhini-do-krimu-ditey-zakatovanih-rozstrilyanih\\_n2183912](https://24tv.ua/rosiyani-vivezli-hersonshhini-do-krimu-ditey-zakatovanih-rozstrilyanih_n2183912)

<sup>56</sup> Юлія Лобурак, *Викрадених в Україні дітей зібralися "перевиховувати" у Чечні: в ISW шоковані етноцидом*, 24 Канал, 17 листопада 2022, [https://24tv.ua/vikradenih-ukrayini-ditey-zibralisya-perevihovuvati-chechni-isw\\_n2199454](https://24tv.ua/vikradenih-ukrayini-ditey-zibralisya-perevihovuvati-chechni-isw_n2199454)

<sup>57</sup> *Children of War*, <https://childrenofwar.gov.ua/en/>

The situation with orphans is more complicated. Iryna Vereshchuk, Deputy Prime Minister, Minister of Reintegration of Temporarily Occupied Territories claims: "Russia deliberately dilutes the focus of the mass media and society by saying that all children were evacuated. That it was a humanitarian mission, their good attitude and salvation." She continues, "We turned to Russia with a written list of the names of the orphaned children whom we demanded to return. Four thousand three hundred ninety-six names of our children".<sup>58</sup> Thus, the Kremlin does not respond.

Because of obstacles put in the way by the Russian Federation, the story of every returned child becomes a story of an impressive struggle involving the cooperation of responsible Ukrainian authorities, volunteer organizations, and social organizations in Ukraine and abroad. Every case requires a unique approach, preparation, and time for implementation.

On July 6, 2023, a former prisoner of war, 38-year-old Olha Morohovska, hugged her children Rinat and Varya for the first time in over a year. For 15 months, Russia illegally detained them in the occupied territory of Ukraine. On March 28, 2022, in her native Mariupol, Olha saw her children for the last time. Rinat was 4, and Varya was 8.

In 2021, Olha joined the military service as a medical worker. With her husband Yaroslav, they served in different military units. She remembers that in the early morning of February 24, they both went to the units they served. Olha's 75-year-old mother remained in their apartment together with the children. On February 26, Olha and Yaroslav returned home and took the children to Yaroslav's father, who lived in a private house with a deep basement. In an hour, their apartment, where Olha's mother stayed, was attacked. Her mother survived but got a concussion. So, she was transferred to the hospital and later found shelter in the church.

On March 28, there was already no longer any telephone connection. Olha went to her relatives to take the children to a safe place. The father-in-law refused to leave, but the mother-in-law decided to go to Greece and agreed to take the children with her. The only more or less safe way out of the city lay through the village of Bezimenne and then to Russia. There they had to go through a filtration camp. After Olha agreed on the children's evacuation, she returned to her unit. On her way back, she was captured by Kadyrov soldiers dressed in Ukrainian uniforms. They considered her a sniper from "Azov."

From Bezimenne, Olha was sent to the Novoazovsk pre-trial detention center. She was interrogated, beaten, and tortured with other Ukrainian soldiers. After that, Olha was transferred to Olenivka and later to the pre-trial detention center in Donetsk where she was also constantly beaten. There she was told that her children stayed in the occupied territory of Ukraine. Russians

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<sup>58</sup> *Верещук: Україна вимагає від Росії повернути понад 4 тисячі дітей-сиріт*, Радіо Свобода, 2 квітня 2023, <https://www.radiosvoboda.org/a/news-vereshchuk-dity-deportatsiya-rosiya/32346041.html>

refused to let the children with her mother-in-law through the Russian border. So, the children were first sent to a hospital in Donetsk and later to a shelter in Khartsyzk.

In the pre-trial detention center, guards told prisoners that Ukraine no longer exists and that Kyiv and Dnipro are occupied. A portrait of Putin was hung in the cell, and the guards threatened them that if something happened to it, everyone would be punished. Women were forced to sing the Russian national anthem, and Olha was constantly offered to take a DPR or Russian passport, which she refused.

Olha returned to Ukraine in October 2022 – she was exchanged in the Zaporizhzhia region together with 107 other women prisoners of war. At the exchange, Olha kept repeating that she had children left in Donetsk. Moreover, she was promised by Tetyana Moskalkova, the Russian commissioner for human rights, that the children would be returned "soon." The children were kept in the occupation for another nine months.

Yaroslav's grandfather took the children from the orphanage. He stayed in Mariupol because his wife was ill, and he could not leave. He found out about the children in the orphanage in April 2022 – the orphanages themselves published lists of children, and Olha's friends from Mariupol saw them in these lists. The great-grandfather immediately began to gather the documents, but the process took time, and he managed to take the children only in December 2022. Since then, Olha had a phone connection with her children. After a year and a half in the occupation, the children speak only Russian. Russian authorities wanted Olha's relatives from Russia to adopt them, and they demanded that she personally pick up the children in occupied Donetsk.

Yaroslav was killed on April 20, 2022, in Mariupol, when he was breaking through from the Ilyich plant to Azovstal. After her return from captivity, Olha learned about his death from Yaroslav's friends. She does not know precisely where Yaroslav is buried. His body was exchanged and buried either in Kyiv or in Dnipro. Already in Dnipro, she got information about the fate of her mother and Yaroslav's father. After the Russians captured Mariupol, 75-year-old Zinaida was sent to a home for older people in Khartsyzk, where she was constantly starving. Many months later, her son, Olha's brother, who moved to Russia 18 years ago, took her from there. He was not allowed to take his mother for a long period of time. The Russian soldiers shot Yaroslav's father, who stayed home in Mariupol to wait for his son, Olha, and his grandchildren. He hid the soldiers from "Azov" in his basement. As Olha said, she could hardly imagine the war would destroy several generations of her family. The Russians killed her husband Yaroslav, shot his father, starved her mother, and tortured her. Now, together with her children, they live in

another city, in an alien apartment, without a father; they learn how to live as a family and speak Ukrainian again.<sup>59</sup>

There are many other stories of regular Ukrainian families who continue to suffer from various manifestations of aggression from the Russian Federation during this war. The ordinary happy life of millions of Ukrainians changed to a single desire – to survive and to protect their children. War is an extreme situation that unfolds beyond ordinary, everyday human life and experience. For the population of Ukraine, under the modern conditions of a full-scale Russian invasion, the parallel formation of both individual and collective traumatization takes place, which, accordingly, negatively affects the level of both personal psychosomatic and public health. The Russian military aggression in Ukraine has resulted in a significant number of dead and wounded people and people being forced to leave their homes and become refugees. People who live outside the war zone are worried about their children and relatives, anxiously waiting for news. Armed conflict, forced displacement and related adversities such as poverty, unemployment and social isolation significantly increase the vulnerability to psychosocial stress and the prevalence of mental disorders, including depression, anxiety, and post-traumatic stress disorder among war-affected populations.

Children will remember the emotions they have experienced. Even after the war ends, they will have fears that war may start again. Many children cannot visit their schools and kindergartens, play in playgrounds and live in their houses, because the Russian army destroyed them. Many children today lost one or even both of their parents due to the actions of the Russian military aggression. Furthermore, in addition to many physical injuries that will need time to heal, the profound psychological impact will have long-lasting effects on the Ukrainian people and society, including the next generations of Ukrainians. People are constantly under emotional tension and anxiety due to the uncertainty of today and the absence of understanding of what to expect tomorrow. Every day Ukrainian children live with the fear of death, injuries, the loss of parents, sisters and brothers. They see their destroyed homes and hometowns. They suffer from separation with their fathers who defend the country in the ranks of the Armed Forces of Ukraine. Thousands of kilometers separate them from their grandparents and friends. They are forced to emigrate to foreign countries. And, unfortunately, even this list of challenges faced by Ukrainian children due to the Russian Ukrainian war is not complete. They witness not only brutal bombings, missile attacks, large-scale fires, explosions, destruction, murders, and violence. Millions of children are deprived of very usual and simple things like birthday celebrations, time with family, and meetings with friends; they are deprived of their bed, favorite cup, and pets. Moreover, those

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<sup>59</sup> Оксана Коваленко, Катерина Коберник, *"Мамо, я малювала тебе"*, Бабель, 9 серпня 2023, <https://morohovska.babel.ua/>

children illegally deported to the territory of the Russian Federation face not only these challenges but are additionally deprived of their identity. They are forbidden to be Ukrainians and punished for any manifestation of their Ukrainian nature. And it will definitely affect not only the current but also the next generations of Ukrainians.

However, even though the Russian Federation is trying to cover its actions with the screen of evacuation, treatment, protection and rescue, the organization and consistency with which the Russian occupying authorities carry out forced deportations from the territory of Ukraine of both adults and children, allow us to conclude that these crimes are not accidental and have a very concrete aim. Along with the destruction of Ukrainian books, which took place immediately after the occupation, re-education of Ukrainian children, compulsion of Ukrainian teachers to switch to the Russian language and the Russian academic curriculum, Russia is depriving Ukrainian people of their language and culture by attacking cultural centers and libraries. The Russian Federation compels Ukrainians to obtain Russian passports and threatens the residents of illegally annexed territories of Ukraine by deportation after July 1, 2024, in case they refuse to accept Russian citizenship. Russia brings representatives of criminality to the temporarily occupied territories of Ukraine to intimidate and provoke the local population. These and other actions, performed by the Russian Federation, testify for the Russification of Ukrainians and intention to assimilate or to destroy Ukraine together with Ukrainian identity, language, culture, traditions, and people. And this is a very strategic move. When it is stealing Ukrainian children, the Russian Federation is stealing the Ukrainian future. This is part of a strategy of "a terrible war of extermination,"<sup>60</sup> as Timothy Snyder, American historian, Professor at Yale University, said about the Russian Ukrainian war in one of his interviews.

However, the issuance of the arrest warrant by the International Criminal Court, the recognition of the actions of the Russian Federation towards Ukrainian children as a crime of genocide, and efforts of the international community in the direction of the creation of the special international tribunal already provide actual testimony and a massive signal to the entire world's community. And that the thesis, spread by the Kremlin propaganda that "not everything is so obvious" during this conflict is definitely not a case here. Everything is extremely obvious. It is obvious that the war started by the Russian Federation against Ukraine must be stopped, and those responsible for the committed crimes must be punished. Among other things, the desire for justice strengthens Ukrainians to continue their struggle against the Russian invaders and provides hope

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<sup>60</sup> Наталя Гуменюк, "Росія вдалася до кожного зі шляхів геноциду" — Тімоті Снайдер про російський фашизм, майбутнє України та Зеленського, Суспільне новини, 3 січня 2023, <https://suspilne.media/282177-najrozumnisi-ludi-u-cij-vijni-ukrainske-komanduvanna-a-ne-rosiani-ci-amerikanci-timoti-snajder/>

that all human suffering, losses, and sacrifices made by Ukrainians in this baseless war are not in vain.

"Without justice, healing will never come,"<sup>61</sup> confirms Janine di Giovanni, journalist, and military correspondent, during one of her interviews. Without punishment for the committed crimes, surviving victims of the war will continue to live with anger, pain, and grief. And it is essential to stop anger and to avoid the next cycles of violence. It is essential to punish those responsible parties. Moreover, it is essential to remember. Because if people forget, everything can start over, and what has been happening in Ukraine since February 2022 due to the full-scale Russian invasion should never be forgotten.

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<sup>61</sup> Олена Куренкова, "Без правосуддя зцілення після війни ніколи не настане" — військова журналістка Жанін ді Джованні, Суспільне новини, 4 січня 2023, <https://suspilne.media/amp/282440-bez-pravosudda-zcilenna-pisla-vijni-nikoli-ne-nastane-vijskova-zurnalistka-zanin-di-dzovanni/>