

Way Forward Project
of the Ukrainian Child Rights Network
implemented in partnership with the Partnership Fund
for a Resilient Ukraine

(NON) RETURN OF CHILDREN: UKRAINE IN THE FACE OF THE GREATEST THREAT SINCE ITS INDEPENDENCE

Kyiv 2024

Photo taken at the site of the greeting of a child, who was returned from the city of Belgorod on October 18, 2023, at the Kyiv railway station



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“(Non)return of children: Ukraine faces the biggest threat since independence”
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**The present section of the study represents an elaborated version,
which experts of the Ukrainian Child Rights Network had developed**

The Ukrainian Child Rights Network is a public union comprised of other 33 non-governmental organizations and charitable foundations for the protection of children's rights. The projects of the Network are aimed at establishing and sustaining, a healthy, happy, reliable family environment for children, where their personality and rights are being observed.

The Partnership Fund for a Resilient Ukraine (PFRU) is a multi-donor program, which unites the Government of Ukraine with eight of its closest international government partners to deliver projects in liberated and frontline communities and at the national level.

PFRU aims to strengthen the Ukrainian government's capacity and resilience in the face of Russian aggression to deliver essential support to local communities in collaboration with civil society, the media, and the private sector.

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**THE SITUATION
OF UKRAINIAN CHILDREN
UNDER THE CONTROL
OF THE RUSSIAN
FEDERATION FROM
THE PERSPECTIVE OF
INTERNATIONAL LAW**

Ukrainian children are particularly vulnerable to the destructive power of Russian aggression. The physical, sexual, and emotional violence that children endure during the armed conflict instigated by the Russian Federation has a negative impact on their legal, humanitarian, social, and economic situation. Russian aggression undermines the very foundations of children's lives by destroying their homes, disrupting the society they live in, and undermining their faith in adults¹.

The present study concentrates on children who have been deported, forcibly transferred, or separated from their parents or other legal representatives due to the Russian aggression and occupation of a part of Ukrainian territory. Additionally, the authors draw attention to Ukrainian children who found themselves under the control of an adversary state at risk of deportation or forcible transfer. According to national law, a child is a person under the age of majority, i.e., under 18 years².

Imposition of Russian citizenship as a basis for unlawful change of civil status

Deported and forcibly transferred children, as well as children in the occupied territories of Ukraine, have suffered from the forcible imposition of Russian citizenship. Russian President Vladimir Putin took the lead in this process, signing Decree No. 330 on 30 May 2022 at the Commissioner for Children's Rights petition, Maria Lvova-Belova. This document served as a basis for the forcible imposition of Russian citizenship on deported Ukrainian children. On 11 July 2022, Putin's new Decree No. 440 extended the possibility of obtaining Russian citizenship "under a simplified procedure" to all Ukrainian citizens. On 26 December 2022, in accordance with Presidential Decree No. 951, a procedure was introduced for processing the "unwillingness" of minors to retain Ukrainian citizenship. Finally, the provisions of all the abovementioned acts were combined in one Decree No. 11 of 4 January 2024 and reproduced in the new federal law on citizenship³.

Initially, the necessity of granting Ukrainian children Russian citizenship was attributed by senior officials of the Russian Federation to the desire to maximize the protection of the rights of orphaned children. Thus, on January 1, 2022, Maria Lvova-Belova, the Presidential Commissioner for Children's Rights of the Russian

1 Remarks to Security Council Briefing on Children in Armed Conflict: Introducing Practical Guidance on the Integration of Child Protection Issues in Peace Processes 12/02/2020: <https://www.un.org/sg/en/content/sg/speeches/2020-02-12/remarks-security-council-briefing-children-armed-conflict>

2 <https://zakon.rada.gov.ua/laws/show/9402-14#Text> Article 1.

3 <http://www.kremlin.ru/acts/bank/49216>

Federation, explained: *“...the decree of the President of Russia on a simplified procedure for obtaining Russian citizenship for orphans of Donbas and Ukraine, issued the day before, will allow us to solve a whole range of problems facing children who have lost their parents. These include social safeguards for orphaned minors, education, medical care, rehabilitation, and recreational vacations. And most importantly – the problem of placement of orphaned children in Russian families”*. Artem Turov, Deputy Head of the State Duma’s Committee on the affairs of the Commonwealth of Independent States, Eurasian integration and relations with compatriots, argued: *“It is logical to provide people with the opportunity to obtain Russian passports in order to simplify the issues related to receiving social payments, pensions, issues related to social support, and in the future with active participation in the socio-political activities of the Russian Federation.”*

However, upon a closer look at Russian citizenship legislation⁴, it becomes evident that had Russian officials intended to act solely on humanitarian grounds, amendments to the legislation to simplify the process of obtaining Russian citizenship would have been followed by laws to facilitate access to medical care and remove obstacles to education and social benefits. Thus, the genuine goal of the Russians was to “appropriate” Ukrainian children and gain full control over the determination and change of their legal status.

It is important to emphasize that the imposed Russian citizenship entails a range of obligations for children: to serve in the armed forces of the Russian Federation upon reaching the age of majority, to study in schools under Russian educational standards, and to demonstrate loyalty to the aggressor state.

The actions of the Russian Federation aimed at imposing its citizenship on orphaned children and children deprived of parental care in the absence of an alternative to retaining Ukrainian citizenship may indicate the existence of a special intent on the part of the perpetrators to commit the crime of genocide in the form of forcible transfer of minors to the Russian national group. The scale and systematic nature of the relevant acts further indicate the existence of signs of a crime against humanity – discriminatory persecution. The latter often caused children and their parents to seek ways to leave the occupied territory before the imposition of the citizenship of the aggressor state.

⁴ <https://www.lemkinstitute.com/ukraineproject/icc-communication>

However, cases have been reported in which neither the child nor his or her legal representative was aware of the imposed Russian citizenship until they crossed the Russian border. This provoked additional difficulties when returning to Ukraine, in particular because the legal representative did not possess a passport of the aggressor state.

Russification and “re-education”

According to the UN Human Rights Monitoring Mission in Ukraine experts, the official policy of the Russian Federation is aimed directly at Ukrainian children. On May 19, 2023, the Head of the Federal Agency for Ethnic Affairs, Igor Barinov, insisted on carrying out “systemic work” to establish “the idea of the ethnic, cultural and historical unity of the Russian and Ukrainian peoples instead of the idea of Ukrainianness.” He emphasized that this work “must begin in preschool,” as children and adolescents are the most vulnerable to hostile propaganda.

According to experts of the OSCE Moscow Mechanism, Ukrainian children find themselves “in an entirely Russian environment, including language, customs, and religion and are exposed to pro-Russian information campaign often amounting to targeted re-education as well as being involved in military education⁵.”

Russia is violating international law by introducing its own educational standards in the occupied territory. In June 2022, the Minister of Education of the Russian Federation announced that starting the school year 2022-2023, all schools in the occupied territory of Ukraine will operate on the basis of Russian standards. The imposed curriculum, approved by the Russian Ministry of Education, does not portray Ukraine as an independent and united country⁶. Primary, general, and secondary education in the occupied territory is aimed at forcing Ukrainian children to recognize themselves as part of the Russian people, as patriots of the “Motherland” - the Russian Federation, for which they are ready to fight and sacrifice their lives. Propaganda narratives are not only contained in textbooks but are also imposed during extracurricular but mandatory classes, such as Talks about Important Things [Razgovory o vazhnom] and Lessons of Courage [Uroki muzhestva]. Schools also have “cadet and Cossack classes” that aim to prepare students for military education and military service.

5 https://www.osce.org/files/f/documents/0/1/546560_0.pdf, стр.1-2.

6 Human Rights Situation during the Russian Occupation of Territory of Ukraine and its Aftermath (24 February 2022 – 31 December 2023). Report by the Office of the High Commissioner for Human Rights, 20 March 2024: <https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2023/2024-03-20-OHCHR-Report-Occupation-Aftermath-UKR.pdf>, para.131.

The militarization and political indoctrination of Ukrainian children is a violation of the right to education under Article 29 of the UN Convention on the Rights of the Child. The reinforcement of pre-conscription training for young men and other elements of the so-called “defense of the fatherland” discipline, along with the potential encouragement of students to join the armed forces of an adverse state upon reaching the age of majority voluntarily, contradict the purposes of education and the human rights values enshrined in Article 29 of the Convention⁷.

According to the General Comments of the UN Committee on the Rights of the Child and the UN Committee on Economic, Social and Cultural Rights, all states have an obligation to provide education that is “culturally appropriate,” “respects the child's cultural identity, language, and values” and does not discriminate on the basis of “race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The Special Rapporteur in the field of cultural rights emphasized in her report on the writing and teaching of history that it is important for people to “have access to and recognize their cultural heritage – in terms of the presentation of historical events – as well as to have access to and recognize the cultural heritage of other peoples.” The substitution of the curriculum by the Russian Federation has deprived Ukrainian children of such access. In addition, education must be free from propaganda and must ensure the free development and application of critical thinking⁸.

The militarization of education and the propaganda of military service, which take place throughout childhood, are among the reasons that facilitate the involvement of children from the occupied territories of Ukraine in the activities of the Russian armed forces, which is a violation of Article 51 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and Article 38 of the Convention on the Rights of the Child⁹.

One of the manifestations of political indoctrination and militarization of Ukrainian children is the activity of so-called patriotic and military-patriotic movements. These include Yunarmy [Yunarmia], Leader (Wagnerionok), Young Guard [Molodaya Grvadia], Young Republic [Molodaya Respublika], Vympel, Warrior [Voen], and others. Moreover, there are more than 5,500 military-patriotic clubs in the Russian Federation¹⁰ involved in the

7 <https://www2.ohchr.org/english/bodies/crc/docs/crc-c-opac-isr-co-1.pdf>, para. 92–93.

8 Human Rights Situation during the Russian Occupation of Territory of Ukraine and its Aftermath (24 February 2022 – 31 December 2023). Report by the Office of the High Commissioner for Human Rights, 20 March 2024: <https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2023/2024-03-20-OHCHR-Report-Occupation-Aftermath-UKR.pdf>, para.132, 136.

9 <https://unesdoc.unesco.org/ark:/48223/pf0000378910>, p.13.

10 <https://theins.ru/politika/260134>

implementation of the Strategy for the Development of Education until 2025¹¹, including in the occupied territories of Ukraine.

The activities of “re-education camps” are one of the elements of the aggressor state’s policy aimed at eradicating Ukrainian national identity, de facto assimilating Ukrainian children, and turning them into loyal citizens of Russia. In essence, “re-education” is temporary separation of Ukrainian children from their parents, followed by their transfer and detention in private institutions in which they are taught according to Russian or Belarusian educational standards and undergo patriotic and military training under the guidance of Russians and Belarusians.

In 2023, the network of “re-education” of Ukrainian children amounted to more than 55 camps and sanatoria in the Russian Federation, 9 camps on the occupied Crimean peninsula, and 13 camps in Belarus¹². A record 68 billion rubles were allocated to sustain their operation¹³. In 2024, spending on children’s “recreation” from the Russian federal budget again increased by 11.6%, reaching 76.8 billion rubles. According to representatives of the occupation administrations, up to 40,000 Ukrainian children are planned to be taken away during the summer season of 2024 as part of the Good Holidays [Poleznye kanikuly] project. This is almost twice as many as in the previous year. In particular, the children are to go on propaganda trips to Moscow, Rostov-on-Don, and Tula as part of the Cultural Map 4+85 [Kulturnaya karta 4+85], Route for Youth [Marshrut dlia molodiozhy], and University Shifts [Universitetskie smeny] programs, as well as participate in the patriotic summer camp Time of Heroes [Vremia geroev] at the Avangard defense and sports camp in Volgograd¹⁴.

During the Time of Heroes program, Ukrainian children take “a course of disciplines aimed at preparing for service in the armed forces of the Russian Federation, raising courageous, physically strong and spiritually empowered patriots of the country [of the Russian Federation]¹⁵.” According to the Committee of Education, Science and Youth Policy of the Volgograd Region, the Time of Heroes program includes educational, sports recreational, leisure, and educational modules. Children are required to take classes in basic safety, engineering, tactical and firearms training, tactical medicine, unmanned aerial vehicle management and countermeasures, and parachute training. Children participate in military and historical reenactments and the Zarnitsa game. The

11 <http://council.gov.ru/media/files/41d536d68ee9fec15756.pdf>

12 <https://valedailynews.com/blog/2023/12/01/vales-humanitarian-research-lab-finds-belarus-complicit-in-the-relocation-of-ukrainian-children/>

13 <https://archive.ph/kMpZP>

14 <https://gorod-lugansk.com/2024/05/28/leonid-pasechnik-ob-organizacii-letnego-otdyha-dlja-detej-respubliki.html>

15 <https://school81.oshkole.ru/news/139388.html>

teenagers also attend competitions, take part in ropes courses and obstacle courses, and fulfill the RWD (Ready for Work and Defense [Gotov k trudu i oborone]) standards. In addition, the children have Conversations about Important Things and meet with “Heroes of Russia” and participants of the “special military operation” from the Volgograd region¹⁶.

The longer a Ukrainian child is enrolled in Russian educational programs, the more firmly the above narratives take root in their mind. This leads to the assimilation of the Ukrainian population with the Russian population, the extermination of the Ukrainian national group in the occupied territories, and obstructs future de-occupation and reintegration¹⁷. Such actions may be considered a violation of the UN Convention on the Rights of the Child, according to which education must be aimed at fostering respect for the cultural identity, language, and national values of the child's country of origin. Withholding information about a child's real family and ethnic origin causes irreparable harm to the child's personality¹⁸.

Categories of Ukrainian children under the control of the Russian Federation

Children are one of the most vulnerable categories of civilians in armed conflict. They are entitled to special protection due to their age, level of development, affiliation with an identifiable group, or for any other reason¹⁹. Parties to the conflict are prohibited from deporting and forcibly transferring children, as provided for by the Geneva Convention relative to the Protection of Civilian Persons in Time of War and Additional Protocol I to the Geneva Conventions. Derogation from the relevant prohibition is recognized as a grave breach of the Convention²⁰ and of the Protocol²¹. The deportation and forcible transfer of children has the elements of several international crimes: war crimes and crimes against humanity. Any transfer of children without exigent circumstances is prohibited from the moment they effectively fall “into the hands of the occupying power”²².

16 <https://archive.is/iGFtI#selection-515.0-519.388>

17 <https://krymbezpravil.org.ua/wp-content/uploads/2023/03/Doslidzhennya-Shkilna-osvita-prykhovana-zbroya-RF-proty-Ukrayiny.pdf>, p. 89.

18 In Search of Origins: The Experiences of Adopted People. By John Triseliotis. London: Routledge and Kegan Paul. 1973.

19 https://zakon.rada.gov.ua/laws/show/995_199#Text, Article 77.

20 https://zakon.rada.gov.ua/laws/show/995_154#Text, Article 147.

21 https://zakon.rada.gov.ua/laws/show/995_199#Text, Article 85.

22 ICTY, Naletilić & Martinović, IT-98-34-T, op. cit., para. 221.

A **deported child** is a child forcibly taken outside the state of permanent residence. It differs from a **forcibly displaced child** only by the fact of crossing the state border, violent in nature.

It is necessary to demonstrate an element of coercion on the part of Russian agents in order to establish the fact of deportation or forcible transfer of a Ukrainian child. The element may include the use or threat of physical force, fear of violence, psychological pressure, abuse of power, and the imposition of a coercive environment. Humanitarian or environmental crises deliberately induced in certain occupied cities and regions must also be considered as a manifestation of coercion by the aggressor state²³. This includes, for example, the siege of Mariupol or the explosion of the Kakhovka hydroelectric power plant.

Despite the fact that parents or other relatives may have consented to such transfer with the child or the transfer of the child only, the voluntary nature of the expression of will must be assessed, taking into account the circumstances²⁴. Consent given by persons who are not the child's legal representatives, such as grandparents, aunts, or other relatives, as well as persons whose actions demonstrate signs of collaboration, does not legitimize the illegal removal. A child can never be considered to have consented to deportation or forcible transfer²⁵.

A child can be deported or forcibly displaced and separated from his or her parents at the same time. In such a case, the child is only temporarily deprived of parental care as a result of the aggression of the Russian Federation. The parents of such a child cannot properly care for them due to their professional activities, arbitrary detention by Russian agents, removal of the child from the family due to the actions of the occupation authorities, and other circumstances. Such a child is at risk of being forcibly transferred to a foster family or an institution in the territory under the effective control of the Russian Federation. They may stay with other family members in the occupied territory or in Russia.

Family members other than parents are not legal representatives of the child under national law²⁶, although they may participate in the child's upbringing²⁷. Accordingly, they do not have the right to decide on the change of the child's place of residence if it would harm the child's best interests or be done against the

²³ <https://old.irmct.org/assets/filings/Judgement-Static.pdf>, Article 147, para. 287.

²⁴ <https://www.casematrixnetwork.org/omn-knowledge-hub/elements-digest/art-7/7-1-d/3>, para. 489.

²⁵ <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-children-en-web.pdf>, p.16.

²⁶ <http://surl.li/toaav>

²⁷ https://zakon.rada.gov.ua/laws/show/9947-14#Text_стаття_257.

will of the child and their parents. If one of the parents moves a child to the territory controlled by the Russian Federation without the consent of the child and the other parent, the legal status of such a child, including the guarantees of return to the territory controlled by Ukraine, should be on par with the legal status of a forcibly displaced or deported child.

A distinct category of children includes those who have not been deported, forcibly transferred, or otherwise removed from their place of permanent residence, but instead have found themselves in the occupied territory of Ukraine under the control of Russian agents, either directly (in the case of institutional care) or indirectly (in the case of family care).

Prior to the full-scale invasion, there were more than 105,000 children in a network of 751 institutional care facilities (orphanages or boarding schools). This is more than 1% of Ukraine's child population, the highest level of institutionalization in Europe²⁸. 80% of children in institutional care facilities were so-called social orphans²⁹: their parents did not fulfill their responsibilities for various reasons (unemployment of both or one of the parents, and as a result, the inability to support the child, lack of permanent housing, vagrancy, drug or alcohol addiction, long absences, separation of parents from their children)³⁰. According to UNICEF, before the full-scale invasion, almost half of the children in orphanages in Ukraine had disabilities³¹.

A significant number of children placed in institutional care due to the lack of comprehensive support of families, early detection and overcoming of difficult life circumstances faced by families with children is directly related to the unimplemented deinstitutionalization reform, which, according to the European Commission, "is a matter of serious concern and requires urgent resolution³²." This need is particularly urgent in connection with the armed aggression of the Russian Federation, as "status" (children with the legal status of "orphan" or "child deprived of parental care") children who are in institutional care due to the continued existence of the phenomenon of social orphanhood are at serious risk of harm and human rights violations. One such violation is deportation or forcible transfer.

²⁸ <https://www.reuters.com/graphics/UKRAINE-CRISIS/ORPHANS/dwprxzwwvm/>

²⁹ <https://orphanshope.org/ukraine/>

³⁰ <https://www.hsa.org.ua/blog/pry-zhyvyh-batkah-dity-syroty-sotsialni-syroty>

³¹ <https://sos-ukraine.org/novyny/mizhnarodnyi-den-lyudej-z-invalidnistyu-skilky-takyh-ditej-v-internatah-i-yak-yim-dopomogty/>

³² <https://www.hrw.org/news/2023/06/15/key-recommendations-reform-ukraines-child-protection-and-care-system>

Russian agents have removed Ukrainian children from institutionalized care facilities at times when the principals of the institutions did not consent to the transfer³³. In addition, children, in some cases, faced separation from their parents during “filtration” and subsequent change of residence without the consent of their relatives³⁴. In other cases, children have been first sent to medical facilities, and then to an orphanage or to a family in the Russian Federation. Ukrainian children have also been taken to so-called re-education camps without their parents' consent³⁵. There is evidence of an intention to further forcibly transfer such children to Russian boarding schools or foster families.

In the Guidelines for protecting displaced and refugee children in and outside of Ukraine, UNICEF insists: “Those legally responsible for children in institutions in Ukraine must ensure that such evacuations are done in line with national authorities' instructions.” The Government of Ukraine has provided clear instructions³⁶ to all children's institutions, including boarding schools and residential schools, regarding the organization of necessary evacuations, notification of the competent authorities of Ukraine and neighboring countries immediately upon the children's crossing the border, and the availability of the necessary documents, including the child's identification documents and personal files³⁷. However, due to the overload of residential institutions and the circumstances that existed at the time of the decision and the organization of the rescue process, such evacuation proved to be complicated and, in some places, in the context of the Russian offensive and the shelling of the “green corridors” by Russian troops, posed a genuine threat to the lives and safety of the children.

Moreover, the “instructions” of the Ukrainian Government mentioned by UNICEF concerned the evacuation of status children abroad. Since the beginning of the full-scale invasion, more than 2,000³⁸ children from 196 institutional care facilities have been thus relocated, mainly to Germany, Turkey, and Poland. Another 94 institutions have been evacuated within Ukraine³⁹. The procedure for the temporary relocation (evacuation) and provision of conditions for staying on the territory of Ukraine, which is not subject to hostilities, or outside Ukraine, for children and persons residing or enrolled in institutions of various types, ownership and subordination for round-the-clock stay was only approved by the Resolution of the Cabinet of Ministers of Ukraine

33 https://www.osce.org/files/f/documents/0/1/546560_0.pdf, p.36.

34 Ibid, p.39.

35 <https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data>, p.14.

36 <https://www.kmu.gov.ua/npas/pro-vnesennya-zmini-dopravil-peretinannya-derzhavnogo-kordonu-gromadyanami-ukrayini-166-980999>

37 <https://www.unicef.org/ukraine/en/stories/guidance-for-protecting-refugee-children-in-Ukraine#6>

38 <https://www.reuters.com/graphics/UKRAINE-CRISIS/ORPHANS/dwpxrzwwvm/>

39 <https://www.radiosvoboda.org/a/syroty-bizhentsi-vidibrani-dity-italia-usynovlennia/39844308.html>

No. 385⁴⁰ on March 27, 2022 (it was invalidated by the Resolution of the Cabinet of Ministers of Ukraine No. 546 of June 1, 2023⁴¹). At this time, the Russian Federation had occupied or besieged the regions of Donetsk, Luhansk, Chernihiv, Kharkiv, Mykolaiv, Kherson, Sumy, and Zaporizhzhia⁴².

“Status children” find themselves in a particularly vulnerable position in the occupied territory. Their legal representatives or immediate family members are forced to consent to the imposed Russian citizenship, given that the aggressor state considers such children to be its own by default, “state children”, and therefore fall under the control of the occupation guardianship custody authorities. Russian citizenship was imposed on children in boarding schools collectively subject to the decision of the head of the relevant institution. Thereafter, the guardianship and custody authorities overstepped their discretion to exert pressure on parents and other legal representatives, including the heads of the boarding schools, and expedite the “re-education” of Ukrainian children to become Russian patriots. In particular, parents, legal representatives, and heads of institutions were forced to enroll their children in an occupation school or introduce Russian educational standards into the curriculum of the institution, and pressured to participate in military and patriotic movements (Yunarmy, Movement of the First, Young Guard, etc.) or in camps in Russia, Belarus, or occupied Crimea.

The deprivation of parental rights pursuant to the decision of Russian authorities based on Russian legislation is also ongoing in the occupied territories of Ukraine. According to the “final reports” of the Russian Ministry of Education “on the identification and placement of orphans and children deprived of parental care,” in the first three quarters of 2023, 1,020 children “deprived of parental care” were identified in certain districts of Luhansk and Donetsk regions occupied by Russia before 2022 (the so-called LPR and DPR), and in the part of Zaporizhzhia and Kherson regions controlled by Russian agents. Some of them were separated from their blood relatives under the pretext of an “immediate threat to life or health” with no further explanation. 78 of those children were placed for adoption by Russian citizens. This data may be significantly underestimated, as information regarding children removed from their families in the occupied Kherson region appears in the reports of the Russian Ministry of Education in the third quarter of 2023 only⁴³.

40 <https://zakon.rada.gov.ua/laws/show/385-2022-%D0%BF#Text>

41 <https://zakon.rada.gov.ua/laws/show/546-2023-%D0%BF#n340>

42 <https://zakon.rada.gov.ua/laws/show/z0453-22#Text>

43 <https://meduza.io/feature/2024/03/11/oni-mogut-nachat-protivodeystvovat>

In addition to the threat of adoption or forcible placement in a Russian family for another form of upbringing, status children in the occupied territories face a high risk of deportation or forcible transfer. The reason for this can be attributed to Russia's de facto "appropriation" of Ukrainian status children, as well as the complete dependence of the legal representatives of such children on the decisions of the occupation guardianship and custody authorities, which implement the policy of the Russian leadership to eradicate Ukrainian national identity and change the demographic composition of the population in the occupied territories. The aggressor state is attempting to legitimize the removal of status children on the grounds of the need for evacuation and rehabilitation in camps or medical facilities upon the outcome of medical examinations (medical examinations by Russian doctors). However, the legal grounds for relocation, including from residential institutions, existed in a very limited number of cases. Therefore, the earliest possible return of children from the occupied territories under the control of Ukraine would prevent the commission of international crimes and other serious violations against them.

The right of the child to reunification with family and return to the territory of the state of nationality

International humanitarian law and international human rights law contain a number of provisions that establish the right of a child to return to their country and reunite with their family, as well as the obligation of states to ensure the exercise of these rights.

Article 74 of Additional Protocol I to the Geneva Conventions (1977) stipulates that states have an obligation to facilitate the reunification of families dispersed as a result of armed conflict by all possible means and to encourage the work of relevant humanitarian organizations.

Article 78 of Additional Protocol I regulates the evacuation of children for security and medical reasons. To facilitate the return to their families and the country of children who have been evacuated pursuant to the present Article, the responsible State shall fill out a card with photographs for each child, which shall be sent to the Central Tracing Agency of the International Committee of the Red Cross.

Article 85(4)(b) of the above instrument clearly prohibits unjustifiable delay in the repatriation of prisoners of war and civilians, which constitutes a war crime⁴⁴.

Thus, international humanitarian law requires the state to facilitate the timely repatriation of civilians, including minors, and the reunification of families dispersed as a result of the armed conflict. Furthermore, any unjustifiable delay in the return of such persons constitutes a serious violation of international humanitarian law.

Article 13, paragraph 2, of the Universal Declaration of Human Rights provides for the right of everyone to return to his or her own country⁴⁵. Article 12, paragraph 4, of the International Covenant on Civil and Political Rights, provides that no one shall be arbitrarily deprived of the right to enter his or her own country⁴⁶.

With respect to the Ukrainians deported by Russia, the European Court of Human Rights ruled that the Russian Federation must “take all measures to ensure their safe return” to Ukraine as soon as possible, since actions aimed at preventing their return constitute a violation of Article 2 of Protocol 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms⁴⁷.

International child rights law contains a number of provisions that enshrine the right of the child to return and the obligations of states to facilitate and expedite the process of repatriation and family reunification.

Article 9 of the UN Convention on the Rights of the Child obliges states to inform parents and other family members of the whereabouts of a child who has been separated from them, including as a result of deportation.

Article 10 of the relevant Convention enshrines the right of the child and his or her parents to leave any country, including their own, and to return to their country. The provisions of the article imply that states, in turn, shall facilitate the process of family reunification in a positive, humane, and expeditious manner by simplifying procedures for entry and exit from the state⁴⁸.

44 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: https://zakon.rada.gov.ua/laws/show/995_199#Text

45 https://zakon.rada.gov.ua/laws/show/995_015#Text

46 https://zakon.rada.gov.ua/laws/show/995_043#Text

47 [https://hudoc.echr.coe.int/rus#f%22itemid%22:\[%22001-935139%22para.1387](https://hudoc.echr.coe.int/rus#f%22itemid%22:[%22001-935139%22para.1387)

48 Convention on the Rights of the Child, 20 November 1989: https://zakon.rada.gov.ua/laws/show/995_021#Text

The issue of returning children separated from their families to their country of origin and their right to reunification is elaborated in the practice of the UN Committee on the Rights of the Child.

General Comment No. 6 to the Convention states that family reunification should take place if it is in the best interests of the child. States undertake, where possible and if in the child's best interest, to reunify separated and unaccompanied children with their families as soon as possible. In no case should a child be separated from his or her parents against their will, and States should make every effort to return an unaccompanied or separated child to his or her parents⁴⁹.

In 2022, the UN Committee on the Rights of the Child issued a decision on an individual complaint filed by French citizens whose grandchildren, nieces, and nephews are currently being held in camps in Syria under the control of illegal paramilitary groups. In its conclusion on the case, the Committee noted that France's refusal to repatriate children who have been held in Syrian camps for years in life-threatening conditions violates their right to life, as well as the right to freedom from inhuman and degrading treatment.

The Committee's experts argue that whilst the Convention does not explicitly establish a specific positive obligation to repatriate children, such an obligation can be derived in this case from the State Party's positive obligation to ensure the rights of the child. The only way a State Party can fulfill its positive obligations under international law is to repatriate children⁵⁰.

The relevant obligation is mentioned in Resolution 63/241 on the Rights of the Child, adopted by the UN General Assembly in 2008. The resolution strongly condemns all abductions of children, including in areas of armed conflict. UN member states are urged to take all necessary measures for the immediate release of abducted children, their rehabilitation, reintegration, and family reunification⁵¹.

49 General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin: <https://www2.ohchr.org/english/bodies/crc/docs/gc6.pdf>, p. 13, 81.

50 Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communications Nos. 77/2019, 79/2019 and 109/2019: https://digitallibrary.un.org/record/3995705/files/CRC_C_89_D_77_2019-CRC_C_89_D_79_2019-RC_C_89_D_109_2019-EN.pdf

51 Resolution adopted by the General Assembly on 24 December 2008 [on the report of the Third Committee (A/63/426)] N° 63/241. Rights of the child: <http://www.worldlii.org/int/other/UNGA/2008/286.pdf>

**RETURN OF CHILDREN
FROM THE RUSSIAN
FEDERATION
AND THE TEMPORARILY
OCCUPIED TERRITORIES**

Over 1.5 million children live in the temporarily occupied territories. According to the National Information Bureau of Ukraine, the number of deported or forcibly transferred children is 19,546⁵². It is worth emphasizing that this figure describes the cases that were identified and documented officially when reported by parents, official representatives, or witnesses.

According to the Children of War portal, 388 children have been returned to Ukraine as of July 2024, but on July 9, the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, Dmytro Lubinets, reported 736 children⁵³.

Factors that cause children to be transferred to the occupied territories or the Russian Federation:

1. ill-timed evacuation, preventing children from leaving due to the rapid advance of the enemy through the territory of Ukraine, and the inability to organize evacuation measures for overloaded institutional care facilities for security reasons,
2. underestimation of the danger by parents, guardians, or legal representatives of children who opted to stay in the temporarily occupied territories or travel to the Russian Federation, claiming that it would be safer there, since “there are no active hostilities”,
3. conflicts within the family, involving a pro-Russian side of the family who preferred to stay in the occupied territories or travel to Russia. This situation is especially common in families of military personnel who are physically unable to be with their children and therefore leave the children with relatives, despite ideological differences,
4. the fact that children remain without parents or legal representatives at the time of the full-scale invasion (for example, in a hospital or sanatorium),
5. social orphanhood caused by parents' evasion of their responsibilities,
6. children's placement in orphanages,
7. placement of children deprived of parental care in residential institutions,

⁵² <https://childrenofwar.gov.ua/>

⁵³ <https://frontnews.eu/ua/news/details/81643>

8. civil servants and social workers' inertial prioritization of residential care as a way of temporary care for children whose parents are in difficult living conditions exacerbated by the hostilities.

The above factors can overlap, complicating the return. It is especially difficult to return children who are left alone, without their parents or legal guardians, as in such cases it is necessary to prove the circumstances of the situation, as the Russian authorities or occupation administrations assume by default that the parents or legal guardians did not fulfill their parental duties and therefore should not raise the children. For example, a child was in a hospital in the occupied territory, yet after the treatment was over, the hospital administration refused to return the child to the parents, as the parents were considered not to be fulfilling their childcare duties. Another example is the situation of a single mother who was raising five children on her own and traveled to another city for work to support them, leaving the children with her sister. According to the sister, the mother visited the children regularly, the children were sent to the Center for Social and Psychological Rehabilitation. The woman tried to collect the children and was refused under the pretext that while she was working, the children would be better off in the institution than with their aunt. Then the mother and children were separated by the front line. At that time, the children were taken into custody and transferred to Russia. The family reunion took place on Russian territory, with the mother having to travel there to be able to return the children, proving her parental capacity to Russian officials.

Categories of children in need of return from the control of the Russian Federation

Ukrainian children still seeking return from the control of the Russian Federation include, but are not limited to:

- children whose parents were killed or arbitrarily detained by Russian agents, including while attempting to evacuate,
- children (orphans, deprived of parental care, removed from families, transferred at the request of parents) who were in institutional care at the beginning of the full-scale invasion and were forcibly transferred to the territory under Russian control to residential institutions or foster families,

- children with disabilities who were in institutional care at the beginning of the full-scale invasion and were forcibly transferred to the territory controlled by the Russian Federation to boarding schools or foster families,
- orphans or children deprived of parental care who, at the beginning of the full-scale invasion, were students of vocational schools located in the newly occupied territories,
- children who were placed with relatives for security reasons at the beginning of the full-scale invasion,
- children who have fallen under the control of the Russian Federation and whose parents are Ukrainian military personnel or work in government agencies.

Efforts to return Ukrainian children from the control of the Russian Federation

“Russians are employing janissary tactics: re-education, paramilitary camps, propaganda -- anything to erase Ukrainian identity, to replace it with ‘love for Russia’.”

Volunteer involved in the return of children

Efforts to return Ukrainian children are carried out in partnership with civil society organizations, charitable foundations, volunteers and government agencies. One of the first organizations to return Ukrainian children from the Russian Federation and the temporarily occupied territories was the international charitable organization Charitable foundation SOS Children's Villages Ukraine. Since February 2022, the organization has been facilitating the evacuation of family-type orphanages, in particular from Donetsk and Luhansk regions and Kharkiv region, and the reunification of families dispersed as a result of hostilities. The children were separated from their foster parents and placed in a shelter and a medical facility. The organization also helped a girl from Mariupol, whose mother was killed and who had no legal representative, to

return to Ukraine. At the time, such efforts were sporadic and based on the personal and professional experience of the persons involved in the return.

Later, in May 2023, the initiative was further developed by the public association Ukrainian Child Rights Network (hereinafter – UCRN) in partnership with the international humanitarian organization Save the Children in Ukraine, the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, the Office of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, within the framework of the Way Home project. Government stakeholders are also involved in the cooperation: The Office of the President of Ukraine, Advisor to the Presidential Commissioner for Children's Rights and Child Rehabilitation Daria Gerasymchuk, the State Migration Service of Ukraine, and Ukrainian diplomatic missions in different countries.

Having consulted with experts, it was established that in practice, the process of return is initiated with the identification of the child's location (at the request of an adult) and/or their legal representative (if there is information about the child and their actual location). Yet, the return may also be initiated by the adolescent child themselves, who is aware of their desire to return to Ukraine, but in such cases, it is still important to obtain information about adults – parents or legal representatives, relatives or close associates of the child, as their participation is necessary both to clarify the circumstances and to participate in the return process. Upon identification of the child's location, the initial analysis of the situation begins, which consists of establishing contact with family members to determine the circumstances of the child's entry into the territory of the Russian Federation or the temporarily occupied territories, the conditions of his or her stay there, and collecting documents that may be helpful in planning and implementing the return. Documents that allow the organization to act in the interests of the child and his or her parents or legal representatives are required.

The described stage is the most challenging in cases when:

- it is not possible to find the child's legal representative (the person died, went missing, remained in the occupied territories, or cannot fulfill his or her duties due to other circumstances),

- the child's guardians, recognized by the Russian authorities, are against the child's return to Ukraine because of their pro-Russian views, fear of hostilities, or difficult family relations with the child's parents or relatives in Ukraine,
- the restriction is imposed by the child's becoming of age, which may have legal or factual consequences (for example, the age of obtaining a Russian passport or the age at which young men are registered for military service in the aggressor country or in the occupied territories),
- the child was removed together with the rest of a residential institution, and then entered into the Russian databases and placed under guardianship, adoption or in a Russian orphanage,
- a child with a disability required the assistance of medical professionals and/or special transportation in the return process.

The most vulnerable are “status” children under the age of five, who, first of all, cannot seek help and report themselves, and second, are particularly attractive to potential adoptive parents from Russia⁵⁴.

One of the complications when returning the children is the lack of statistics on children in the areas not controlled by Ukraine. While information on status children relevant to the time prior to the war is available and an idea of where they might be, given their support by local social services, there is virtually no information about the so-called “parental” children. According to the Minister of Social Policy Oksana Zholnovych, as of August 2023, approximately 20,000 children who had biological parents were being raised in boarding schools, the reasons often being poverty, a child's disability, or special educational needs. Families cannot overcome these circumstances on their own, and therefore require support and social services from the state.

⁵⁴ <https://www.0629.com.ua/news/3791602/diti-z-mariupola-vidmovilisa-povertatisa-z-batkami-v-okupaciu-voni-obrali-ukrainu-intervyu-z-dareu-kasanovou>

The Russian Federation, yet again grossly violating the Geneva Conventions, does not provide lists with the names and whereabouts of Ukrainian children who have been deported, displaced or residing in the territory not controlled by Ukraine and denies access to the so-called “summer camps” where Ukrainian children are being held. Instead, cooperation between Ukraine and partner states on the return of Ukrainian children is strengthening. In particular,

the PACE, in its resolution of January 23, 2024, “Situation of the children of Ukraine,” calls for the facilitation of the full exchange of information on Ukrainian children in custody and for close cooperation in this area between the competent authorities of Ukraine and European Union member states⁵⁵.

The next step is to prepare documents and develop the logistics of return – the so-called individual trajectory (plan) for the child's transportation from the occupied territory or Russia. For the most part, the route to the occupied territories or to Russia is made through several European countries. Therefore, the legal representative must have a passport, which is usually issued for the first time and under an expedited procedure. Difficulties at this stage may arise if the legal representative, due to circumstances, cannot travel to collect the child in person. In this case, a power of attorney must be issued for another person, whose powers may not be recognized by the Russian authorities⁵⁶. Such circumstances will lead to a refusal to hand over the Ukrainian child, and, consequently, to repeat all the previous stages.

The path to the child's return may take anywhere from two weeks to two months. The process is extended in time when the child is in the occupied territory of Ukraine due to the fact that the occupation administrations do not act independently, but are effectively accountable to the federal authorities and the Office of the Presidential Commissioner for Children's Rights. In addition, the removal of a child is complicated by the passage of a number of checkpoints, and thus interrogations, intimidation, and repeated traumatization⁵⁷.

Occasionally, the Russians arbitrarily change or falsely indicate the child's actual location or the desired location of reunification, which makes it necessary to adjust the legal representative's route, which is already set in motion to repatriate the child. For example, in the case of the Russian side's “facilitation” of the return of N/A's⁵⁸ daughter, not only did representatives of the Russian authorities detain the girl's grandmother at the border for 8 hours but also organized a meeting with the child in the Lipetsk region instead of Moscow with no prior arrangement.

There are cases when the authorities of the Russian Federation demand to supplement the previously agreed package of documents, thus causing an unjustifiable delay in the return⁵⁹.

55 <https://pace.coe.int/en/files/33329/html>

56 <https://rozmova.wordpress.com/2023/11/13/dariva-kasyanova-2/>

57 <https://hromadske.radio/podcasts/shlyakh-dodomu-iak-povernuty-dytynu-z-deportatsii/yak-povernuty-dytynu-z-deportatsii-abo-vvezty-z-okupatsii>

58 <https://deti.gov.ru/Devatelnost/documents/307>, p. 7.

59 <https://childrights.org.ua/shlyah-do-povernennya-dytyny-mozhe-zajmaty-vid-dvoh-tyzhniv-do-dvoh-misyaciv-darya-kasyanova/>

Some of the documents that a child's legal representative is "obliged" to provide are specific to the Russian legal system, which the aggressor state, contrary to international humanitarian law, has extended to the occupied territories. The "conflict" of laws artificially created by the Russians leads to an unreasonable delay in family reunification. It should be noted that the documents must be notarized and translated into Russian. Although representatives of the Russian Federation claim that they help Ukrainian parents and legal representatives with the appropriate paperwork⁶⁰, in the practice of the UCRN within the framework of the Way Home project, there has not been a single case of such "assistance".

In early 2023, the Russian Federation intensified its information campaign to portray "active efforts" to reunite Ukrainian families and return deported and forcibly displaced Ukrainian children. Having analyzed the examples of such "efforts", which are given in Annex 1 to the third issue of the Bulletin "On the activities of the Russian Presidential Commissioner for Children's Rights Maria Lvova-Belova to protect children during a special military operation⁶¹," one can conclude that the Russians deliberately distort the actual circumstances of the return and conceal the obstacles that were created on the way of Ukrainian parents or other legal representatives.

For example, in case 18, about 14 months passed from the moment the girl was taken to Russia until *"together with the ICRC, the Commissioner [Maria Lvova-Belova] helped the grandmother and granddaughter to reunite, assisted in their transportation and accommodation in Russia, [...] accompanied them to the Russian-Latvian border."* Throughout this period, the girl's grandmother, with the help of non-governmental organizations, unsuccessfully tried to return her granddaughter to Ukraine, undergoing 18-hour interrogations at the Russian border and facing threats from Russian agents. At the same time, in order to delay the child's departure from Russia, she was made a party to a criminal proceeding on attempted rape, of which the "victim" herself learned only from Russian law enforcement agencies. Consequently, the family was only reunited on the second attempt and only after the girl's mother reported the obstacles to her return to the UN Security Council.

In cases 7-11, which state that "after the children were handed over to their mother, she decided to stay in Russia," it is worth elaborating on the circumstances that influenced this decision.

60 <https://deti.gov.ru/Devatelnost/documents/307>, p. 6.

61 <https://deti.gov.ru/uploads/magic/ru-RU/Document-0-307-src-1718871066-5662.pdf>

In particular, the Office of the Commissioner Maria Lvova-Belova provided the large family with housing and social benefits. This was reported by the mother to a non-governmental organization that was involved in the process of organizing the return of the children to Ukraine, explaining why they remained in Russia. It is important to state that the woman initially rejected the idea of helping to repatriate her daughters with their grandmother, who was with them on the territory of the aggressor state. Instead, she was interested in receiving funds for their return, which may indicate that profit was the primary driver of her decision.

Case 12 refers to the “work done by [Maria Lvova-Belova]” to reunite sisters whose mother died in Russia. At the same time, the main obstacle to the repatriation of children was the aggressor state’s failure to comply with its international obligations. In particular, the Russian competent authorities did not establish a national bureau, as provided for in Article 136 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War⁶², which would accumulate information, including on the deaths of civilians, and transmit such information through the Central Tracing Agency of the International Committee of the Red Cross to Ukraine. Therefore, the girl’s older sister did not immediately learn about her mother’s death and later had difficulty fulfilling the request of the Ombudsman’s Office to have her mother’s death documented by the competent authorities of Ukraine. The authorities of the Russian Federation could not but know that it was almost impossible to issue the document, which they had conditioned on the return of the children, without access to the body of the deceased and any information on the circumstances of her death. However, owing to the efforts of a Ukrainian non-governmental organization in partnership with the Ukrainian authorities, the sisters were able to overcome this challenge and repatriate to their homeland.

⁶² https://zakon.rada.gov.ua/laws/show/995_154#Text

In case 20, which refers to the return of her minor brother by his sister only as “helping the family to reunite,” several important details are left out. First, the transfer of the child lasted more than a month, during which Russian agents repeatedly detained the family at the border, stating that the brother was a Russian citizen (as a result of the forced imposition of citizenship of the aggressor state), and his sister was not. Secondly, Russian agents threatened to take the child away, leaving the minor in the Russian Federation, and either deporting the sister to Ukraine or

imprisoning her for “kidnapping.” Thirdly, while their return was unjustifiably delayed, the girl and her brother were persuaded to move to Russia permanently, stimulated by intimidation from border guards and the federal security service. At the same time, the sister was ordered to ‘renew’ her custody documents under Russian law, which would also lead to the imposition of Russian citizenship on her and her brother. The experience of such “assistance” from the Office of the Commissioner in reunification led to an exacerbation of chronic diseases of the children's mother (diabetes), as well as a nervous breakdown of the sister herself.

In case 33, according to the testimony of Commissioner Maria Lvova-Belova, “*the grandmother and grandson were arranged to undergo a DNA test to confirm their relationship*”, it is not stated that the return process took approximately 2 months, and the delay was not only caused by the genetic testing. The administration of the institution in Skadovsk (occupied Kherson region), to which the boy was forcibly transferred, together with the occupation social services and police, demanded that the grandmother present a Ukrainian court order to establish custody of her grandson. The above form of the ruling is neither typical for Ukrainian legislation⁶³ nor for the legislation of the Russian Federation⁶⁴, which it had unlawfully extended to the occupied territories. Therefore, such a requirement was only a way to delay the child's return and attempt to convince the grandmother to remain under Russian control. It was only after agreeing on the family reunification process with the Office of the Commissioner (Maria Lvova-Belova), receiving the results of a DNA examination, and being filmed in a propaganda video that the grandmother and grandson managed to leave the occupied territory.

Case 59, which requires further detailed study in the context of the actual shooting of civilians during the evacuation, also lacks a description of the process of “handing over the boy” to his aunt from Ukraine. Attempts to return the child date back to July 2022, although the boy was repatriated to Ukraine only in February 2024. A few months after the deaths of the child's mother and older brother, his aunt in the government-controlled territory of Ukraine formalized all the necessary documents to establish custody. Initially, the occupation authorities delayed the return, citing the boy's health condition. However, in September 2022, when the proper transportation and medical support of the child to Ukraine was arranged, the chief physician of the institution

63 <https://zakon.rada.gov.ua/laws/show/z0387-99#Text>, para. 1.3. Regulations on guardianship and custody/

64 https://www.consultant.ru/document/cons_doc_LAW_76459/512e4c7606acd1bef6241d6120aea969882ac86a/, Article 11

where he was held unreasonably banned the transfer and began threatening social services and the police. Then, despite the fact that the child had a guardian in Ukraine, the boy was appointed a “legal representative” under Russian law. The child was only brought back to Ukraine through the mediation of Qatar.

One case of return costs an average of 2,000 euros, which includes logistical and administrative costs, including the salaries of the team of specialists involved in the return of young Ukrainians. Upon return, children and their families are placed in the social support system, which is implemented according to the case management methodology, in which a social work specialist assesses the needs of children, organizes, coordinates, monitors, evaluates and facilitates the provision of various services to meet the needs of children and their families, helps them adapt to new conditions and promotes family development for the well-being and comfort of children. Given the hardships that children and adults have endured during their stay in the territory not controlled by Ukraine and during their difficult and often dangerous return, they require this comprehensive support, which, depending on the complexity of the case, includes psychological assistance, emotional support, basic necessities, advocacy, and tutoring. The duration of such support is up to three months, and the average cost is 9,000 euros.

Placement and further upbringing of children who were placed in institutional care system following their returning

The issue of their placement and further upbringing remains of crucial importance for children who placed in institutional care or those who became orphans or deprived of parental care as a result of Russian aggression. International standards suggest that upon return, the priority is given to placement in a foster family rather than institutional care. If an illegally deported child has been placed in a foster family in Russia for guardianship or adoption (at least 380 and 78 of relevant cases have been documented, respectively), placement in an institutional care facility upon repatriation is only possible in exceptional cases and on a temporary basis (up to 3 months).

It is important to emphasize that the placement of “status” children returned from Russia must overall comply with the principles, approaches, and general trends of deinstitutionalization of the childcare and education system.

International standards establish a number of requirements that institutional facilities must meet in the case of temporary placement of children displaced as a result of conflict.

- Such facilities must be small in size, temporary (up to 3 months) and organized according to the needs of the child. Where possible, facilities shall be established as small family groups. Siblings must remain unseparated and, where appropriate, children from the same geographical region or community are to be placed in the same facility. Children, especially younger children, must be placed as close as possible to their place of origin.
- The institution shall be as closely integrated into the local community as possible and shall maintain contact with local authorities where necessary.
- Facilities must provide basic care for children and meet minimum requirements for water and nutrition, sanitation, and health.
- Staff must be composed of individuals experienced in caring for children and trained in all relevant aspects of dealing with children who have experienced traumatic events⁶⁵.

⁶⁵ https://www.icrc.org/en/doc/assets/files/other/icrc_002_1011.pdf

At the state level, it is necessary to establish a register of families willing to foster or adopt a “status” child returned from deportation.

The UN Convention on the Rights of the Child stresses the importance of the family for the realization and protection of the rights of the child in its preamble, recognizing that the family is “the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children.” Full and harmonious development of a child implies growing up in a family environment, in an atmosphere of happiness, love, and understanding. Children living in “exceptionally difficult conditions”, including family separation, require special attention. The government’s task is to create a “family environment” for a

child who has been separated from his or her birth or foster family. This may also include placing the child in family-based foster care, where the living conditions and emotional climate will be similar to those of a family⁶⁶.

Being raised outside the family is one of the strongest drivers of childhood vulnerability. Orphans and children deprived of parental care, as well as children otherwise separated from their parents and relatives, have fewer opportunities to realize their rights and face serious risks to their safety, development, and well-being. Furthermore, family separation and loss of parental care put children at greater risk of social exclusion, discrimination, neglect, abuse, and exploitation⁶⁷.

Status children who have been victims of deportation, forcible transfer, or other violations of their rights in the occupied territories must return to family-based care and not institutional care – a recommendation of Ukraine's partner states in the International Coalition for the Return of Ukrainian Children developed based on the child's best interests approach. Status children who have been evacuated abroad with the consent of Ukraine must also be repatriated to their families, not institutions. When designing an individual return trajectory, it is important to prevent a child from living in a territory close to a zone of hostilities that has recently been de-occupied and is under constant shelling.

Bureaucratic for temporary placement of children, creation of foster and adoptive families, guardianship of children, and adoption must be minimized in order to expand opportunities for family placement of children left without parental care, orphans, and children deprived of parental care. It is also necessary to reduce the maximum number of children in one family-based care, taking into account biological children, as well as the developmental characteristics and disabilities of children and family affiliation. The gradual transformation of family-type children's homes into foster families should continue, with the maximum number of children in such families not exceeding 7⁶⁸.

It is worth noting that placement in a family is not in the best interests of the child unless the child's freely expressed opinion is taken into account. The appointment of a legal representative must be made with the consent of the child, which raises the issue of temporary accommodation of the returned child in a hub in a

66 Melton, G. B. The child's right to a family environment: "Children living in exceptionally difficult conditions" (1995). Law and Policy.

67 "Strengthening family environments to realize children's rights": <https://childfundalliance.org/wp-content/uploads/2022/03/Joining-Forces-Policy-Brief-Strengthening-Family-Environments-ENGLISH-1.pdf>

68 <https://childrights.org.ua/wp-content/uploads/2024/04/draft.pdf>

third country or in Ukraine until the child is placed with a family. Such placement in the hub should be temporary and should not lead to the actual institutionalization of the care for the child.

The important aspect is that those parents or legal guardians who do not fulfill their childcare responsibilities properly must receive assistance and support to remedy the situation. Such a family should be placed under special control of social services.

Experience of staying on the temporarily occupied territory and in Russia, return and reintegration

Research methodology

As mentioned in the previous parts of the study, key informant interviews have been conducted to obtain information on the return process from the perspective of the stakeholders involved. However, the story would be incomplete unless the voices of the children and families themselves, who lived through the experience of staying in the temporarily occupied territories and Russia and returned to Ukraine, are heard.

One of the core principles applied when working with children is “nothing about us without us”. Thus, the fundamental aspect of the methodology was to involve children in the research process. The research methodology was based on semi-structured *in-depth interviews with children and their parents or guardians*, while maintaining confidentiality and ensuring anonymity. The organization and implementation of the collection of primary sociological data was carried out in accordance with the Code and Guidelines of the European Society of Opinion and Marketing Research (ESOMAR World Research Codes & Guidelines Interviewing Children and Young People⁶⁹). The safety and well-being of children were the primary concern during the preparation and conduct of the study, as children must not be repeatedly traumatized by their experiences. The children were interviewed with the consent of their parents or guardians and in their presence; children aged 14 and older provided informed consent to be interviewed.

⁶⁹ https://events.esomar.org/uploads/public/knowledge-and-standards/codes-and-guidelines/ESOMAR_Codes-and-Guidelines_Interviewing-Children-and-Young-People.pdf

The guide to in-depth interviews was designed to obtain the following information:

- the child's living conditions before the full-scale invasion,
- atmosphere and circumstances in the place of residence after the start of a full-scale invasion,
- ideological indoctrination and militarization of children by Russian or occupation authorities, officials, administration, and teachers of educational institutions, etc,
- circumstances of displacement and place of stay in the Russian Federation,
- return of the child to Ukraine and measures for their rehabilitation and reintegration.

The interviews took place from April 27 to June 28, 2024. Within that time, the stories of 49 children were reconstructed by interviewing both the children themselves and their parents or guardians. Among the respondents, 28 were children under the age of 14, 19 were aged 14-17, and two young people were 18 years old at the time of the interview but had left the territories not controlled by Ukraine as minors.

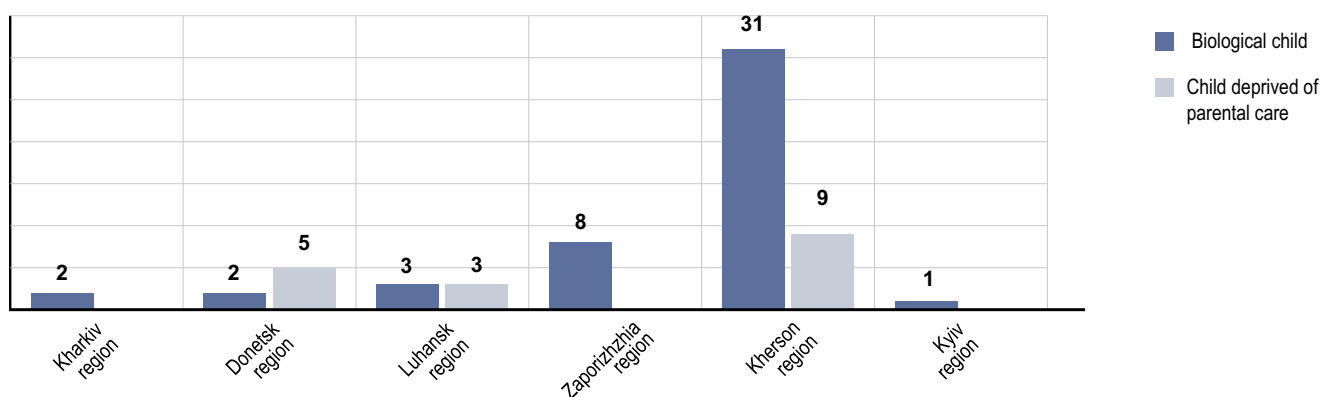
To ensure the integrity of the data obtained by qualitative methods of collecting primary information and the validity of the conclusions drawn, the study was supplemented by a formalized analysis of primary documents – primary assessments of children's needs, which represent a documented set of data about children and facts established by a social worker about the condition and needs of the child and family. All needs assessments were made anonymous in advance to ensure the confidentiality of the study. The research team had at its disposal 94 needs assessments out of the planned list and selected 65 assessments, of which 64 were used as the basis for the analysis, due to these assessments being the most complete and informative in form.

Thereby, methodological triangulation is ensured -- the use of various research methods and several complementary sources to study one empirical phenomenon to prevent subjectivity of researchers' conclusions when using qualitative research methods.

**SOCIAL PROFILE OF
CHILDREN HAVING BEEN
RETURNED FROM THE
RUSSIAN FEDERATION
AND THE TEMPORARILY
OCCUPIED TERRITORIES**

17 children whose needs have been evaluated for analysis are recognized as children deprived of parental care. The largest number of children are from Kherson region – 9 children, from Donetsk region – 5 children, and from Luhansk region – 3 children. Among the children, the primary caregiver is a grandmother (3 children), a guardian (4 children, in one of the cases the caregiver being the sister), foster parents (3 children), a foster mother (2 children), 3 children do not have a permanent or established guardian or caregiver, and 2 children were assigned a temporary guardian to leave the occupied territory.

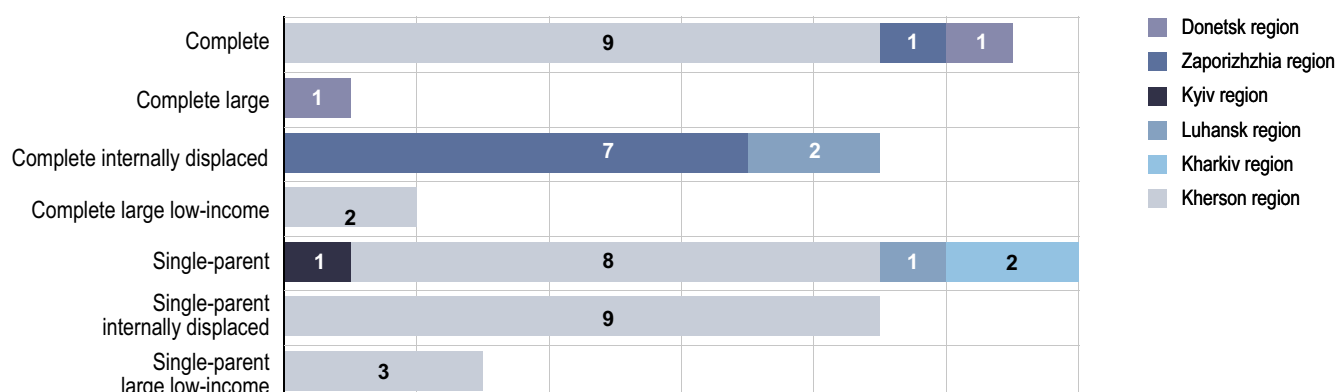
Biological children (those from biological family) and children deprived of parental case



The children whose needs assessments were taken for analysis belong to different types of families. The biological children are members of the following families:

- complete families – 11,
- complete large families – 1,
- complete internally displaced families – 9,
- complete low-income large families – 2,
- single-parent families – 12,
- single-parent internally displaced families – 9,
- single-parent low-income internally displaced large families – 3.

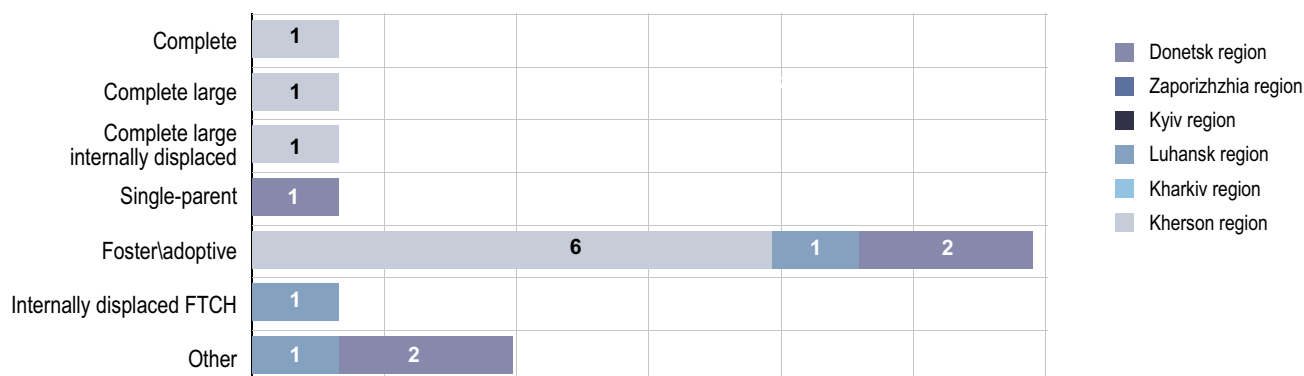
Types of families with biological children



Children deprived of parental care are members of the following families:

- complete – 1,
- complete large families – 1,
- complete internally displaced large families – 1,
- single-parent families – 1,
- foster/adoptive families – 9,
- internally displaced family-type children’s homes (FTCH) – 1,
- other – 3.

Types of families of the children deprived of parental care



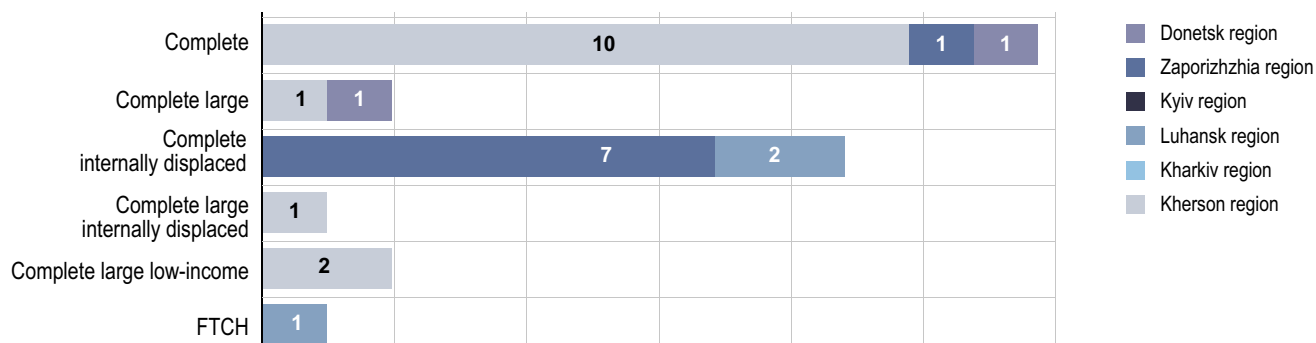
Children categorized as “other” include 1 orphan with no legal representative at the time of return, 1 orphan whose custody was still being established by a close relative – the grandmother – at the time of return, 1 child deprived of parental care receiving full state support in an educational institution and was forcibly transferred to an institution in the occupied territory.

The overall breakdown, according to the type of family in which both biological children and children deprived of parental care lived or continue to live, having regard to the place of residence prior to deportation or departure from the occupied territories, is as follows:

families with no additional functional characteristics:

- children from single-parent families – 12,
- children from large single-parent families – 2,
- children from single-parent families who are also internally displaced persons – 9,
- children from large single-parent families who are internally displaced – 1,
- children from families both large and low-income – 2,
- children from family-type children’s homes (FTCH) – 1.

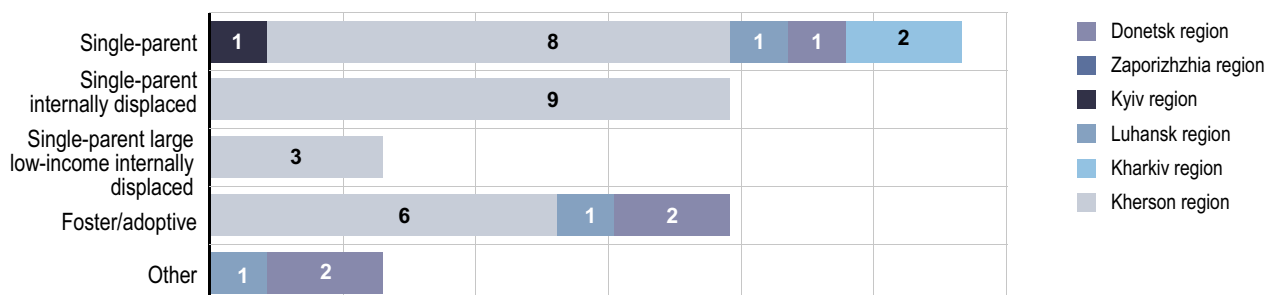
Families without additional functional characteristics (hereinafter - FTCH)



families with additional functional characteristics:

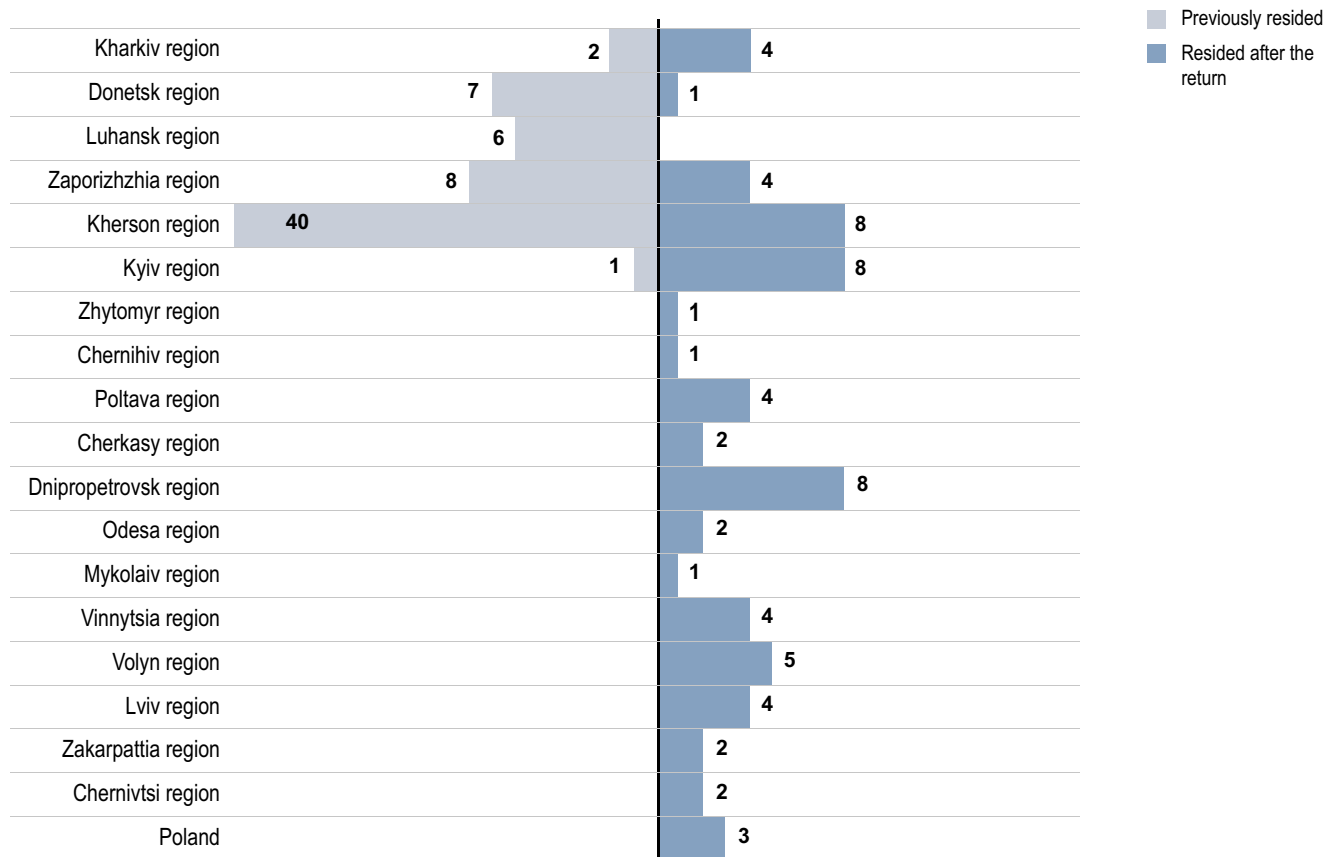
children from single-parent families – 13,
 children from single-parent families who are also internally displaced persons – 9,
 children from single-parent large low-income families who are also internally displaced – 3,
 children from foster/adoptive families – 9,
 children from other family types – 3.

Families without additional functional characteristics



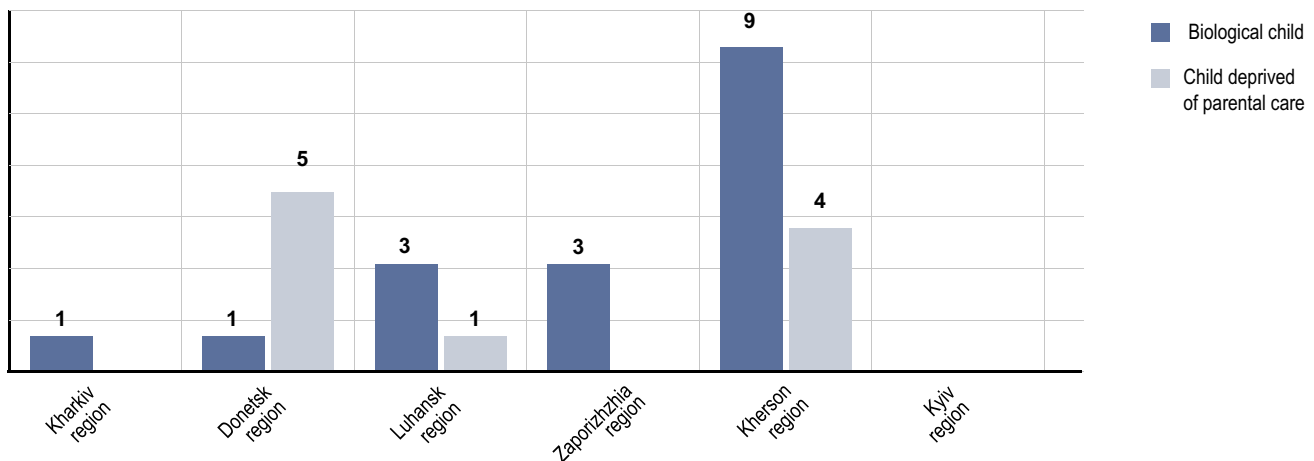
Generally speaking, the geographic distribution of children's place of residence before the occupation or deportation and after their return has undergone a significant change. For the most part, the primary causes for changing the place and region of residence are related to the territories of Ukraine that remain occupied by Russia, or the region of residence is in close proximity to territories of active hostilities, increasing the level of danger.

Region of residence prior to occupation/deportation and after the return

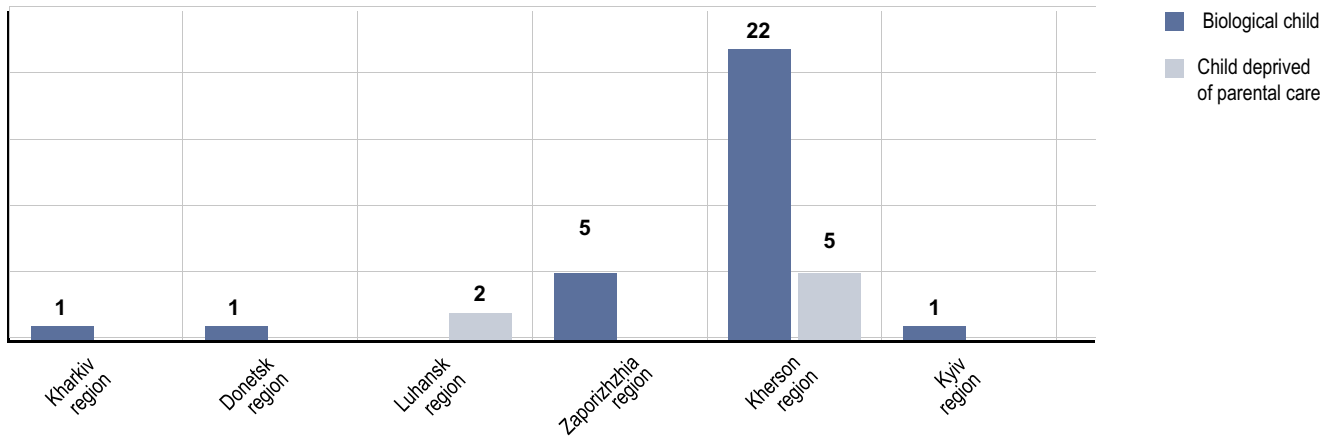


Girls predominate from among the assessments of children's needs by gender – 37 questionnaires, compared to 27 questionnaires from boys:

Boys

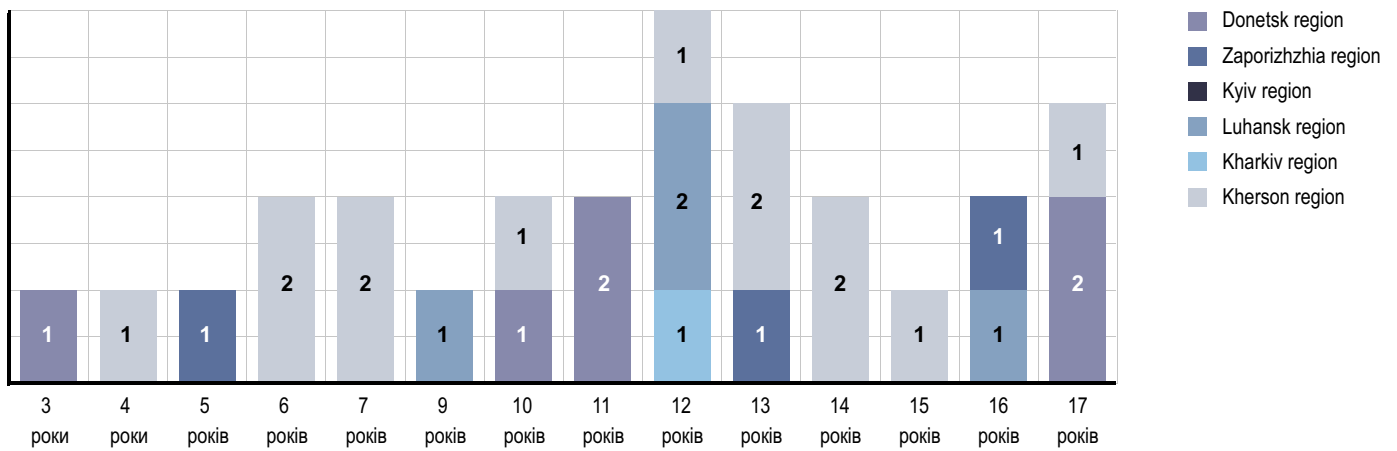


Girls

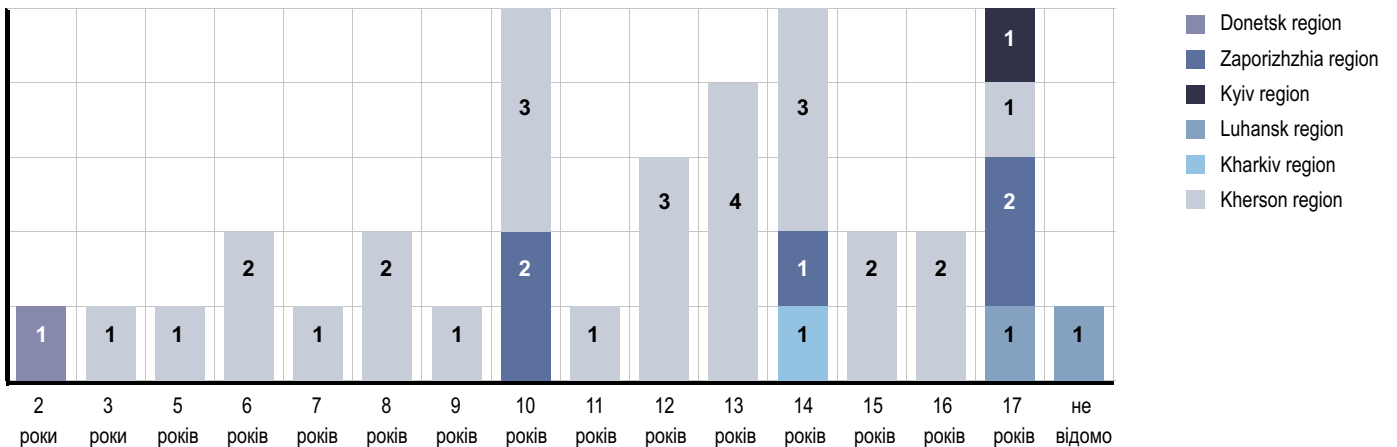


Distribution of children by age (note: vertical – number of years, horizontal – number of children) at the time of return to Ukraine following occupation or deportation:

Data disaggregated by age. Boys



Data disaggregated by age. Girls



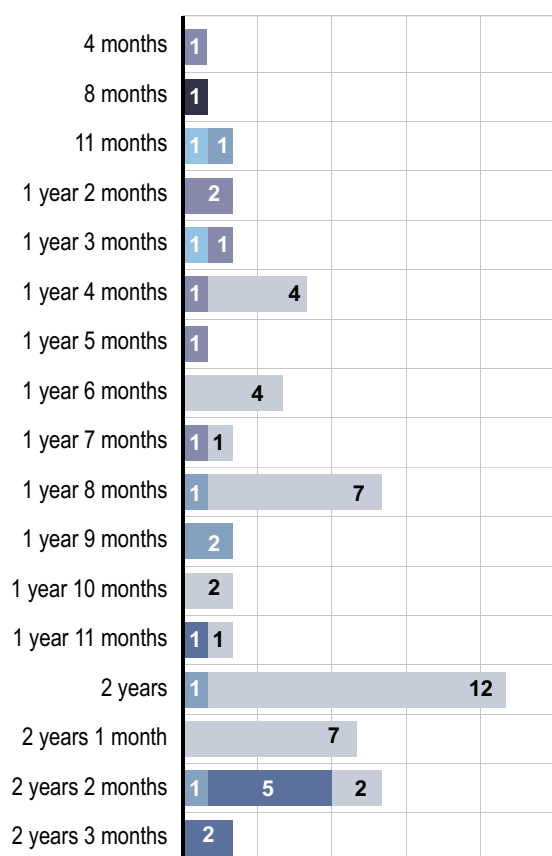
39 children out of 64 whose questionnaires were analyzed are not the only children in the family and have siblings:

10 have both older and younger siblings,
17 children have only older brothers or sisters,
14 have younger siblings only.

Life in occupation or deportation and the peculiarities of the return

The shortest period of stay in occupation or deportation among the children whose needs assessments were analyzed was 4 months, while the longest period lasted 2 years and 3 months. Among the children who spent the longest deportation or occupation – 2 years or more – are children who lived in Kherson region – 21 persons and in Zaporizhzhia region – 7 persons.

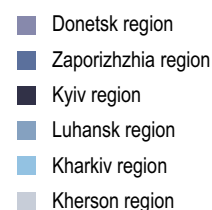
Stay in the occupation



The route of one of the children went through the occupied prior to 2022 Ukrainian territory, through the Russian Federation, while the stay in Russia was short.

3 children left the territory of the Russian Federation, after a long period of forced deportation/removal of the child/family after 2022.

60 children – due to leaving the occupied territory (including through the territory of the Russian Federation) following a long stay in the occupied territory after 2022, of which 3 children also stayed in the occupied territory of Ukraine in 2014-2022 (Autonomous Republic of Crimea, “DPR”/“LPR”) and 3 children



were subjected to prolonged forced deportation/removal of the child/family after 2022.

5 children out of 60 have had experience of staying in institutional facilities in one way or another: 2 children were placed in an orphanage in the occupied territory of Donetsk region in 2014 due to the death of their mothers, whereupon a close relative, a grandmother, took them to the government-controlled territory, where the issue of child custody was subsequently resolved. One child was placed in an institution long-term – a social center for children in difficult life circumstances, in the territory of Donetsk region occupied until 2022, after which they returned to the territory controlled by Ukraine. 2 children experiencing signs of difficult life circumstances resided at the time of the full-scale invasion in a boarding school in Kherson region. The children were hidden from the occupation forces by an employee of the institution, and eventually temporary custody was established, which allowed the children to be taken to the territory controlled by Ukraine.

6 children affected by forced deportation were residents of different regions: 1 – Kyiv region (the child was removed while crossing the border in western Ukraine), 1 – Donetsk region, 1 – Luhansk region, 1 – Kherson region, 2 – Kharkiv region. 4 were children from biological families aged 12 to 17 at the time the study was conducted, 2 children were orphans and children deprived of parental care aged 17 at the time of the study.

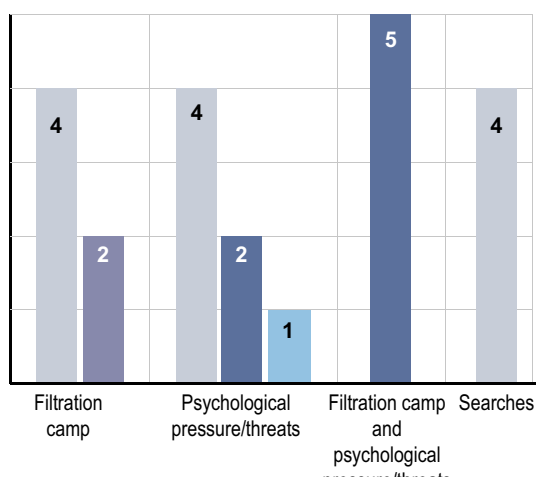
Among the 64 children whose questionnaires were examined in the study, 10 have family members who are affiliated with the Armed Forces of Ukraine within the immediate family, and 4 have family members or potentially, based on circumstantial information provided in the needs assessments, have family members who are affiliated with the Armed Forces of Ukraine within a more distant family circle.

11 children and their family members were forced to undergo filtration camps while attempting to leave the occupied territories, including 5 children and their family members residing in Zaporizhzhia region, who were also subjected to psychological pressure or threats from representatives of the aggressor state.

2 children forced to undergo filtration were residents of Donetsk region - both were boys aged 11 and 17 at the time of their return and had spent 4 months and 1 year and 5 months in the occupation, respectively.

5 children from Zaporizhzhia region were subjected to filtration procedures - 2 girls aged 10 and 14 at the time of return and 3 boys aged 5, 13, and 16 at the time of return, who had remained in the occupied territory for more than 2 years. 4 children forced to undergo filtration were residents of Kherson region - 2 girls aged 3 and 16 at the time of return and 2 boys aged 7 and 12 at the time of return, who had been staying in the occupied territory for more than 2 years.

Conditions for the exit of the occupied territories

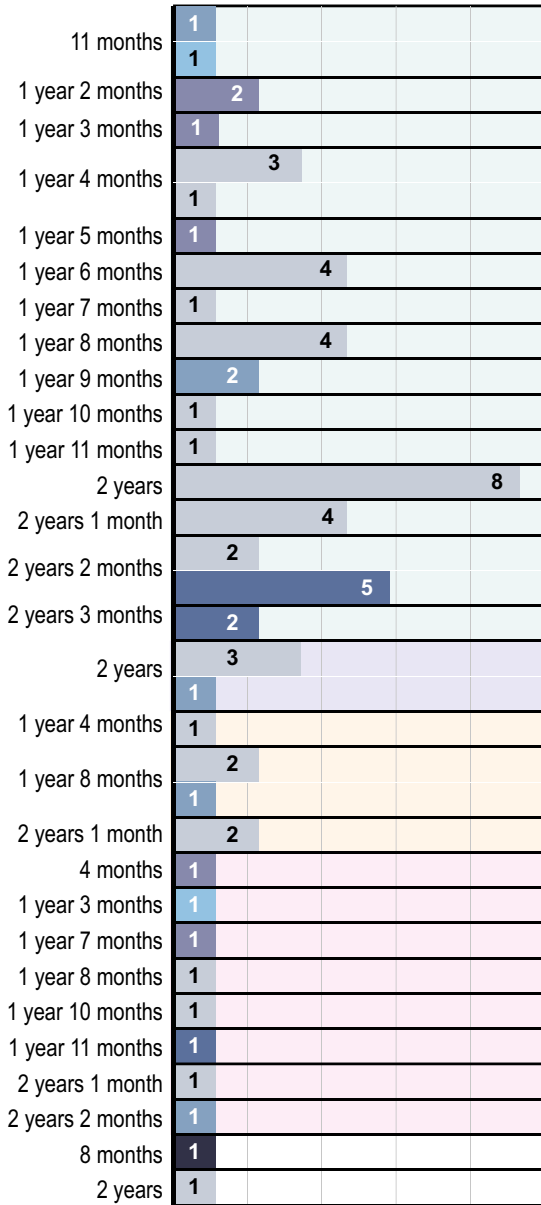


It appears from the needs assessment that 7 more children, in addition to those subjected to filtration, were exposed to psychological pressure or threats: 2 children previously resided in the occupied part of Zaporizhzhia region, 1 child in Kharkiv region, and 4 in Kherson region. The pressure and threats generally stemmed from obtaining Russian citizenship and documents - 2 children from

- Donetsk region
- Zaporizhzhia region
- Kyiv region
- Luhansk region
- Kharkiv region
- Kherson region

Zaporizhzhia region and their relatives were forced to obtain such paperwork. Another child, a 17-year-old boy, faced threats of being drafted into the Russian army upon his return from Kherson region, and was also forced to join the military-patriotic movement Yunarmy, which he managed to avoid.

Conditions for the exit of the occupied territories

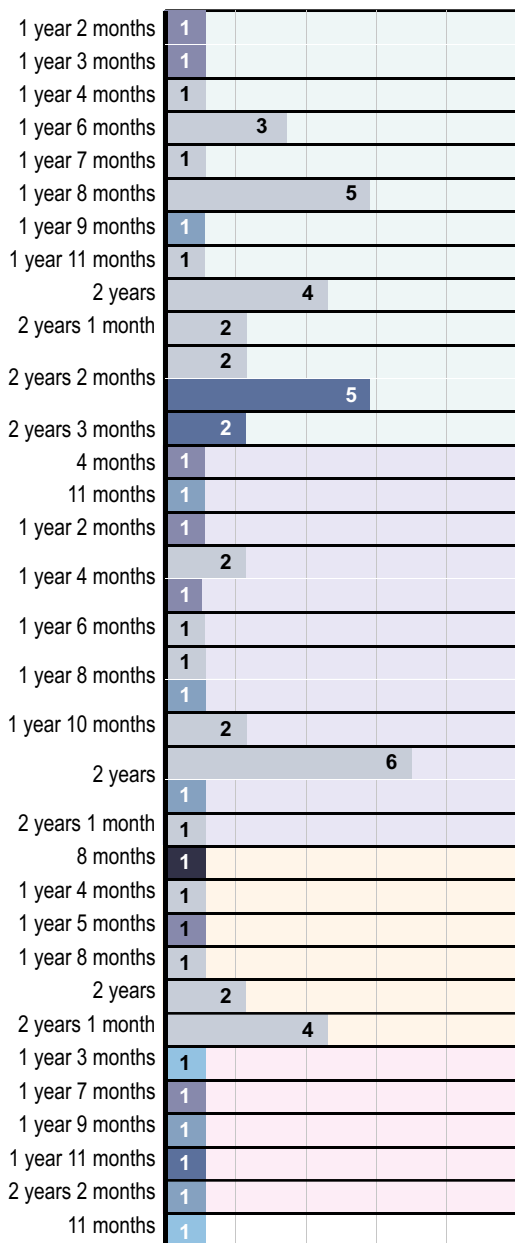


Effects of occupation or deportation on physical state and physical health

13 out of 64 children surveyed for the study show signs of deteriorating physical health or poor health in general. All of the children spent more than 1 year in the occupation, except for one child who remained under occupation for up to six months following the full-scale invasion and was injured with further restrictions in terms of physical activity. Two more children have a chronic illness, for one of whom the occupation has made it impossible to access adequate treatment, namely the essential medication, which may cause unpredictable health consequences in the future. For 7 out of 13 children in poor health, the experience of occupation and deportation triggered this deterioration, and some of them may experience symptoms such as headaches, hand tremors, sudden weight loss, and fear of loud noises.



Assessment of the state of children's mental health in relation to the length of stay in occupation or deportation



The effects of occupation or deportation on psychological well-being and mental health

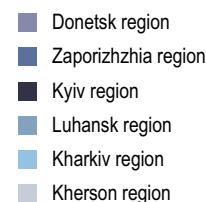
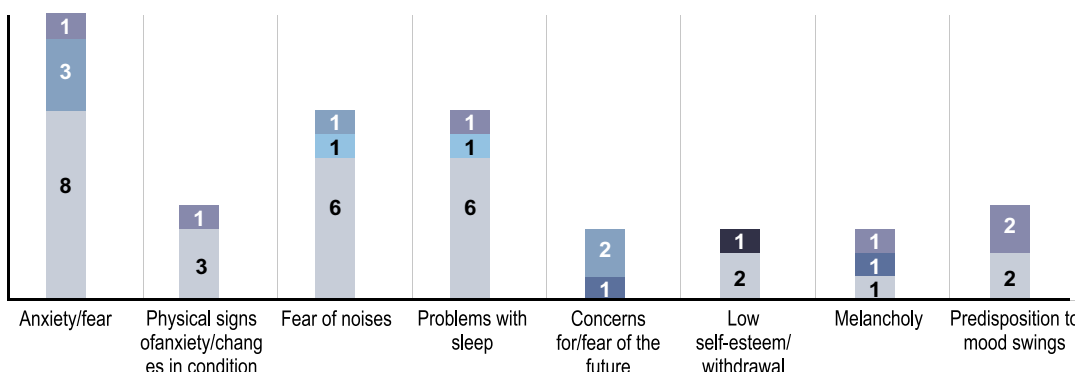
War, occupation or deportation had an adverse effect the mental health of a significant number of children. 30 children demonstrate symptoms that are to some extent related to changes in their psychological state. 12 out of 30 children show signs of anxiety.

Anxiety over potential separation from their mother was observed in 7 children, despite the fact that it could be due to unrelated everyday matters and that they were not expected to be separated for a long time.

12 children – 11 children from biological families, 1 in foster care – have experienced or continue to experience separation from their mother and parents in general. 6 out of 12 children are related to military personnel in their families. 1 child has been and continues to be separated from his/her mother for more

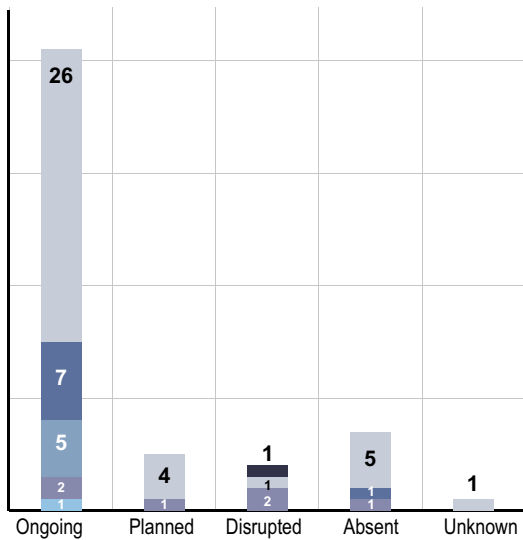


Assessment of the state of physical health of children in relation to the length of stay in occupation or deportation



than 2 years and 5 months due to the nature of the mother's occupation.

Effects of occupation or deportation on the level of and access to education

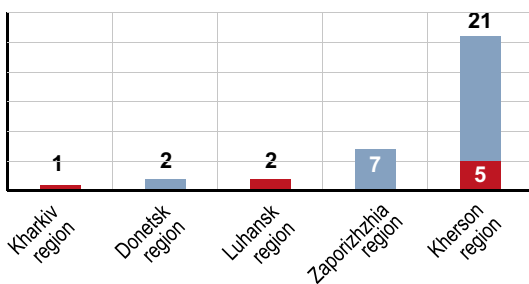


Effects of occupation or deportation on the level of and access to education

Out of 64 surveys on needs assessment analyzed as a whole for the purpose of the study, 58 assessments contain data on the role of education in children's lives. The educational status of children at the time of the assessment has the following structure:

- Donetsk region
- Zaporizhzhia region
- Kyiv region
- Luhansk region
- Kharkiv region
- Kherson region

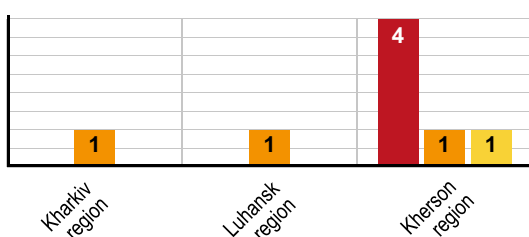
Education in the occupation



- Ukrainian educational institution
- Russian educational institution

Among the children enrolled in education during their stay under occupation or in deportation, the vast majority – 30 children – were able to continue their education in a Ukrainian school online. A smaller group of 8 children was forced to attend Russian educational institutions both in the occupied territories and in the territory of the aggressor state.

Impact on the educational process in the occupation/deportation



- Imposition of Russian values
- Threats/pressure
- Humiliation

Among the 8 children who attended Russian educational institutions during the occupation or deportation, 6 were forced to do so under threats and intimidation against their parents or guardians.

SURVEY FINDINGS FROM CHILDREN AND FAMILIES WHO HAVE EXPERIENCED LIVING IN AND RETURNED FROM AREAS NOT CONTROLLED BY UKRAINE

«Put a person in a box for two years. What will they do there?»

A 17-year-old boy from Kherson region

Environment and conditions of the place of residents of the children following the full-scale invasion

The full-scale invasion irreversibly changed the lives of children and of the entire population. A 17-year-old (at the time of the full-scale invasion) boy from Kherson region recounted that he always remembered the first morning of the war – everyone was screaming so loudly that he thought there was a fire in the dormitory where he was studying. The students were evacuated by buses, and his family picked him up in their car. Along the way, they saw broken trucks and a lot of military equipment. Even if there were no active hostilities in the places of their residence, heavy equipment was passing through the settlements, and the Russian military settled in the apartments and houses of people who had managed to evacuate. They would occasionally move into the apartments where Ukrainians lived. A 16-year-old boy from Zaporizhzhia region recalled that a convoy of Russian heavy military equipment - tanks, armored vehicles, and “Buk” missile systems – passed through their village, and he and his brothers counted them. “We counted to 500 and stopped because they kept coming.” Shops, hospitals, and pharmacies stopped working as the occupation started but then resumed under new conditions: using Russian currency and obtaining a Russian passport. A mother of a large family from Zaporizhzhia region recalled that deportations of all those who disagreed with the occupation regime began in their village, and some were taken “to the basements.” A school principal was taken to Abkhazia because he did not agree to continue working at the school on the terms of the occupation administration. People were afraid to use their cell phones. Any appearance of a car caused fear that someone from the family would be taken away.

Children became victims and witnesses of hostilities. Civilians were helpless in the face of the Russian military. A 14-year-old boy from Kherson region recalls that despite the fact that their village was occupied almost immediately and there was no shelling at first, civilians were afraid of the Russian military, who “were having fun drinking alcohol and shooting at the village with mortars, one of the mines landed on a neighboring street.” For the 16-year-old girl from Kherson region, walking in the woods with her dog was perhaps the only time she felt happy. Yet, even that sanctuary was disrupted by the hostilities, when during one of those walks the route was shelled. The girl's dog was injured by shrapnel. The girl characterizes her stay in the occupation as follows: “fear, anxiety, captivity”. Father

of three girls aged 14, 11, and 9 from Kherson region stated that throughout the entire period of occupation (the family managed to leave the occupied territory in the spring of 2024), they did not leave their yard once, and children were only taken to from school accompanied by their parents because they were afraid of rumored sexual violence (nine-year-old daughter said, “I was scared”). A 15-year-old boy from Kherson region said that during his stay in his grandparents' village, he was grazing cows with local men. Russian soldiers with machine guns forced everyone to the ground with their hands behind their heads, and demanded to see passports. When one of the soldiers heard the boy speak Ukrainian, he pressed his head to the ground with his boot and threatened him with the fact that he would have to accept new rules and language anyway and would soon serve in the Russian army.

A 16-year-old boy from Zaporizhzhia region said that after the occupation, the militia in their city often checked documents. Ukrainian passport triggered aggressive behavior and many questions, so he would sometimes hide to avoid problems, which was not always possible. During detentions, the police would suggest going to military training in the Russian cities of Ufa or Murmansk. The boy's minor acquaintances attended such training camps, after which they were lured by relatively high salaries to serve in the army or law enforcement agencies. Representatives of the Federal Security Service sought teenagers who had financial problems and offered them cooperation. Those who refused were subjected to pressure in the form of inspections, searches, and visits to “basements” – places where captured military personnel and pro-Ukrainian residents were kept. According to the boy, the teenagers witnessed torture and interrogations.

A 14-year-old girl from the Kherson region described the situation in her city, where “initially people would protest, in mid-March, they began to be tamed. Several people were injured, and then the rallies stopped. They started looking for activists and Ukrainian army veterans, set up checkpoints, were on duty with tanks and armored personnel carriers, and started checking men. It was mandatory to walk around with a passport, first with a Ukrainian passport, then they forced us to get a Russian one. After the referendum, it got even worse, because they said that 'Russia is eternal', they forced us to get Russian documents, and the Russian ruble started to circulate. From October 2023, they forced us to get Russian medical policies, and taxpayer cards, constantly had to get some

kind of certificate, and children had to go to school. Social benefits were not paid if you did not comply. In online chats people said that the Federal Security Service was checking families with children. If the children did not go to school, the parents could be taken 'to the basement'. Soviet symbols were put up everywhere, and monuments to Lenin were restored in the settlements. Anyone who had the ability to – attempted to leave. Mostly retirees and families in difficult life circumstances remained in the city.”

Most of the interviewed families ended up in the occupation almost immediately after the start of hostilities. During the interviews, children, and more often adults, mentioned food and drinking water scarcity, lack of medical services, or simply shortages of medicines. A 14-year-old girl from Kherson region recalled that after the occupation, their village experienced problems with food supplies, especially a shortage of fresh bread, and then food became unavailable because people ran out of money and could not withdraw cash from bank accounts because there was no electricity or communication. A 17-year-old (at the time of the occupation) young man from Kherson region said that in the first days of the occupation, access to food was limited, there was no bread, and then bread was being made from flour that had gone bad, but it was expensive, so not everyone could buy it. A 14-year-old girl from the Kherson region recounted that until May, store shelves in their occupied city were empty, and there was a shortage of food: “The stores didn't even have matches, the line to obtain bread was as long as 400 people, there was no green corridor, so no humanitarian aid was being delivered, although people started exchanging what they had, local farmers brought and distributed milk and dairy products.”

A 13-year-old boy from Dnipro region, who was on vacation at his grandmother's house in Kharkiv region at the time of the full-scale invasion, said that immediately after the occupation, stores closed. The Russian military looted food from the stores, so there was a shortage of food, although money also ran out quickly, and it was impossible to withdraw money from ATMs because there was no service. Food was scarce, so the boy's relatives helped them and their grandmother until they ran out of food, so the boy and his aunt moved to Vovchansk to live with his mother's brother, and from there to Belhorod to live with his friends. When the boy's grandfather found out that he was in Russia, he invited him to stay with him in a small town in Belgorod region. The mother, who

did not know about her relatives' intention to move the child to Russia, could not find a way to take him back to Ukraine. The boy's grandfather and his family began to gradually limit communication with his mother and later started ignoring her calls, instructing the boy on how to respond to his mother over messages, convincing her that it was better to stay in Russia and build a future here. The relatives were already planning to get the boy a Russian passport and enrolled him in a school in Belgorod.\

For security reasons, parents often took their children to relatives in relatively safer and calmer in their opinion places, often taking them from the city to villages and towns. The mother of a 16-year-old (at the time) girl from Luhansk region took her and her brother to the relatives of the children's father in a village in which they owned a private house with a basement where the children could hide in case of shelling. The family was divided when the village was occupied and the mother remained in the city controlled by Ukraine. The family managed to keep in touch, but it was dangerous to take the mother's children away from her, given her allegiance to Ukraine, a fact known in the village. The children's father, who had a pro-Russian stance and had not lived with the family since 2014, persuaded the children to get Russian passports and move from the occupied territories to the Russian city of Belgorod to study. The choice was between remaining under the total control of relatives in the occupation or going to study in Russia while gaining more relative freedom. The father moved to another city, and the children filled out the documents to enter into Russian educational institutions.

Access to medical and social services in the temporarily occupied territories

Access to medical and social services, as well as any social benefits, was only possible for those who acquired a Russian passport. An 11-year-old girl from Kherson region, whose mother contracted tuberculosis during the occupation, said that "in order to receive medical services, you needed a Russian passport, otherwise you would not be able to receive help, so my mother got a Russian passport when she got sick. Dad also got one, because he needed it to continue working at the company. My grandmother was not given a retirement benefit without a Russian passport." A

16-year-old girl from another city in Kherson region described the same situation: doctors would not accept patients without a passport, and in order to travel to another city for treatment or just a checkup, you had to possess a Russian passport as well. The mother of a 14-year-old girl from Kherson region obtained Russian passports for herself and her daughter because she needed access to medical services.

A 13-year-old teenager from Luhansk region revealed that despite the fact that there were no actual hostilities in the village where he lived with his grandmother at the beginning of the full-scale invasion, as it was occupied by the Russian military almost immediately, the situation was very complicated. When the Russian military found out that the son was left without his mother, and that his mother was also a Ukrainian soldier, they took his grandmother for interrogation.

A 12-year-old boy from Kherson region recalled that “life has changed dramatically, from everyday things like curfews to the fact that patrols were walking the streets, threatening physical violence for using the Ukrainian language, pulling people over, questioning them, and checking their cell phones. Should they find correspondence in the Ukrainian language or pro-Ukrainian content, they could take them ‘to the basement’. Education in Ukrainian schools was suspended and later resumed online, but we had to study in secret via social networks.” The Russians occupied the school, causing classes to be taught in Russian. A collaborator teacher practically bullied the boy for using Ukrainian. One day, a drunken Russian soldier met the boy and his friend of the same age and, having heard them speaking Ukrainian, aggressively demanded in Russian: “Why do you hate us so much? Why do you pass information to the enemy?”

Lack of service and communication lines was one of the key problems, isolating families from the outside world and making it impossible to communicate with parents in case a child remained in the occupied territory with other family members. A 13-year-old boy from Luhansk region said that the only reason he and his grandmother delayed leaving the occupied territory was because they did not have communication with their mother to plan everything. “As soon as we got connected to Wi-Fi and could call my mother, we decided to leave for Ukraine immediately.”

Right to education in the occupied territories

According to estimates by civil society organizations, there are 1.6 million Ukrainian children in the temporarily occupied territories of Ukraine, 615,000 of them are of school age⁷⁰, for whom distance education in a Ukrainian school has become a bridge to maintaining a connection with their homeland, the prospect of returning and a future in their country, a symbolic value for which children and parents were willing to take risks, as the occupation authorities perceived education in a Ukrainian school as treason and punished for it. In the first months of the occupation, when the occupation authorities frequently appeared to be in the process of formation and sometimes confusion, the Russian military was busy “taming” peaceful rallies. No Russian schools were established yet, and Ukrainian children still had the opportunity to attend Ukrainian schools online. A 14-year-old girl from Kherson region described studying online at a Ukrainian school despite her fear and the fact that the Internet connection at home was down due to the shelling of their house. The only place where she could somehow “catch” the connection was in the bathroom or in her neighbors' yards. Later, an occupation school was established in the city but was closed three weeks later. Instead, schooling was organized in a settlement 45 kilometers away, but parents mostly did not let their children go there because of the shelling.

However, most of the interviewed schoolchildren noted that in the first months of the occupation, there was no electricity or cellular service, which made it impossible to study online, and in the summer, occupation schools gradually began to organize classes. These schools were staffed either by local collaborator teachers or by unqualified, often young people lacking proper education. In some cases, educators were forced to return to teaching, as otherwise they could be suspected of “disloyalty,” and parents were forced to send their children to school under the threat of being declared “not fulfilling parental responsibilities” or encouraged by the prospect of social benefits. A 14-year-old girl from Kherson region recalled that “in the first year, changes in the school were slow. Later the teachers began being pressured, forced to work in the occupation school following Russian programs, compelled to speak Russian, forced to stand up during the Russian anthem and sing along.”

The grandmother of a 16-year-old girl from Kherson region said that her granddaughter did not attend a Ukrainian school because

⁷⁰ <https://www.helsinki.org.ua/articles/hromadski-orhanizatsii-vymahaiut-ne-obmezhuvaty-ditey-z-okupovanykh-terytoriy-ta-vpo-u-dostupi-do-osvity/>

the Internet connection was very poor, nor did she go to a Russian school. A 17-year-old boy from Kherson region claimed that in September he was forced to attend a Russian school, although it was short-lived because a missile hit the grounds close to the school, so his mother signed a waiver to exempt the children from attending the school, citing security concerns.

A 14-year-old boy from the Kherson region recalled the Russian anthem playing on the first day of school celebration, but no one sang. Children were told to use Ukrainian diaries, having the Ukrainian labels taped. In case someone like him did not, they were reminded of their obligation, especially if someone from the occupation administration came to visit.

The mother of teenage girls from Kherson region said that there was no Ukrainian online education because there was no Internet or cellular connection. On September 1, Russian schooling began, which was mandatory for local children. The fact of non-registration or non-attendance at school attracted the attention of the occupation social service, and children could “simply be taken away for failure to fulfill parental responsibilities because children have to go to school.” If the children did not attend school, they would draw unnecessary attention to the family, and therefore the girls studied until they left. Teachers were unqualified young people with no specialized training. Some subjects were not taught as there were not enough teachers. They taught “Russian language, Russian literature, Russian history, geography. Algebra and geometry were not taught because there was simply no one to teach them.” The girls recalled that during geography lessons they were told that “Ukraine is bad”. The children were occasionally forced to learn the Russian anthem.

A 14-year-old boy from Kherson region said that he “initially tried to study online for two or three months at the former (Ukrainian) school, but then it ended because the Internet stopped working. In September, a Russian school was opened and I attended because otherwise, I was told that children who did not attend classes would be taken away. So some people attended out of fear, and some did voluntarily to keep themselves busy because they really had nothing to do. It was also announced that an allowance of three thousand rubles would be paid if the children were sent to school.” He recalled a situation when he forgot his jacket in the office and addressed the head teacher in Ukrainian, who replied that he needed to switch to Russian.

**Ideological indoctrination and militarization of children by
Russian or occupation authorities, officials, administration,
and teachers in educational institutions, etc.**

***«Typical propaganda that reminded
the Third Reich in form and content»***

A 17-year-old (at the time of the occupation)
boy from Kherson region

School education was used as a tool to impose hostile ideology and pressure on children. A 17-year-old (at the time of the occupation) young man from Kherson region recalled that the occupation school taught in Russian and used Russian curricula, but the ideological brainwashing was not limited to just that: “From time to time, the Russian anthem was played at school celebrations. On the first day of school in 2023, we discovered that the Russians had renovated the first-grade classrooms, replaced the desks, and each one had a Russian flag on it.” The boy said that the Russian military came to the school and showed a presentation about Ukraine: “They talked about genocidal acts, the incident in Odesa in 2014 when people died, and about the ‘Above all’ slogan [Ukrainian – ‘Ukraine above all!’; a commonly used Ukrainian saying to pledge allegiance to the country], they said that it was actually from German.” The school had posters calling for joining the Yunarmy, and its representatives periodically came to the school wearing red berets (part of their uniform) and held indoctrination events where they sang ‘patriotic songs’ and handed out propaganda materials (“once I took their book to look at it, and there was Shoigu on the cover and his address to the Yunarmy members”). Children from the school were taken to a youth army camp, where they received physical and ideological training, and everyone had to wear uniforms that their parents had to buy for them. The school would sometimes host events with the all-Russian Movement of the First, which involved Ukrainian children. For example, “everyone was dressed in their caps and T-shirts, and the children were taken to plant trees for the camera. We did not know how these photos would be used later.”

A 17-year-old girl from the Luhansk region, whose parents both died in 2014, said that studying in an occupation school was not as difficult as she later realized, since the teachers were the same as before, they did not put pressure on children with propaganda standards: “They were forced to work because there was no other job, and they had to survive somehow, we all understood that. Students used Ukrainian during

breaks and lessons, trying to learn in any way that was convenient." The grandmother, whose views were pro-Russian, insisted that the girl study at a Russian college in Voronezh. Once there, the ideological brainwashing was fully underway: every Monday morning at 8 a.m., classes called Talks about Important Things were conducted. The supervisor of the group was to hold educational hours called Russia – New Horizons [Rossia – Novye gorizonty]. According to the girl's description, these events resemble "an educational marathon with the first All-Russian Educational Games for high school students" organized by the Russian "Knowledge" society [Znania]. It was very difficult to study because she did not know Russian, so sometimes she would complete assignments in two languages. A history teacher at the college forced students to sing the national anthem. During the presidential election, the administration and teachers encouraged to vote for Putin by conducting "educational" conversations.

A 17-year-old girl from Luhansk region who attended college in Belgorod said that Talks about Important Things lessons were a regular feature, accompanied by the hoisting of the Russian flag and the singing of the Russian national anthem. A 13-year-old boy from Dnipro region, who also attended school in the same location, also recounted the requirement to sing the national anthem every Monday.

A 17-year-old boy from Zaporizhzhia region, who had studied fine arts before the war, recalled his teacher forcing him to draw a poster for the day of "reunification" of Crimea with the Russian Federation. Then, during a flash mob, when children came out with balloons in the colors of the Russian flag, she forced him to carry a Russian flag. When he refused, she said: "I thought you were normal."

The imposition of the Russian language served as an essential element of indoctrination. For instance, a 13-year-old boy from the Kherson region said that he used to speak Russian in the occupation school, but to this day he still uses Russian words in his speech, which he and his sister, who also lived under occupation, are trying to get rid of. Sisters from a large family in Kherson region monitor the use of the language not only after each other but also after their father, correcting him over and over again if he uses Russian words. A 13-year-old boy from Luhansk region said that he had not gone to school for several months and then started attending a Russian school, where teachers mostly cooperated with Russians and imposed the Russian language, although children continued to speak Ukrainian among themselves and during breaks. A 16-year-old boy from Zaporizhzhia

region shared that prior to the full-scale invasion, he was bilingual: he spoke Russian in everyday life and used Ukrainian at school. Now it is difficult to switch to Ukrainian because the occupation made his Ukrainian broken and difficult to speak.

«Leisure»

Ideological indoctrination is much more rapid and unavoidable if the victims of its influence are “torn” from their familiar environment, limiting communication with family and friends, being manipulated by collective rituals, wearing uniforms, using patterns of behavior and communication, thus erasing personal boundaries and overcoming barriers to critical thinking. The “perfect” conditions for such indoctrination are the vacation camps, to which the occupation administrations persistently invited children.

A 14-year-old girl from the Kherson region recalled that she “was offered to go to a camp in Russia very persistently at school. Many children went, but they were not brought back. While their parents were looking for them, the children were told that their parents had abandoned them and that they had to get used to living in Russia.”

The mother of a 13-year-old boy from the Kharkiv region, while under occupation, decided to send him to a camp in Russia for a vacation at the suggestion of occupation officials so that “the child would be safe and have a change of environment.” The vacation was supposed to last three weeks, but the boy only made it back to Ukraine after nine months, having changed three camps and stayed in a family-type orphanage in Voronezh. Initially, there were about 300 Ukrainian children from Kharkiv region in the group. The boy said he was able to communicate with his mother by phone. According to him, the camp offered good accommodations. Some of the children's parents took their children back following the offensive of the Ukrainian Armed Forces, but, according to his mother, she did not have the financial means to do so.

A 14-year-old girl from Kherson region recalled that the school administration offered her to go on vacation to Russia, but she was afraid to go, and her mother was also against it. A 13-year-old boy from Zaporizhzhia region said that a friend who cooperated with the occupation authorities (in particular, participated in the referendum) offered him to go on vacation, but he and his family were trying to stay together. A 14-year-old boy from Kherson

region remembered being offered to go to a camp in Krasnodar Krai, but he refused. According to the boy, “a lot of children went – many did not return, I do not know what happened to them.”

A young man from Kherson region, who was 17 years old at the time of the occupation, recalled going on vacation for three weeks to a sanatorium in the village of Kabardinka, Krasnodar Krai because he wanted to get away and change the setting a little. His grandmother had prepared a power of attorney for an escort to cross the Russian border in order for the boy to be able to go. The camp had rather strict rules, in particular, “we had to do everything together, go to the sea together, participate in the daily event called ‘Candlelight’ [Svecha] when everyone got together in the evening and shared about their day”. Phones were forbidden yet the boy periodically violated the rule, for which he was taken to the principal, who called the police, who checked his phone and found “bad things about Putin”.

Return

«When we were leaving Russia for Belarus, I was praying because I was scared».

A 14-year-old boy from Kharkiv region

The return process for children and families began first and foremost with the final decision, which was often dictated by the fear that children would be separated from their guardians or forced to obtain a Russian passport. The grandmother of a 16-year-old girl from Kherson region, who was still hesitant to leave the occupied territory after she had survived shellings, one of the episodes resulting in shattered windows in her house, and the disappearance of a neighbor and his minor son, who had been found shot dead, said that her hesitation vanished when the occupation child protection service “started taking an interest in them.”

A 16-year-old boy from Zaporizhzhia region said that his grandmother, with whom he lived, had been insisting that he leave since the beginning of the occupation. He did not want to leave her alone, so he stayed. However, the child protection services became interested in him: they believed that he needed to apply for Russian guardianship, which required copies of documents and permission to be sent by his mother, who lives in Kyiv. The boy was told that he could be sent to a boarding school in Murmansk if the issue was not resolved in the way required by the occupation social service, so he decided to leave.

Families interviewed said that they tried to return on their own, finding carriers, but lack of finances, experience, and poor planning often prevented them from returning. For example, a 17-year-old girl from Luhansk region was only successful in her second attempt to leave with the help of specialists from the Ukrainian Child Rights Network, as her first attempt on her own had failed, causing anxiety for both the child and her mother. However, even the second attempt was not smooth and did not go according to the original plan: at the Belarus-Ukraine border, the border guards wanted to return the girl to Russia. It was only the intervention of specialists and a change of route that eventually allowed her to reach Ukraine. A mother of two teenagers from Kherson region reported that she had started looking for ways to leave the occupation on her own from the very beginning, but these attempts were unsuccessful despite the fact that she paid the carriers.

In virtually all interviews, both children and adults talked about the importance of coordinating with a social worker who literally “guided” them through all the difficult stages of crossing the border, staying in the Russian Federation and transit states. A 17-year-old girl from Luhansk region who returned to Ukraine from Voronezh via a long and complicated route through third countries said: “Seeing a social worker at the border whose voice I heard all this time was priceless. I immediately felt that I was not alone.”

A foster mother of a large foster family from Kherson region said that prior to her leaving, she was asked to take in two more sisters at least temporarily to return them to Ukraine. The girls had been living in an institution before the full-scale invasion. “Before the Russian troops arrived, the head of the institution made a call to local foster families to take at least one child so that they would not be taken to Russia. Many people responded and the children were assigned to families, but no one wanted to take the girls because one of them had epilepsy. The head hid these children for a year with her staff and friends.” The woman said that she and her children initially spent five hours waiting at the border with Crimea. Then she spent a while in a filtration camp because she was asked a lot of questions. Next was the journey through the territory of the Russian Federation and the crossing at Kolotylivka: “All those who were waiting with us were not allowed through. We walked along a narrow path made of tin. Ahead of us was the sign ‘Ukraine’. Our happiness was endless, but behind us, when you turned around, there were Russian soldiers with machine guns. And every time you

turn your head, they are there.” Now the family has settled in a new place under the supervision of a counselor, and the children are undergoing rehabilitation: “I know what a child with a disability is. I will not leave her as long as I have the strength and health to do so.”

«I felt at ease when I saw our flag».

Foster mother from Kherson region

1A 14-year-old girl from Kherson region said that she and her mother experienced difficulties crossing the border. Her mother was very afraid to be taken to a filtration camp because her son, a Ukrainian soldier, had recently returned from Russian captivity, which could have raised questions from Russian border guards. The mother and daughter underwent filtration separately. The girl recalls being locked alone in a room for a certain period of time, and then having a long conversation with people in Russian military uniforms who asked her if she was leaving voluntarily and whether her father knew about it (the girl's father had left for Crimea before the full-scale invasion and was not involved in his daughter's life).

The mother of a large family from Zaporizhzhia region said that it was very difficult and dangerous to undergo filtration. The parents committed to a polygraph test in writing at any time in the future. When the Russian military found a photo with a trident - the Ukrainian coat of arms - on the child's clothes in the phone of one of the children, the Federal Security Service interrogated both adults and children for hours separated in different rooms. The eldest son was beaten for not having a telegram on his phone, although Federal Security Service officers said they had found messages with Ukrainian symbols using special software. The father was beaten so badly that he had an epileptic seizure, making the mother provide first aid until the ambulance arrived. The interrogations did not stop even after the man had regained consciousness. “You're not a man, you're an animal,” the wife heard from another room. The woman said that in 2015, when the family lived in Donetsk region, her husband was taken “to the basement,” where DPR militants beat him so badly that they thought he was dead, so they took him out and threw him into a pit with corpses. Considering the above, the family thought that the man would not be released, however, when he was released, his 16-year-old son was detained.

CONCLUSION

The Russification of Ukrainian children is an element of Russia's war against Ukraine: deported and forcibly transferred children, as well as those who remain in the temporarily occupied territories of our country, suffer from the imposition of Russian ideology, identity, and the legal system of an adverse state, and ultimately become citizens of the Russian Federation. Such elements of aggressive indoctrination are sometimes covered by “humanitarian mechanisms” of alleged evacuation and social protection of civilians and are sometimes accompanied by outright violence, intimidation, and economic and psychological pressure.

The aggressor state's deliberate policy of political indoctrination, Russification, and militarization, both in the occupied territories of Ukraine and in Russia and Belarus, is a violation of the universally recognized rights of the child as provided for in the Convention on the Rights of the Child and other international human rights treaties. Among other things, it is reasonable to believe that Russian agents deliberately, systematically, and on a large-scale basis prevent Ukrainian children from exercising their right to preserve their identity, including citizenship, the right to education, the right to family, freedom of thought and conscience, and the principle of the best interests of the child. The intentional destruction of Ukrainian identity, forced separation from family and community, forcible conversion of loyalty to the homeland, which creates a sense of betrayal of the state and family, are comparable to mental torture in terms of their long-term negative consequences for children. Certain components of Russification and militarized “re-education” have signs of war crimes and crimes against humanity, and allow one to argue that genocide against the Ukrainian nation may have been committed against children under Russian control.

Russia's widespread and systematic violations of the rights of Ukrainian children are aimed at demonstrating that Ukraine as a state is unable to protect and care for its youngest citizens. Therefore, Ukraine allegedly has no agency and is helpless in the face of a stronger enemy. Thus, Russia is turning Ukrainian children into a tool for achieving its own national interests by engaging them in propaganda, including the universally prohibited propaganda of war. In the mid-term perspective, the aggressor state intends to use Ukrainian children to start and wage new armed conflicts.

Reasons that lead to children being trafficked to the territories not controlled by Ukraine, in addition to the hostilities of the aggressor

state: untimely organized evacuation process (especially for vulnerable categories of civilians, such as families with children, children without parental care, children with disabilities, children in boarding schools); challenges evacuating large boarding schools (refusal to leave by the legal representatives of children – the heads of the institutions, lack of parental consent to evacuation, logistical and organizational difficulties); underestimation of the danger of occupation by parents, guardians, foster parents or foster caregivers; conflicts within family that resulted in different visions of the child's future (often the case in families of military personnel who are physically unable to stay with their children and therefore leave them with relatives); children left without parents or legal representatives at the time of the full-scale invasion (for example, in a hospital, sanatorium or with relatives); orphans and children deprived of parental care in residential facilities; inertial prioritization by civil servants and social workers of residential care as a way of temporary care for children whose parents found themselves in difficult living conditions exacerbated by the hostilities. Such vulnerable groups of children did not receive the necessary protection and support from their legal representatives and the state, which was confirmed in our study: the safety of children in residential facilities at the time of the full-scale invasion depended, in fact, and legally, on the head of the facility and his or her personal decision whether to evacuate or not, as well as on the facility's ability to ensure evacuation (availability of transport for a large group of children, escorts, parental permission for children placed in the facility at the request of their parents); the full-scale invasion exacerbated the crisis in families who had already experienced difficult life circumstances but remained unseen by the state, and therefore did not receive timely support or did not know how to use it. The described cases and circumstances of deportation, forcible transfer, and detention in occupation, in addition to Russia's criminal actions, appear to be the result of the unimplemented necessary stages of deinstitutionalization reform over the past 25 years.

The return of Ukrainian children is implemented in partnership between NGOs, charitable foundations, and volunteers and in cooperation with government agencies, which has a powerful synergistic effect, but unfortunately does not guarantee their return. The physical return of a child to Ukrainian control requires special efforts to adapt him or her to Ukrainian society. The long-term effect and gravity of the crimes committed by Russian agents against Ukrainian children can only be fully assessed after deprogramming and elimination of the effects of Russification through intensive psychotherapy and reintegration programs.

RECOMMENDATIONS

To the international community

- 1) Ensure that Russia fulfills its international obligations with respect to Ukrainian children, in particular by expanding and improving the effectiveness of sanctions policy, suspending membership or certain benefits from such membership in international organizations.
- 2) Join the efforts and contribute to the goals of the International Coalition for the Return of Ukrainian Children.
- 3) Assist Ukraine in implementing important domestic reforms, including but not limited to:
 - deinstitutionalization reform,
 - designation of a single competent authority or coordination council responsible for the return, rehabilitation, and reintegration of children,
 - establishment of a regulatory framework and procedures for assessing the best interests of children, in particular in the context of their return from Russian control,
 - development of a new plan and policy for the implementation of the Convention on the Rights of the Child,
 - improvement of the methodology for collecting, analyzing, and storing data on the situation of Ukrainian children under Russian control.
- 4) Ensure coordination between international governmental and international and national non-governmental organizations for the effective search, identification, return, rehabilitation, and reintegration of Ukrainian children under Russian control.
- 5) Ensure inevitability of legal responsibility for international crimes committed by Russian agents against Ukrainian children

To Ukraine

- 1) Prepare and ensure the implementation of a comprehensive national policy on children, covering all areas of the Convention on the Rights of the Child, and, on the basis of this policy, develop a short- and long-term action plan with the necessary elements for its implementation, including sufficient human, technical and financial resources.
- 2) Ensure that the planning and implementation of post-war recovery and reconstruction programs prioritize children and their needs without discrimination.
- 3) Facilitate the enhancement of international mechanisms to prevent deportation, forcible transfers, and unjustifiable delays in the repatriation of children during the armed conflict, including the establishment of a single legal mechanism for the return of Ukrainian children from under Russian control.
- 4) Ensure that the goals of the national strategy for the reform of the system of institutional care and education of children are achieved in a timely manner and at the appropriate level.
- 5) Resolve the existing conflict regarding the entity responsible for the observance of the rights and return of Ukrainian children from Russian control.
- 6) Develop draft amendments to the Law of Ukraine “On Protection of Childhood” and other related regulations to provide specific legal, social, and financial guarantees for the status of a “child affected by hostilities and armed conflict”.
- 7) Introduce measures to improve the system of collecting data on Ukrainian children under Russian control and disaggregate this data, at least by age, gender, status, disability, and geographic location, in order to facilitate the analysis of the situation of such children and the evaluation of strategies, programs, and projects aimed at the effective realization of their rights, including in the context of return and reintegration.

8) Establish a National Resource Center under one of the leading state universities for general training and professional development of specialists who would work with children returned from under Russian control.

9) Ensure, where possible, the effective participation of children in processes related to their return, rehabilitation, and reintegration.