

Resolution 2495 (2023)¹

Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators

Parliamentary Assembly

1. The full-scale war of aggression waged by the Russian Federation against Ukraine represents a massive and ongoing violation of international law and a tragedy of human suffering. The forced displacement of Ukrainian civilians, particularly of children from an early age up to 17 years, to the Russian Federation or within temporarily occupied Ukrainian territories, is an especially serious feature of this aggression. Immediate action is required as a matter of urgency, backed up by documentation and monitoring of what has occurred and continues to occur, the establishment of accountability and the bringing to justice of all the perpetrators, at all levels of responsibility.

2. The United Nations, the Council of Europe, the European Parliament and the Organization for Security and Co-operation in Europe have firmly condemned, over recent months and weeks, the practice of forcible transfer and deportation of civilians, in particular children, by the Russian Federation. While imposing these practices, the Russian Federation often forces Russian citizenship on them, which also leads to violation of the children's right to identity and promotes illegal adoptions of Ukrainian children by Russian families. Such practices are prohibited under international humanitarian, human rights and criminal law and deserve prosecution as war crimes and crimes against humanity. In the case of forcibly transferred children, the crime of genocide has reared its head and must be thoroughly investigated and prosecuted.

3. The Ukrainian authorities and national and international human rights organisations are working intensively to document and investigate the forcible transfer and deportation of civilians and to find, support and extricate the victims and reunite them with their families and home environments. Their efforts are hampered by the extremely difficult, hostile context and conditions of subterfuge under which the Russian Federation is applying these practices.

4. The practice of unlawful deportations of Ukrainians to the Russian Federation from the temporarily occupied territories in the Donetsk and Luhansk regions had started before the Russian Federation's full-scale aggression against Ukraine began on 24 February 2022, taking the form of deportation to the Russian Federation of children from orphanages and of children with disabilities from specialised institutions. These practices have intensified and evolved further since that date and are clearly being planned and organised in a systematic way, within the framework of a State policy. They involve all levels of political decision making from the top down and implementation by administrative bodies and State institutions of the Russian Federation, especially as regards the forcible transfer, deportation and indoctrination of Ukrainian children.

5. In determining the extent and scale of the forcible transfers and deportations, precise figures are difficult to establish given the ongoing aggression, lack of access to the temporarily occupied territories of Ukraine and subterfuge on the part of the Russian Federation as to the circumstances of forcible transfers and

1. *Assembly debate* on 27 April 2023 (13th sitting) (see [Doc. 15748](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Paolo Pisco; and oral opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Carmen Leyte). *Text adopted by the Assembly* on 27 April 2023 (13th sitting).

See also [Recommendation 2253 \(2023\)](#).



deportations and the current whereabouts of the victims. Nonetheless, various sources and data demonstrate that many thousands of Ukrainians are victims of such practices and that the human cost and consequences of these practices, today and for the future, are immense. As of mid-April 2023, the Ukrainian Government stated that it had collected reports of over 19 384 children classified as “deported” to the Russian Federation, only 361 of whom have since returned home, according to the authorities. Therefore, there are still many thousands of children and other civilians whose fate must be clarified.

6. The Parliamentary Assembly condemns the actions of the Russian authorities in violation of their obligations under international humanitarian law, which consist in unjustified delays in the repatriation of children and obstacles to the reunification of families separated as a result of this armed conflict. It also condemns the violation of the rights of deported Ukrainian children to preserve their identity, defined by the United Nations Convention on the Rights of the Child (Article 8), by the practice of forced acceptance of Russian citizenship and placement of children for upbringing in the families of citizens of the Russian Federation.

7. Despite the difficulties in establishing definitive data on numbers involved or on the current fate of the victims, the evidence indicates various practices which are widely reported by victims and witnesses and which point to systematic policy by the Russian Federation. These include:

7.1. through the deliberate targeting and destruction of civilian infrastructure, extreme pressure being exerted by the Russian military and Russian-affiliated officials to force Ukrainian civilians to flee hostilities with only the option of relocation to the Russian Federation, to Russian-occupied territories of Ukraine or to Belarus;

7.2. “filtration” of Ukrainian civilians by the Russian military and Russian-affiliated officials, including intrusive searches of their bodies and belongings, aggressive interrogation and the extraction of vast amounts of personal and biometric data. In some cases, civilians have been subjected to torture and ill-treatment; many have been detained and some have disappeared, according to family members;

7.3. the forcible transfer of children to the Russian Federation and within temporarily occupied territories of Ukraine, to be placed in foster families, Russian-run orphanages or residential facilities, including “summer camps”, and the facilitation of adoption of such children by Russian families. This includes orphans and children with disabilities, as well as children who have been moved either with or without their parents and children whose parents have agreed to let the occupying authorities transport them to “holiday” camps from which they have never returned;

7.4. the practice of “re-education” of the children thus removed from their homes and families, both in residential facilities and in foster or adoptive families. This practice is called “russification”, which implies a prohibition from speaking the Ukrainian language or expressing in any way their Ukrainian identity and culture, compulsory exposure to the Russian language and culture through classes, blanket exposure to the prevailing propaganda through the media, teaching of the Russian version of history, visits to “patriotic” sites, military training and denigration of the Ukrainian language, culture and history. In some cases, children have been (often falsely) informed that their parents have died; most have no means of knowing where they are or how to contact their families or obtain any help, and many suffer from bullying and psychological harassment.

8. The organised and systematic nature of the practices involved and the similar characteristics of such operations, both geographically (across different temporarily occupied regions) and over time (including before the full-scale aggression which began in February 2022), point to the conclusion that these crimes are neither random nor unplanned. These crimes indicate an intention to destroy Ukraine and the Ukrainian identity as well as the cultural and linguistic characteristics of its people. The forcible transfers, unlawful deportations and “re-education” of children, who are especially vulnerable and in need of protection, are abhorrent in their aim of annihilating the children’s every link to and feature of their Ukrainian identity.

9. The Assembly notes that both the Russian Federation and Ukraine are signatories to the most relevant humanitarian law treaties that apply to international armed conflicts: the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV, 1949) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I, 1977). Other relevant international treaties include the United Nations Charter (1945), the Council of Europe European Convention on Human Rights (ETS No. 5, 1950), the International Covenant on Civil and Political Rights (1966), the Hague Conventions of 1899 and 1907 with respect to the Laws and Customs of War on Land, the Convention on the Prevention and Punishment of the Crime of Genocide

(Genocide Convention, 1948), the Rome Statute of the International Criminal Court (1998), the International Convention for Protection of All Persons from Enforced Disappearance (2010) and the United Nations Convention on the Rights of the Child (1989) and its additional protocols.

10. The Assembly underscores that the forcible transfer of children from one group to another group, with the intention to destroy, totally or in part, a national, ethnic, racial or religious group is considered as a crime of genocide under Article 2, paragraph (e), of the Genocide Convention, which matches with the documented evidence of deportation and forcible transfer of Ukrainian children to the Russian Federation or territories temporarily under Russian occupation.

11. The Assembly further recalls its [Resolution 2367 \(2021\)](#) “The protection of victims of arbitrary displacement”, its [Resolution 2448 \(2022\)](#) “Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine” and its [Resolution 2482 \(2023\)](#) “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine”, which refers, *inter alia*, to the Genocide Convention as regards the forcible transfer of children.

12. The Assembly welcomes the International Criminal Court’s decision of 17 March 2023 to issue arrest warrants against the President of the Russian Federation, Vladimir Putin, and the Russian Commissioner for Children’s Rights, Maria Lvova-Belova, for the war crimes of unlawful deportation and transfer of populations, in particular children, from temporarily occupied areas of Ukraine to the Russian Federation.

13. The Assembly supports the Secretary General of the Council of Europe in calling for a role to be played by this Organisation in determining accountability and securing justice for the Russian Federation’s aggression against Ukraine, including the establishment, in co-operation with Ukraine, of an international register of damage to serve as a record, in documentary form, of evidence and claims of damage, loss or injury to all natural and legal persons concerned, as well as the State of Ukraine, caused by internationally wrongful acts of the Russian Federation in or against Ukraine, as well as to promote and co-ordinate the gathering of evidence.

14. The Assembly also supports the need for thorough recording, gathering and assessment of evidence of the crime of genocide as provided for by both the Rome Statute and the Genocide Convention. The Assembly supports the investigation and prosecution of the State policy of forcible transfers and deportation of Ukrainian children by the Russian Federation and Ukraine’s potential actions before the International Criminal Court and the International Court of Justice.

15. The Assembly further supports the recommendations put forward in March 2023 by the Commissioner for Human Rights of the Council of Europe, calling for the establishment of concrete mechanisms and solutions to reunite the children with their families, including through the identification and registration of unaccompanied and separated children from Ukraine and the facilitation of family tracing and reunification procedures.

16. In the light of all the above, the Assembly calls for immediate and urgent action to be taken to halt the practices of unlawful forcible transfer and deportation currently being carried out by the Russian Federation against the Ukrainian population, and especially its policy and practices relating to the removal of children from their families and homes and their subsequent absorption into Russian society and culture and the imposition of Russian identity. The Assembly highlights the need for the recording and monitoring of individual cases, both in order to permit mechanisms for rapid redress and to collect evidence of accountability in order to bring the perpetrators, at all levels of responsibility, to justice.

17. The Assembly calls upon the Russian Federation to:

17.1. as concerns the particularly urgent situation of Ukrainian children in the hands of the Russian Federation, cease immediately and unconditionally unlawful forcible transfer and deportation of Ukrainian children to the Russian Federation, Belarus or within temporarily occupied Ukrainian territories; halt any adoption procedures underway; stop the imposition of Russian citizenship; re-establish the children’s links with their parents or carers and repatriate them to their homeland or release them to a safe third country;

17.2. provide representatives and staff of relevant United Nations bodies and other international human rights and humanitarian mechanisms and organisations, such as the International Committee of the Red Cross, with unhindered, immediate and safe access; provide reliable and comprehensive information about the number and the whereabouts of Ukrainian children; and ensure their dignified treatment and their safe return;

17.3. fully co-operate with the Committee on the Rights of the Child of the United Nations in the establishment of facts on the basis of the report submitted to the latter by Human Rights Watch in November 2022 on the review of Russia's compliance with the Convention on the Rights of the Child;

17.4. halt all practices linked to the process of "filtration", unlawful deportation and forcible transfer of civilians and other protected persons from Ukrainian territories and release all those that are still in "filtration" points; ensure that evacuation of civilians from danger zones is on the basis of their full knowledge and consent and with the option of relocating within Ukraine or to safe destinations of their choice.

18. The Assembly calls on the international community to denounce firmly and consistently and to take every measure possible to prevent the continuation of these crimes, to support the Ukrainian authorities and others in the diligent collection of evidence and proof, and to ensure that the perpetrators at all levels are identified and brought to justice. It also calls on:

18.1. the States Parties to the Rome Statute to take every possible action to fulfil their obligations to enforce the arrest warrants already issued by the International Criminal Court and to support the prosecution and bringing to justice of all other responsible persons. In particular, named individuals for whom direct responsibility has been alleged by international human rights organisations include the Russian Federation's Prime Minister, the ministers of education and health, the Commissioner for Human Rights and the First Deputy Chief of Staff of the Russian President's Executive Office, the self-proclaimed President of Belarus, Alexander Lukashenko, and, at regional level, the governors of Krasnodar Krai, Magadan, Kamchatka Krai, the President of Tatarstan and the head of the Republic of Adygea;

18.2. the International Criminal Court to examine with all due seriousness the possible prosecution of the crime of genocide as regards the State policy of the Russian Federation towards Ukrainian children currently within its hands and to encourage States Parties to consider bringing prosecutions for all crimes within their national criminal courts where jurisdiction is possible (in Ukraine or in third-party courts with universal jurisdiction);

18.3. the authorities of Ukraine to ensure that Ukrainian nationals who have been forcibly transferred to Russia, including men between the ages of 18 and 60, suffer no legal consequences for such transfer upon returning to Ukraine;

18.4. the international community to strengthen co-operation with the European Union in order to stop the crimes of forcible transfer and deportations of Ukrainian civilians by the Russian Federation, to create conditions for the Ukrainian children's safe return or settlement in a safe third country in Europe, to prevent the adoption of Ukrainian children with illegal alleged Russian citizenship by citizens of Council of Europe member States, and to punish the perpetrators, as underscored in the Council of the European Union and the European Commission statements at the European Parliament on 19 April 2023.

19. The Assembly calls upon the Council of Europe member States to:

19.1. give all possible political and financial support to the Council of Europe mechanisms and measures put in place to support its member State, Ukraine, at the present time, including the Action Plan for Ukraine "Resilience, Recovery and Reconstruction" (2023-2026) and the Expert Advisory Group to the Office of the Prosecutor General of Ukraine;

19.2. support Ukraine in its efforts to document and monitor the situation of Ukrainian citizens, and especially children, who have been forcibly displaced or deported by the Russian Federation, and to lend their political, logistical and financial support to the development of an effective and rapid mechanism to identify, locate and repatriate victims to Ukraine or to a safe third country;

19.3. in this endeavour, provide support and assistance in strengthening co-ordination between all the relevant national bodies and institutions in Ukraine and to the work of the Ukrainian Parliament Commissioner for Human Rights;

19.4. support the Ukrainian authorities in the development of a rapid mechanism to identify, locate and repatriate victims to Ukraine or to a safe third country, including by strengthening the "Children of War" platform and by promoting the "Reunite Ukraine" application, and to provide returning children with the necessary support, in particular emergency and continuing psychological support;

19.5. ensure that the Temporary Protection Directive (2001/55/EC) by European Union member States and other temporary protection measures are effectively applied to all Ukrainians who are seeking entry at European Union borders with the Russian Federation, with or without valid or undamaged travel documents;

19.6. support and facilitate the work of civil society organisations active in protecting the rights of Ukrainian citizens, displaced persons and refugees;

19.7. strengthen the work of strategic communications units and the independent media that contribute to debunking Russian disinformation campaigns, as disseminating the facts about Russia's crimes is essential to assisting the victims and restoring justice.

20. Underpinning all the above, and over and beyond the immediate measures which must be taken to protect Ukrainian civilians and children today, the Assembly stresses once more that the perpetrators of crimes under international law, including the crime of aggression against another country, war crimes, crimes against humanity and genocide, must be identified and brought to justice. On the eve of the 4th Summit of Heads of State and Government of the Council of Europe in Reykjavik, it calls upon member States, and upon the international community as a whole, to proclaim and reassert their commitment to this objective, to rapidly establish the mechanisms and processes which are needed to reach this end and to remain steadfast in their common endeavours to ensure that justice is served.