Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15854
30 October 2023

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

Reply to Recommendation[1]: Recommendation 2253 (2023)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2253 (2023) on "Deportations and forcible transfers of Ukrainian children and other civilians to Russian Federation or to Ukrainian territories temporarily occupied: create conditions for their safe return, stop these crimes and punish the perpetrators", which has been forwarded to the Steering Committee for the Rights of the Child (CDENF) and the Special Representative of the Secretary General (SRSG) on Migration and Refugees for information and possible comments. It welcomes the support of the Parliamentary Assembly for the role of the Council of Europe in ensuring the protection of Ukrainian children and other civilians in the context of the armed aggression of the Russian Federation against Ukraine. Several positive developments have taken place since the adoption by the Assembly of the recommendation under consideration.

2. Regarding Ukrainian children who have been unlawfully transferred and deported to the Russian Federation or to the areas temporarily controlled or occupied by it, the Committee of Ministers would underline that, following its 38th meeting on 2 June 2023, the Lanzarote Committee addressed urgent questions to the Russian Federation. On 26 September 2023, at its 39th meeting, the Lanzarote Committee adopted a statement urging the Russian Federation to reply to the questions asked and co-operate fully with the Committee in conformity with its obligations under the Convention. The Committee of Ministers would also signal that one of the sessions addressed at the Informal Conference of the Ministers of Justice Ministers, held in Riga on 11 September 2023 under the aegis of the Latvian Presidency of the Committee of Ministers, concerned "Reuniting Families and Restoring Hope: Supporting Ukrainian Children Illegally Deported to Russia and Belarus". The Assembly is invited to examine the Final Declaration adopted on the occasion of this Conference.

3. Since the start of the aggression of the Russian Federation against Ukraine, over 3.8 million children are estimated to have been forced to flee Ukraine, the vast majority of them being hosted in Council of Europe member States.[2] The Heads of State and Government of the Council of Europe member States reaffirmed, at the Reykjavik Summit in May 2023, that all children of Ukraine are entitled to enjoy the full range of human rights enshrined in international law, and that the best interests of the child shall be the primary consideration in all decision-making concerning them. They underlined the need to intensify efforts to guarantee the effective protection of the rights of children of Ukraine in the current context and invited the Council of Europe to facilitate multilateral co-operation in relation to Ukrainian children residing abroad, as well as to advise on the reform of the country's child protection and care system.

1. Adopted at the 1478th meeting of the Ministers' Deputies (18 October 2023).
2. https://www.unicef.org/eca/reports/365-days-war-and-displacement-ukraines-children

4. As a result of the foregoing, the Council of Europe has set up a Consultation Group on the Children of Ukraine (CGU) to serve as a multilateral platform to exchange information and to foster discussions about policies affecting Ukrainian children residing in other Council of Europe member States. The CGU's main objective is to facilitate co-operation between member States in a pragmatic and concrete manner, in order to help ensure that decisions concerning the children of Ukraine living abroad are based on up-to-date information and applicable standards and are guided by the best interests of the child.

5. The CGU involves government experts of member States responsible for decision-making and co-ordination of issues related to children of Ukraine,[3] relevant international organisations, the European Union, and other actors in this field. The work of the CGU will contribute to better co-ordination of actions taken to protect the rights of children of Ukraine. The first meeting of the CGU will take place on 30 November and 1 December 2023.

6. The Steering Committee for the Rights of the Child (CDENF) will continue to support the setting up of and work of the CGU, and, under its mandate, to facilitate regular exchanges of knowledge, good practices and experiences among member States in this and other areas covered by the Council of Europe Strategy for the Rights of the Child, as well as to ensure co-operation and synergies with relevant UN bodies, notably the UN Committee on the Rights of the Child, as well as with the European Union and other relevant international organisations and civil society.

7. In response to paragraph 4 of the recommendation, the Committee of Ministers would underline the importance of the work of the Council of Europe Commissioner for Human Rights, including her country visit to Ukraine carried out in February-March 2023 and the post-visit statement which called for urgent action to reunite Ukrainian children transferred to the Russian Federation and to territories of Ukraine under Russian occupation with their families. Stressing the importance of ensuring justice for all victims of violations of the rights of the child in the context of the armed aggression of the Russian Federation against Ukraine, the Commissioner called for a mechanism for reuniting the transferred Ukrainian children with their families and legal guardians to be established urgently, and encouraged member States to continue to support Ukrainian and Russian human rights defenders and civil society organisations who are involved in facilitating the children's return. The Commissioner also issued recommendations for protecting and supporting children impacted by the war in Ukraine in her July 2022 memorandum and in a statement published on 2022 World Children's Day.

8. In paragraph 5, the Assembly has specifically called upon the Committee of Ministers to "ensure effective protection of migrants and refugees in a vulnerable situation, especially women and children fleeing Ukraine, through the work of the Secretary General's Special Representative on Migration and Refugees, in the framework of the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)". The Action Plan proposes targeted measures and activities to enhance the capacity of member States to identify and address vulnerabilities throughout asylum and migration procedures. It was built upon the lessons and experiences learned from the previous Action Plan, dedicated to children and completed in 2019. The current Action Plan (2021-2025) was adapted promptly to the situation following the aggression against Ukraine by the Russian Federation. The first Interim Report on the Action Plan, published on 1 March 2023, clearly demonstrates several concrete activities, which targeted mostly women and children, and were organised to respond to the challenges experienced by host countries.

9. Most of the recent activities of the SRSG focused on women and children from Ukraine. This special category of vulnerable persons was at the centre of considerations during the SRSG's fact-finding missions to the Slovak Republic, Czech Republic, Poland, Republic of Moldova, Romania, and Hungary, as well as in the subsequent reports and follow-up actions. The SRSG continues to support the adoption of specific measures that target the protection and well-being of the children of Ukraine in the context of the Action Plan and promotes follow-up activities to ensure the effective implementation of the recommendations included in her reports, as mentioned by the Heads of State and Government of the Council of Europe member States at the Reykjavík Summit in May 2023.

10. The SRSG gives special attention to the situation of children from Ukraine, hosted in the Council of Europe member States and promotes exchanges of views and updates on these children between member States through the Network of Focal Points on Migration. A special session dedicated to an exchange of information and to sharing experiences about the children fleeing Ukraine took place during the last meeting which took place on 1and 2 June 2023. On that occasion, the Focal Points shared available figures and indicated the biggest challenges their countries are faced with concerning these children.

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3. Experts responsible for child protection or with other relevant responsibilities.

11. Finally, the SRSG will co-operate closely with other relevant Council of Europe entities to support the work of the new Consultation Group on the Children of Ukraine (CGU).