



Resolution 2529 (2024)¹

Situation of the children of Ukraine

Parliamentary Assembly

1. Recalling its [Resolution 2495 \(2023\)](#) “Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators”, the Parliamentary Assembly firmly reiterates its condemnation of the full-scale war of aggression being waged by the Russian Federation against Ukraine and the massive violations of the rights of the children of Ukraine, who are particularly vulnerable victims of this war. Children should never be used as means of exerting pressure or as war trophies.
2. No child in Ukraine has been spared by the war, and the Assembly emphasises that all Ukrainian children have the right to enjoy the rights and freedoms enshrined in relevant international human rights instruments and that the rights and best interests of the child must prevail in all decision making concerning them.
3. The Assembly expresses its gratitude to the member States of the Council of Europe that have put in place good conditions for the reception of Ukrainian children, with some benefiting from the temporary protection system granted by the European Union member States.
4. The Assembly emphasises that it is essential for these children to receive education and healthcare, including mental health support, which are tailored to their specific situation, and to maintain their connections with their language and culture, which will facilitate their future return to Ukraine, taking into account the best interests of the child.
5. In this regard, the Assembly supports the Council of Europe Consultation Group on the Children of Ukraine and stands ready to fully co-operate in the framework of the activities of this group.
6. The Assembly refers to its [Resolution 2448 \(2022\)](#) “Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine”. It deplores the challenges faced by the internally displaced children in Ukraine and calls for specific protection measures to be put in place for them.
7. The Assembly calls upon member States’ parliaments to enhance their political support to meet the objectives of the humanitarian response plan for Ukraine, with a specific emphasis on the needs of internally displaced children and their families. It has been estimated that a total sum of between US\$4 billion and US \$5 billion is needed to support war-affected communities in Ukraine and Ukrainian refugees and their host communities in the region throughout 2024.
8. The Assembly calls upon member States to step up support to volunteers and to humanitarian organisations, including civil society organisations and other local groups working in Ukraine to protect internally displaced children, in recognition of their tremendous efforts and contribution.

1. *Assembly debate* on 25 January 2024 (5th sitting) (see [Doc. 15901](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Olena Khomenko); and [Doc. 15902](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Sandra Zampa). *Text adopted by the Assembly* on 25 January 2024 (5th sitting).

See also [Recommendation 2265 \(2024\)](#).



9. The Assembly will remain seized on this issue with a view to a future debate, which should allow for the building of new alliances to meet the needs of internally displaced children and of their families.
10. The Assembly will strengthen parliamentary co-operation by setting up an ad hoc committee to allow parliamentarians with diverse political backgrounds and professional expertise to contribute to improving the situation of the children of Ukraine, wherever they may be: children who are in Ukraine, those who are internally displaced and those who have found temporary protection in Europe, as well as children who are currently missing or have been deported or forcibly displaced to the Russian Federation and Belarus.
11. The Assembly welcomes Ukraine's efforts to return deported or forcibly transferred children, including the implementation of the "Bring Kids Back UA" action plan and the formation of the International Coalition of Countries for the Return of Ukrainian Children under President Zelenskyy's peace formula.
12. The Assembly recognises Ukraine's commitment to protecting vulnerable children, including by establishing the Child Rights Protection Centre, which operates under the supervision of the Ukrainian Parliament's Commissioner for Human Rights and addresses issues related to documenting crimes against children subjected to forcible transfer and deportation, assesses the needs of children, places them in family-based care, if necessary, and undertakes other actions aimed at their reintegration.
13. The Assembly emphasises that Ukrainian children leave Ukraine because of the armed aggression of the Russian Federation. Ukraine has not created dangerous living conditions for its children. They are only to be provided with temporary protection in the territories of foreign States. Therefore, the provisions of Article 6 of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children are not applicable to Ukrainian children. Meanwhile, the application of Article 5 of the same convention is appropriate. Guided by Article 5 of the convention, judicial or administrative bodies of Ukraine have the jurisdiction to take measures aimed at protecting the child's person or property.
14. The Assembly is particularly concerned about the fate of children forcibly transferred and deported to the temporarily occupied Ukrainian territories, the Russian Federation, and Belarus. These practices constitute war crimes, crimes against humanity and, as noted by the Assembly in its Resolution 2482 (2023) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", possible genocide, since acts "such as killings and forcible transfer of children of one group to another group for Russification purposes through adoption by Russian families and/or transfer to Russian-run orphanages or residential facilities like summer camps" could fall under Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
15. The Assembly deplores and condemns the deportations and forcible transfers of Ukrainian children, practices which are fundamentally contrary to international law, in particular the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War and its additional protocol relating to the protection of victims of international armed conflicts, to which the Russian Federation and Ukraine are signatories.
16. The Assembly underlines the significance of the decision of the International Criminal Court (ICC) to issue arrest warrants against the President of the Russian Federation, Vladimir Vladimirovich Putin, and the Commissioner for Children's Rights under the President of the Russian Federation, Maria Alekseyevna Lvova-Belova, in connection with the alleged war crimes of unlawful deportation and forcible transfer of children from temporarily controlled or occupied areas of Ukraine to the Russian Federation, and calls on the Council of Europe member States to further support the ICC's efforts in ensuring the inevitability of liability for the Russian Federation for war crimes committed against Ukrainian children.
17. As of today, the "Children of War" platform run by the Ukrainian Government shows that it has collected information on more than 19 546 children reported as having been deported, or forcibly transferred from various locations, and only 388 of whom have returned home.
18. The Assembly notes that the more time passes, the more the chances of finding these children diminish, potentially leading to the irreversibility of their situation. It emphasises the particular vulnerability of orphans who have no support or legal representation. The dramatic consequences on the mental and physical health and well-being of these children are crystallising. The citizenship and names of these children have sometimes been changed by the Russian authorities. Some have been adopted illegally. Many are untraceable and have no means of contact with their country or their families. All have been subjected to some form of indoctrination, and a new culture and a new language have been imposed on them. Children have experienced psychological and/or physical violence. These acts constitute violations of their rights to

preserve their identity, including their citizenship, name and family relations, to express their views freely and the right to education and to enjoy their own culture as guaranteed by the United Nations Convention on the Rights of the Child.

19. The Assembly notes that the lack of a unified legal mechanism profoundly impedes the prompt return of Ukrainian children, potentially prolonging the process for decades. It acknowledges that any delay in the repatriation process not only reduces the likelihood of returning or reunifying all affected children with their families but also disproportionately affects orphans and children deprived of parental care and who lack any adequate legal representation.

20. In view of these elements and the urgency of putting an end to these crimes, the Assembly reiterates its call on the Russian Federation and Belarus to immediately cease these illegal deportations, detentions and forcible transfers of children, and to facilitate the return of children as soon as possible and under the best possible conditions.

21. The Assembly welcomes the discussions and conclusions arising from the meeting held by the ad hoc committee of its Bureau on 15 December 2023 in Paris, which focused on the return of Ukrainian children forcibly transferred and deported to the temporarily occupied Ukrainian territories, the Russian Federation and Belarus, as well as on the situation of children temporarily residing under the protection of Council of Europe member States and other host countries.

22. Consequently, the Assembly reiterates its call on the Russian Federation and Belarus to:

22.1. cease immediately and unconditionally these practices of deportation and forcible transfer to the temporarily occupied Ukrainian territories, the Russian Federation and Belarus; stop the transfer of Ukrainian children for adoption or fostering by Russian citizens; stop the imposition of Russian citizenship and name changes; and restore contact between these children and their parents or carers, or, in cases of loss of parents or carers, the competent Ukrainian authorities, with a view to their immediate repatriation to their home country or to their release to a safe third country;

22.2. provide the Ukrainian authorities or a third party (a State or an international organisation) with comprehensive and reliable information about the number and the whereabouts of Ukrainian children in this situation, their names and surnames, their origin and the destination of the deportation, in order to ensure their safe return to Ukraine;

22.3. provide representatives of the relevant United Nations bodies and other international humanitarian intervention and human rights protection organisations, such as the United Nations Children's Fund (UNICEF), the Office of the High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (UN Human Rights) and other competent United Nations agencies, and the International Committee of the Red Cross (ICRC) with unhindered, immediate and safe access to the children.

23. The Assembly considers that ensuring the return of deported and forcibly transferred children to Ukraine, especially in cases where family reunification is impossible, is in line with the principle of the best interests of the child.

24. The Assembly calls on member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly, and their diplomatic services, as well as on the entire international community acting in good faith to:

24.1. adopt, at the level of national parliaments, statements and/or resolutions condemning the war crimes against children and recognising deportations, forcible transfers and unjustifiable delay in repatriation of Ukrainian children, including orphans, children deprived of parental care and other unaccompanied children under the control of the Russian Federation, as a crime of genocide, while emphasising the need for the swift return of deported and forcibly transferred children to Ukraine, in line with the principle of the best interests of the child;

24.2. make every effort to trace the fate of the thousands of missing children, namely to identify, locate and return them to Ukraine, considering in particular the unique needs of children with disabilities, orphans, children deprived of parental care and other unaccompanied children who have no support or adequate legal representation, and ensure that the repatriation of these children is not only feasible but also conducted with the utmost care as these children require tailored approaches and specific pathways;

24.3. support Ukraine in its efforts to document and establish the situation of each child, including the identification of deported or forcibly transferred orphans, children with disabilities and children deprived of parental care, and to establish a substantiated, comprehensive and usable list of missing children;

24.4. collaborate with the law-enforcement authorities of Ukraine and establish mechanisms for documenting cases of forcible transfer and deportation of Ukrainian children;

24.5. have recourse to instruments of universal jurisdiction to record the facts of crimes committed, ensure justice and create the conditions to prevent the recurrence of similar crimes in the future, and employ various forms of international legal co-operation to exchange data on the facts of forcible transfers and deportations of Ukrainian children;

24.6. inform the competent authorities of Ukraine, via a duly designated partner authority in each country, in cases of border crossings by citizens of the Russian Federation who have unlawfully adopted or established guardianship over a Ukrainian child, with the aim of returning that child to the territory of Ukraine;

24.7. provide political, logistical and financial support for the establishment of an effective, rapid and safe legal mechanism for the identification, tracing and repatriation of children, and to strengthen co-ordination with all relevant Ukrainian national institutions and the Ukrainian Parliament's Commissioner for Human Rights;

24.8. provide comprehensive support to the competent Ukrainian authorities at all levels and non-governmental organisations dealing with such categories of children as internally displaced, those in need of institutional care, orphans, children of fallen soldiers and veterans, and those physically and psychologically affected by war, in particular in their efforts to secure full access to education and healthcare, including physical and psychological rehabilitation, and reintegration;

24.9. impose and further comply with sanctions against the Russian Federation and Belarus, as well as to include in the sanctions lists individuals involved in the deportation, forcible transfer and unjustifiable delay in repatriation of Ukrainian children;

24.10. assess, via their competent national authorities, the participation of journalists or other media representatives in propaganda campaigns organised by the Russian Federation or Belarus concerning Ukrainian children deported and forcibly transferred by the Russian Federation, with a view to applying appropriate measures in such cases, for example as regards refusal of accreditation and of access to public events;

24.11. facilitate the reintegration of children from Ukrainian residential care facilities, who were evacuated to Council of Europe member States, into their families, or their placement with Ukrainian citizens' families, as determined by the decisions of the competent Ukrainian authorities; and ensure the swift acknowledgement of those authorities for executing custody rights over children;

24.12. foster a full exchange of information concerning Ukrainian children in institutional care and ensure close co-operation in this respect between the competent authorities of Ukraine and the member States;

24.13. support the implementation of specific measures that ensure the protection and well-being of the children of Ukraine, including those in the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" (2023-2026).

25. The Assembly emphasises the need for enhanced co-operation among various existing mechanisms, including civil society, to pool efforts for the return of children, relying in particular on third-party intervention which can offer guarantees of impartiality and effectiveness. In this respect, it calls on the various organisations whose neutrality-based mandate allows them to gain access to the Russian Federation, Belarus and the occupied territories of Ukraine, to contribute to the process of identification, location and repatriation of deported and forcibly transferred Ukrainian children and to work closely with Ukraine and all States which could facilitate the return of these children.

26. In this regard, the Assembly is committed to continuing its role as a facilitator, including by considering what Assembly structure or mechanism(s) could be used to support the Ukrainian authorities and various international organisations, such as UNICEF, the UNHCR, UN Human Rights and other competent United Nations agencies, and the ICRC, in determining the most rapid means to identify and facilitate an effective search for children, with access to as much information as possible about their identity and the conditions of their deportation or forcible transfer by the Russian Federation.