

UKRAINIAN CIVILIANS – INCLUDING CHILDREN – DISPLACED TO RUSSIA FROM THE STANDPOINT OF INTERNATIONAL AND NATIONAL LAW

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ABSTRACT

This article examines the forced displacement and deportation of Ukrainian civilians—including thousands of children—to the Russian Federation following Russia’s full-scale invasion of Ukraine. It assesses these actions through the lenses of international humanitarian law, international criminal law, and human rights law, arguing that they constitute grave breaches of the Geneva Conventions and may amount to war crimes, crimes against humanity, and potentially genocide under the Rome Statute. The analysis highlights the widespread use of coercive practices such as forced naturalization, Russification, and the unlawful adoption of children, while drawing historical parallels to Soviet-era deportations as part of a broader strategy of demographic manipulation. The article reviews key case law from international tribunals (ICTY, ICTR, ICC), evaluates the legal and symbolic significance of International Criminal Court (ICC) arrest warrants against Russian officials, and explores national legal responses in both Ukraine and Russia. It also addresses the challenges of terminology, evidence collection and the importance of Ukraine’s newly established Register of Displaced Children. The article concludes with recommendations to enhance accountability and strengthen the

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protection of displaced populations. These include renewing the mechanisms of the Geneva Conventions and their Additional Protocols, supporting the completion and effective use of Ukraine's Register of Displaced Children, and enforcing the mechanisms of the International Criminal Court.

Key words: Forced Displacement, Migration, Forcible Transfer, Deportation, Russia, Ukraine, Children, Abduction

INTRODUCTION

Since Russia's full-scale invasion of Ukraine began in February 2022, a serious humanitarian crisis has developed, with many civilians being forced to leave their homes. The forced transfer and deportation of Ukrainian civilians, including thousands of children, to the Russian Federation is one of the most worrying things that has happened. Many people have spoken out against this practice because it could be a war crime and a violation of international humanitarian and human rights law. It has raised serious legal, ethical, and political concerns. This article looks at these actions from the point of view of international law, Ukrainian national law, Russian law, and ways to hold officials accountable.

The study explores whether the 'forced deportation' of Ukrainian civilians from the temporarily occupied territories of Ukraine to Russia amidst the 2022 Russian military invasion falls under the scope of "evacuation" as argued by Russian authorities. The study will further assess these actions from multiple legal standpoints, in particular international criminal law, humanitarian law, and human rights law. Finally, the study will explore the efficacy of legal and policy mechanisms to restore the violated rights of forcibly displaced civilians, and the possibility of bringing Russia and its individual decision-makers to criminal liability.

SOCIAL AND LEGAL CONTEXT – CONFLICTING NUMBERS

In comparison to the multiple war crimes committed by Russian invaders in Ukraine (2014-2022) – such as mass murders, destruction of civilian objects, tortures, rape, and looting²– the forced displacement (deportations) of Ukrainian civilians, especially children, from the temporarily occupied territories³ to remote and economically depressed Russian regions has received less attention in Ukraine and worldwide so far. These practices were executed by Russian authorities and the military against Ukrainian civilians, including children, in conjunction with numerous other parallel offences such as forcible placement and questioning within “filtration” camps, instrumentalization of the Russian Orthodox Church to supervise the resettled population, forced naturalization of civilians (the so-called ‘passportization’ resulting from an enhanced and speedy granting of Russian passports to Ukrainian citizens), refusal of the right to select a place of residence within Russia, forced adoption of Ukrainian children, Russian prohibition to leave Russia for two years, and even the forced Russification of Ukrainian-speaking children, to name but a few.

The number of Ukrainian civilians and children who were deported to Russia is still up for debate. According to a 2023 study by the European Parliamentary Research Service (EPRS), Ukrainian officials, Russian state sources, and U.S. intelligence have reported conflicting numbers, with estimates ranging from around 180,000 to as many as 700,000 children. Due to the absence of consistent and independently verifiable data, the total number of deportations

² Hanna Rassamakhina, “One Conviction for Every Thousand Russian War Crimes: Ukrainian Justice Fails to Keep Up with Reality,” Media Initiative for Human Rights (MIHR), April 3, 2025, accessed July 22, 2025, <https://mipl.org.ua/en/one-conviction-for-every-thousand-russian-war-crimes-ukrainian-justice-fails-to-keep-up-with-reality/>.

³ Amnesty International, “With Russia’s full-scale invasion two years ago – an act of aggression that is a crime under international law – the tragically familiar human rights catastrophe extended across the country,” news release, February 24, 2024, accessed July 22, 2025, <https://www.amnesty.org/en/latest/news/2024/02/with-russias-full-scale-invasion-two-years-ago-an-act-of-aggression-that-is-a-crime-under-international-law-the-tragically-familiar-human-rights-catastrophe-extended-across/>.

remains uncertain and contested.⁴ In addition to demonstrating how difficult it is to monitor population movements during times of conflict, this discrepancy also demonstrates how the Russian government is deliberately manipulating data to make deportations appear less obvious or more legitimate.

As of 16 April 2022, the Ukrainian Ombudsman for Human Rights announced that about 808,000 Ukrainian civilians, including 153,000 children, had been forcibly displaced from Ukraine to Russia or Belarus.⁵ Russia's Commissioner for Children's Rights said⁶ that approximately 4.5 million Ukrainians, including 685,000 children, had arrived in the Russian Federation since the beginning of the full-scale invasion.⁷ These individuals were referred to euphemistically as "evacuated persons" or "refugees" in Russia, while international observers like United Nations Human Rights Council⁸ and OSCE/ODIHR⁹ have challenged the voluntary nature of these movements.¹⁰ Ukrainian human rights organizations offer lower, but still alarming, estimates. A 2023 report by the ZMINA Human Rights Centre indicated that between 2.8 and 4.7 million civilians were forcibly displaced to Russia, among them 260,000 to 700,000

⁴ European Parliament Research Service, "Russia's War on Ukraine: Forcibly Displaced Ukrainian Children," EPRS Briefing 747.093, February 2025, accessed July 22, 2025,

https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747093/EPRS_BRI%282023%29747093_EN.pdf.

⁵ Sonia Koshkina, Interview with Lyudmila Denisova: "*They Are Not Like Us, You Know? They Will Not Fight for Their Own and Their Owns as We Are Fighting Now.*", LB.UA (11 April 2022). Available at: https://lb.ua/news/2022/04/11/512987_lyudmila_denisova_voni_taki_yak.html (Last accessed on: 15 April 2022)

⁶ Commissioner for Children's Rights under the President of the Russian Federation. Report on the Activities of the Commissioner for Children's Rights under the President of the Russian Federation for 2022. Moscow, 2023. <https://deti.gov.ru/Deyatelnost/documents/245>.

⁷ Maria Lvova-Belova, Russia's Commissioner for Children's Rights, report on the transfer and guardianship of Ukrainian children, 3 October 2022, as cited in "Russian Ombudsman Lvova-Belova Confirmed Deportation of over 700,000 Ukrainian Children to Russian Federation," Censor.NET, 31 July 2023, https://censor.net/en/news/3434467/russian_ombudsman_lvovabelova_confirmed_deportation_of_over_700000_ukrainian_children_to_russian_federation.

⁸ United Nations Human Rights Council, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/52/62, 15 March 2023, <https://www.ohchr.org/en/documents/country-reports/ahrc5262-report-independent-international-commission-inquiry-ukraine>.

⁹ OSCE Office for Democratic Institutions and Human Rights (ODIHR), *Second Interim Report on Reported Violations of International Humanitarian Law and International Human Rights Law in Ukraine*, covering 1 July to 1 November 2022, published 14 December 2022, accessed July 22, 2025, <https://www.osce.org/files/f/documents/0/5/534933.pdf>.

¹⁰ Russian Federation Children's Ombudsman. *Annual Report on the Situation of Children in the Russian Federation – 2022*. Moscow, 2022. August 2022 https://deti.gov.ru/Deyatelnost/documents/245?utm_source=chatgpt.com

children.¹¹ Meanwhile, the U.S. Department of State in 2025 assessed that between 900,000 and 1.6 million Ukrainian civilians were subjected to forced displacement into Russian territory.¹² The discrepancy in these figures underlines the need for independent, verified documentation, which has been severely hindered by the lack of access to Russian-held areas. Beyond the numbers, systematic coercive practices accompany these deportations:

- Many civilians were subjected to **filtration procedures in camps** where they were interrogated, fingerprinted, and had their digital devices searched, sometimes under threat of detention.¹³
- The **Russian Orthodox Church** played an instrumental role in supervising resettled populations, particularly in occupied territories, reinforcing ideological control.¹⁴
- A widespread campaign of **forced naturalization**, known as “**passportization**,” coerced Ukrainian citizens into accepting Russian citizenship, often as a precondition for accessing basic services such as education and healthcare.¹⁵
- Deportees were frequently **denied the right to choose their place of residence** within the Russian Federation, with many confined to remote or militarized regions.¹⁶

¹¹ ZMINA Human Rights Centre, “*Deportation from Ukrainian Territories Temporarily Occupied by the Russian Federation: Shadow Report Submitted Ahead of Ukraine’s Universal Periodic Review*” (Kyiv: ZMINA Human Rights Centre, January 2023), accessed June 23, 2025, https://zmina.ua/wp-content/uploads/sites/2/2023/01/deportation_eng.pdf.

¹² U.S. Department of State. Russia’s Systematic Program for the Re-Education and Adoption of Ukraine’s Children. July 2025. <https://www.state.gov/russias-systematic-program-for-the-re-education-and-adoption-of-ukraines-children>.

¹³ Human Rights Watch. *We Had No Choice: “Filtration” and War Crimes in Ukraine*. September 1, 2022. <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

¹⁴ Council of Europe. Third Interim Article 52 Report: Human Rights Violations in the Context of the Russian Federation’s Aggression Against Ukraine. Strasbourg, October 2023. https://pace.coe.int/en/files/31576/html?utm_source=chatgpt.com

¹⁵ United Nations Human Rights Council. *Report of the Independent International Commission of Inquiry on Ukraine*. A/HRC/52/62, March 16, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/iicshr-ukraine/index>

¹⁶ OHCHR. *Ukraine: Civilian Casualty Update*. June 2024. <https://www.ohchr.org/en/news/2024/06/ukraine-civilian-casualty-update>.

- Ukrainian children were subjected to **forced adoption by Russian families**, often following separation from their biological parents or guardians, in direct violation of international standards regarding inter-country adoption during armed conflict.¹⁷
- In some regions, civilians deported from Ukraine were **prohibited from leaving Russia for a period of two years**, effectively amounting to arbitrary detention under international law.¹⁸
- Ukrainian-speaking children were targeted for **forced Russification**¹⁹, with reports of language bans, name changes, and cultural indoctrination.²⁰
- Teenagers, particularly boys, were sent to so-called “**re-education camps**”, where they were exposed to pro-Russian propaganda and military-style training.²¹

These practices reflect a deliberate strategy of assimilation and identity erasure, raising serious concerns under international humanitarian law, international human rights law, and potentially under the Genocide Convention.²²

¹⁷ International Criminal Court. Warrant of Arrest for Vladimir Vladimirovich Putin. ICC-01/23, March 17, 2023.

¹⁸ Human Rights Watch. *We Had No Choice: “Filtration” and War Crimes in Ukraine*. September 1, 2022. <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

¹⁹ Ambassador Mark A. Green, “Crimean Tatars and Russification,” *Stubborn Things* (blog), Wilson Center, accessed July 22, 2025, <https://ukraine.wilsoncenter.org/blog-post/crimean-tatars-and-russification>.

²⁰ Ukrainian Parliament Commissioner for Human Rights. “*Children of War: Portal for Finding and Returning Ukrainian Children*.” <https://childrenofwar.gov.ua>.

²¹ U.S. Department of State, *Evidence of Russia’s War Crimes and Other Atrocities in Ukraine: Recent Reporting on Child Relocations*, media note, February 14, 2023, <https://ua.usembassy.gov/evidence-of-russias-war-crimes-and-other-atrocities-in-ukraine-recent-reporting-on-child-relocations/>.

²² Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277.

HISTORICAL CONTINUITIES: RUSSIA'S LEGACY OF PUNITIVE DEPORTATIONS

The forced displacement of Ukrainians and other ethnic groups to the Russian Federation in the current war is not without precedent. Rather, it represents the repetition of a long-standing imperial and Soviet practice of using deportation as a tool of political domination, ethnic composition re-engineering, and suppression of dissent.

A similar punitive machinery was exercised by the Soviet Union and earlier on, within the Russian Empire, towards its minority populations,²³ including Ukrainians. For example, between 1944 – 1951, 482,000 Ukrainians experienced forced deportation from Poland to the Ukrainian Soviet Socialistic Republic under the threat of terror, repression, confiscation of property, and restriction of political, social, economic, and cultural rights.²⁴ Likewise, in 1944, the Soviet authorities conducted the deportation of 200,000 Crimean Tatars from the Crimea Peninsula predominantly to Central Asia. It is estimated that more than 30,000 of them died of starvation, various diseases, and exhaustion in the following year.²⁵ Putin's Russia has been seemingly determined to replicate these imperial and totalitarian practices of ethnicity-based resettlement under what has been notoriously called the “de-Nazification of Ukraine.”

The ongoing forced relocation of Ukrainians, especially children, to Russia is an example of this pattern of violence and demographic manipulation continuing, not changing. The Russian Federation's current mass deportations of Ukrainians, especially children, can't be seen in a vacuum. Instead, they are part of a long-standing historical pattern. The Tsarist period's

²³ Lauri Mälksoo, *Soviet Genocide? Communist Mass Deportations in the Baltic States and International Law*, Leiden Journal of International Law Volume 14, Issue 4, December 2001, pp. 757 – 787.

²⁴ *Let Us Remember about The Deportations of 1944–1951*, Ukrainian Institute of National Memory (02 September 2019) Available at: <https://uinp.gov.ua/informaciyni-materialy/vchytelyam/metodychni-rekomendaciyi/pamyataymo-pro-deportaciyi-1944-1951-rokiv> (Last accessed on 5 April 2022).

²⁵ *Information Materials about The Deportation of the Crimean Tatar People in 1944*, Ukrainian Institute of National Memory (16 May 2020). Available at: <https://uinp.gov.ua/informaciyni-materialy/zhurnalistam/informaciyni-materialy-pro-deportaciyu-krymskotatarskogo-narodu-1944-roku> (Last accessed on 5 April 2022).

Russification efforts and the Soviet era's ethnic engineering are examples of a long history of authoritarianism that saw national and ethnic identity as threats to centralized power. Scholar Anne Applebaum examines how Soviet authoritarian practices borrowed from, adapted, and intensified tsarist systems of control, particularly in political policing, mass arrests, and exploitative labor regimes. She emphasized the transition from tsarist punitive policies—especially exile and penal servitude—to a centralized, ideologically driven camp system under Lenin. She noticed the continuity between tsarist and early Soviet methods as part of a broader authoritarian tradition.²⁶ The current developments, within the framework of modern international law and global human rights monitoring, are reminiscent of previous historical developments: coercion masked as “humanitarian evacuation,” ideological indoctrination under the guise of care, and the systematic erasure of identity through re-education and adoption.²⁷ The legal and moral implications of these policies must therefore be understood not only in terms of present-day violations, but also within the broader continuum of state-sponsored repression in the region.

THE PROBLEM OF TERMINOLOGY: DEPORTATIONS V. FORCED DISPLACEMENT & ABDUCTION

There are significant legal, political, and ethical ramifications to the terminology used to refer to the expulsion of Ukrainian civilians and children to the Russian Federation; it is not just a semantic matter. Terms like “deportation,” “forced displacement,” “evacuation,” “kidnapping,” and “abduction” are used by various actors, including international legal bodies, human rights organizations, and media outlets. Each of these terms has a unique set of

²⁶ Anne Applebaum, “Gulag: A History” (New York: Doubleday, 2003), 624 p.

²⁷ Russian Federation’s War against Ukraine ‘Upending Lives of Children’, United Nations Agency Head Tells Security Council, Meetings Coverage and Press Releases, SC/15922, 4 December 2024, United Nations, accessed July 22, 2025, <https://press.un.org/en/2024/sc15922.doc.htm> .

normative and legal significance. For example, Ukrainian government and non-government stakeholders tend to use the term “deportation,” whereas international organizations more commonly use terms like “forced migration,” “forced displacement,” or “forced transfer.”

The terms “deportation” and “forcible transfer” are legally precise from the standpoint of international humanitarian law and international criminal law. Deporting civilians from occupied territories is strictly forbidden by Article 49 of the Fourth Geneva Convention²⁸ unless it is necessary for the occupying power's or the population's security, which is not the case in this instance. This is further supported by Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court,²⁹ which classifies the “unlawful deportation or transfer of a protected person” as a war crime.³⁰

However, in international law, including the UN Guiding Principles on Internal Displacement,³¹ the term “forced displacement” is used more broadly to refer to both internal and cross-border movements brought on by conflict, coercion, or human rights violations. However, by suggesting that displacement may be the result of general wartime circumstances rather than deliberate state action, this term may obscure the coercive nature of what has transpired in Russia-Ukraine war case.

The use of terms like “kidnapping” or “abduction”, especially when referring to Ukrainian children, highlights the private and illegal nature of the removals, particularly when they take

²⁸ Fourth Geneva Convention (IV), Article 49, “Deportations, transfers, evacuations,” Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950), International Humanitarian Law Databases, accessed June 23, 2025, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49>.

²⁹ Rome Statute of the International Criminal Court (consolidated version, May 2024), adopted 17 July 1998 and entered into force 1 July 2002, published by the International Criminal Court (The Hague), accessed July 21, 2025, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

³⁰ Rome Statute of the International Criminal Court (consolidated version, May 2024), adopted 17 July 1998 and entered into force 1 July 2002, published by the International Criminal Court (The Hague), accessed July 21, 2025, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

³¹ United Nations High Commissioner for Refugees (UNHCR), “*Guiding Principles on Internal Displacement*,” UNHCR, accessed June 23, 2025, <https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>.

place without the consent of the parents, without legal authorization, or with the intention of permanently cutting off ties with Ukraine. Although they are less frequently used in court indictments, these terms are especially useful in survivor-centered narratives and public advocacy. Nevertheless, the deliberate adoption and Russification of Ukrainian children,³² along with alterations to their names, identities, and citizenship status, gives legitimacy to the claim that these actions constitute state-sponsored kidnapping of children.

In the meantime, terms like “evacuation,” “protection,” or “guardianship”³³ have been regularly used by Russian officials³⁴ to defend these measures. By portraying forced removals as “humanitarian endeavors”, this rhetorical tactic protects potential offenders from sanctions that could be imposed by international justice mechanisms.³⁵

Therefore, accuracy in terminology is essential for advocacy, seeking reparations, historical documentation, and accurate legal qualification. Mislabeling or generalizing these acts runs the risk of weakening their criminal nature, undermining victims’ claims, and obfuscating the moral distinction between persecution and protection.

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³² European Parliament, “Return of Ukrainian Children Forcibly Transferred and Deported by Russia”, P10_TA(2025)0096, 8 May 2025, https://www.europarl.europa.eu/doceo/document/TA-10-2025-0096_EN.html.

³³ Ministry of Foreign Affairs of the Russian Federation, “On the Situation of Children Evacuated from the New Russian Regions and Ukraine,” accessed July 22, 2025, https://panama.mid.ru/ru/o_polozhenii_detey_evakuirovannykh_iz_novykh_rossiyskikh_regionov_i_ukrainy/?TSPD_101_R0=08765fb817ab2000b14aa86330f6e2f8e87c56cb9ecac2d5a2c148857c70e60ac11e337c80657f6608af6eb0e314300074621172477ce42404f411323f651103385b73f3e91c608ea1f9eb9991a01a2ef3d7cb351f4d8380249bc8c998759692

³⁴ “Lvova-Belova Unaware of Details of Charges Against Her,” Interfax, March 22, 2023, <https://www.interfax.ru/russia/892315>.

³⁵ Nina Nazarova, “The Removal of Children from Ukraine to Russia: Answering All Questions,” BBC Russian Service, March 28, 2023, <https://www.bbc.com/russian/features-64954599>.

The forcible transfer and deportation of Ukrainian civilians to the Russian Federation constitutes a serious violation of international humanitarian law (IHL), specifically the provisions of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949).³⁶ As Ukraine is a recognized sovereign state and parts of its territory have been under illegal occupation by Russia, the Convention applies in full to all civilians in these areas.

Article 49 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons states that “[i]ndividual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive,”³⁷ and that the “unlawful deportation or transfer or unlawful confinement of a protected person” amounts to a grave breach of the Convention.³⁸

The article further establishes that the “unlawful deportation or transfer or unlawful confinement of a protected person” constitutes a grave breach of the Convention. These breaches are considered the most serious violations of IHL and entail individual criminal responsibility, including military and political leaders who order or enable such acts.

Russia’s large-scale removals of civilians, including children, from occupied areas of Ukraine to Russian territory, often following filtration procedures, lack legal justification under humanitarian law. These acts are not undertaken for the alleged security of the population

³⁶ United Nations, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Article 49, Doc.33_GC-IV-EN.pdf, accessed July 21, 2025, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf.

³⁷ Fourth Geneva Convention (IV), Article 49, “Deportations, transfers, evacuations,” Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950), International Humanitarian Law Databases, accessed June 23, 2025, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49>.

³⁸ United Nations, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Article 49, Doc.33_GC-IV-EN.pdf, accessed July 21, 2025, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf.

or due to military necessity, the only narrow exceptions allowed under Article 49.³⁹ Moreover, the coercive context, including threats, lack of consent, and the denial of return, reinforces the conclusion that these are not voluntary evacuations but unlawful deportations.⁴⁰

The classification of these deportations as grave breaches of IHL opens the door to universal jurisdiction prosecutions and international accountability mechanisms, including proceedings before the International Criminal Court. The ICC has already acknowledged the seriousness of such conduct by issuing arrest warrants for top Russian officials involved in the transfer of children.⁴¹

VIOLATIONS OF INTERNATIONAL CRIMINAL LAW IN THE FORCED DISPLACEMENT OF UKRAINIAN CIVILIANS

The coerced relocation and deportation of Ukrainian citizens and children to the Russian Federation may constitute several international crimes under the Rome Statute of the International Criminal Court (ICC). These encompass crimes against humanity, war crimes, and maybe acts of genocide.

a. Deportation or Forcible Transfer as a Crime Against Humanity (Article 7(1)(d))

Under Article 7(1)(d) of the Rome Statute,⁴² deportation or forcible transfer of population qualifies as a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population: *”Deportation or forcible transfer of*

³⁹ Ibid.

⁴⁰ Office of the High Commissioner for Human Rights (OHCHR), 41st Periodic Report on the Human Rights Situation in Ukraine, 1 December 2024 – 31 May 2025, <https://ukraine.ohchr.org/en/reports/periodic-reports-on-the-human-rights-situation-in-ukraine>.

⁴¹ International Criminal Court, “Situation in Ukraine: ICC Judges Issue Arrest Warrants Against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova,” March 17, 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.

⁴² Rome Statute of the International Criminal Court. July 17, 1998, 2187 U.N.T.S. 90, art. 7(1)(d). <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

If the removal of Ukrainian civilians, including children, from occupied areas is part of a coordinated state policy involving filtration camps, denial of return, and forced resettlement or adoption, it meets the threshold of a systematic attack against a civilian population. Such acts thus fall under the jurisdiction of the ICC as crimes against humanity.

b. Unlawful Deportation as a War Crime (Article 8(2)(e)(viii))

Under Article 8(2)(e)(viii),⁴³ the ordering of the displacement of the civilian population is considered a war crime, unless done for reasons of security of the civilians or imperative military necessity: “*Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.*”⁴⁴

Deportations by the Russian authorities and the military, particularly from occupied areas of Ukraine such as Mariupol, Kherson, and some parts of Zaporizhzhia region, have not been demonstrated to serve any military necessity or protective purpose. On the contrary, the coercive conditions, denial of choice, and impossibility of return constitute clear violations of Article 8 and the Fourth Geneva Convention (Article 49).⁴⁵ These acts may therefore be classified as war crimes.

⁴³ Ibid., art. 8(2)(e)(viii).

⁴⁴ Ibid., art. 8(2)(e)(viii).

⁴⁵ Fourth Geneva Convention (IV), Article 49, “Deportations, transfers, evacuations,” Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950), International Humanitarian Law Databases, accessed June 23, 2025, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49>.

c. Child Deportations as War Crimes or Acts of Genocide (Articles 6(e) and 8)

The deportation of Ukrainian children may also constitute a separate and particularly egregious crime under international law. The forcible transfer of children from one group to another — accompanied by attempts to erase their national and cultural identity through Russification, forced adoption, and ideological indoctrination — may meet the criteria for genocide under Article 6(e) of the Rome Statute:⁴⁶ “*Forcibly transferring children of the group to another group*” as an element of genocide.⁴⁷

This provision reflects Article II(e) of the Genocide Convention (1948)⁴⁸ and emphasizes the intent to destroy, in whole or in part, a national, ethnical, racial or religious group. The mass-scale removal and re-identification of Ukrainian children, many of whom have living relatives in Ukraine, raises serious concerns that these acts go beyond war crimes, potentially amounting to genocidal intent.

This interpretation is reinforced by the ICC’s issuance of arrest warrants in March 2023 for Russian President Vladimir Putin and Russia’s Children’s Rights Commissioner Maria Lvova-Belova, citing their alleged responsibility for the unlawful deportation and transfer of children from occupied Ukrainian territories to Russia.⁴⁹

⁴⁶ Ibid., art. 6(e).

⁴⁷ Ibid., art. 6(e).

⁴⁸ United Nations, Convention on the Prevention and Punishment of the Crime of Genocide, adopted 9 December 1948, entered into force 12 January 1951, accessed July 21, 2025, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.I_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

⁴⁹ International Criminal Court. Warrant of Arrest for Vladimir Vladimirovich Putin, ICC-01/23, March 17, 2023. <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-17-march-2023>.

VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW IN THE FORCED DISPLACEMENT OF UKRAINIAN CIVILIANS

From a human rights perspective, Russia's forced deportation of Ukrainians and related actions violate several human rights norms. In addition to the prohibition on forced deportation itself, which is codified in Protocol No. 4 to the European Convention on Human Rights, Russia's refusal to allow Ukrainians to leave Russia potentially violates the human rights to "*be free to leave any country, including his own,*" and the right to not be "*arbitrarily deprived of the right to enter his own country.*"⁵⁰ Moreover, as Ukraine has previously argued in its case against Russia before the International Court of Justice in relation to Crimea, discrimination against Ukrainians, including the suppression of the Ukrainian culture and language, could violate the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination. Additionally, Russia's policy of transferring Ukrainian children to Russian families may violate the human right for a family not to be subjected to arbitrary interference,⁵¹ as well as the rights of children to not be separated from their parents against their will unless necessary for the child's best interests.⁵²

Under the Convention on the Rights of the Child (CRC)⁵³, Russia's actions toward Ukrainian children may constitute serious violations. Article 9 of the CRC⁵⁴ explicitly prohibits the separation of children from their parents against their will, except in limited, legally justified circumstances that prioritize the child's best interests and are subject to judicial review. Russia's removal and retention of Ukrainian children without due process—often without

⁵⁰ International Covenant on Civil and Political Rights, arts. 12(2), 12(4).

⁵¹ International Convention on Civil and Political Rights, art. 17(1); International Convention on the Rights of the Child, art. 16(1).

⁵² International Convention on the Rights of the Child, art. 9(1).

⁵³ United Nations, Convention on the Rights of the Child, UN General Assembly, 20 November 1989, United Nations Treaty Series, vol. 1577, p. 3, <https://www.refworld.org/legal/agreements/unga/1989/en/18815>

⁵⁴ *Ibid.*, art. 9.

consent, transparency, or communication with parents—violates both the procedural and substantive safeguards of this provision. Additionally, Russia’s failure to ensure continued personal relations between children and their families breaches paragraph 3 of Article 9 of the CRC.⁵⁵ Where separation results from state-initiated acts such as deportation or detention, paragraph 4 of Article 9 of the CRC⁵⁶ obliges the State to provide family members with information about the child’s whereabouts, a requirement that has often been ignored in practice. Furthermore, Article 11 of the CRC⁵⁷ obligates States Parties to combat the illicit transfer and non-return of children abroad. Russia’s ongoing refusal to return deported Ukrainian children—many of whom have been subjected to forced Russification or illegal adoptions—may constitute a grave violation of this article and trigger state responsibility under international law.

Strict guidelines for the evacuation of children during international armed conflicts are outlined in Article 78 of Protocol I Additional to the Geneva Conventions (1977),⁵⁸ which supplements these safeguards. It forbids evacuating children who are not citizens of the evacuating party to another nation unless there are immediate medical, safety, or health concerns. The parents or legal guardians of the children must give their written consent for such evacuations or the individuals legally in charge of their care must do so if they are not available. To guarantee the children's safety and protection, evacuations need to be approved by all parties and overseen by the Protecting Power.⁵⁹

⁵⁵ United Nations, Convention on the Rights of the Child, UN General Assembly, 20 November 1989, United Nations Treaty Series, vol. 1577, p. 3, <https://www.refworld.org/legal/agreements/unga/1989/en/18815>

⁵⁶ United Nations, Convention on the Rights of the Child, UN General Assembly, 20 November 1989, United Nations Treaty Series, vol. 1577, p. 3, <https://www.refworld.org/legal/agreements/unga/1989/en/18815>

⁵⁷ *Ibid.*, art. 11.

⁵⁸ Protocol Additional to the Geneva Conventions (I). 1977/1978. “Article 78, Internment.” Adopted 8 June 1977; entered into force 7 December 1978. International Humanitarian Law Database. Accessed July 22, 2025. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-78>.

⁵⁹ Protocol Additional to the Geneva Conventions (I). 1977/1978. “Article 78, Internment.” Adopted 8 June 1977; entered into force 7 December 1978. International Humanitarian Law Database. Accessed July 22, 2025. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-78>.

To preserve as much normalcy as possible, children must also continue their education during any approved evacuation,⁶⁰ including moral and religious instruction in accordance with their parents' wishes.⁶¹ To help with the tracing, reunion, and eventual return of children to their homeland, authorities must also set up identification measures, such as photo cards sent to the Central Tracing Agency of the International Committee of the Red Cross.

When combined, these clauses create a strong legal foundation that shields civilians, particularly children, from arbitrary deportations and transfers during times of armed conflict. Russia's mass, coercive expulsion of Ukrainian civilians and children without their consent or legal basis is a grave breach of international humanitarian law that is subject to international accountability, including prosecution by the International Criminal Court.

OVERVIEW OF KEY INTERNATIONAL TRIBUNAL CASES ON DEPORTATION AND FORCIBLE TRANSFER

International criminal tribunals' case law has greatly influenced how deportation and forced relocation are viewed legally as war crimes and crimes against humanity. Foundational overview pertinent to the forcible displacement of Ukrainians can be found in the following cases:

⁶⁰ United Nations Committee on the Rights of the Child, General Comment No. 1 (2001): The Aims of Education (CRC/GC/2001/1), January 17, 2001, paras. 26–28, <https://www.unicef.org/southafrica/media/1541/file/ZAF-general-comments-committee-on-rights-of-the-child-2014.pdf>

⁶¹ United Nations, Convention on the Rights of the Child, adopted November 20, 1989, United Nations Treaty Series, vol. 1577, p. 3, Articles 14 and 28, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

Prosecutor v. Radislav Krstić (International Criminal Tribunal for the Former Yugoslavia)

The *Krstić* case⁶² before the International Criminal Tribunal for the Former Yugoslavia (ICTY) focused on the forced relocation and ethnic cleansing of Bosnian Muslim civilians in the Srebrenica enclave in 1995. Krstić, a Bosnian Serb military commander, was convicted of both genocide and aiding and abetting genocide. Forcible population transfers are a major element of ethnic cleansing campaigns.⁶³ According to the tribunal, when a large-scale or coordinated attack against a civilian population includes the forcible transfer of civilians, it is a crime against humanity under Article 7 of the ICTY Statute.⁶⁴ The decision emphasized the gravity of forcible displacement under international criminal law as a form of ethnic cleansing and genocide, in addition to violating individual rights. The judgment emphasized the role of forcible displacement not only as a violation of individual rights but also as a tool of ethnic cleansing and genocide, highlighting its gravity in international criminal law.⁶⁵

Prosecutor v. Jean-Paul Akayesu (ICTR)

The Akayesu case⁶⁶ was the first to recognize that when deportation and forced relocation are carried out with the intention of eradicating a national, ethnic, racial, or religious group entirely or in part, they may be considered acts of genocide. Former Rwandan Mayor Jean-Paul Akayesu was found guilty of crimes against humanity and genocide, including the forced relocation and deportation of Tutsi civilians. Such forced population movements, especially when combined with other acts of genocide, are not merely incidental but rather essential

⁶² Prosecutor v. Radislav Krstić, IT-98-33-T, International Criminal Tribunal for the Former Yugoslavia, Judgment, August 2, 2001, <https://www.refworld.org/jurisprudence/caselaw/icty/2001/en/40159>.

⁶³ Ibid.

⁶⁴ Statute of the International Criminal Tribunal for the Former Yugoslavia. 1993. Article 7, “Individual Criminal Responsibility.” Adopted pursuant to UN Security Council Resolution 808. International Humanitarian Law Database. Accessed July 22. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-78>.

⁶⁵ Prosecutor v. Radislav Krstić, IT-98-33-T, International Criminal Tribunal for the Former Yugoslavia, Judgment, August 2, 2001, <https://www.refworld.org/jurisprudence/caselaw/icty/2001/en/40159>.

⁶⁶ Ibid.

⁶⁶ *Prosecutor v. Jean Paul Akayesu*, - ICTR-96-4-T, International Criminal Tribunal for Rwanda, Judgment, September 2, 1998, <https://www.refworld.org/jurisprudence/caselaw/ictr/1998/en/19275>

elements of genocide, the trial chamber explained.⁶⁷ This case demonstrated the significance of means, or intent, in differentiating deportation from genocide—a distinction that is essential to determining whether displacement in the Ukrainian context is lawful.

Prosecutor v. Ratko Mladić (International Residual Mechanism for Criminal Tribunals)

In the appeals ruling of *Ratko Mladić*, the International Residual Mechanism for Criminal Tribunals (IRMCT),⁶⁸ which carries on the work of the ICTY and ICTR, affirmed the importance of forcible transfer as a war crime and crime against humanity. The fact that Mladić was found guilty of planning the mass expulsion and displacement of non-Serb populations during the Bosnian War serves as further evidence that forced relocation is a serious violation of international humanitarian law. By holding political and military leaders responsible for displacement campaigns even if they do not execute the actions themselves, the ruling also made clear the standards of command responsibility.⁶⁹ This legal precedent is especially pertinent for understanding the potential liability of Russian high-ranking officials implicated in the forced displacement of Ukrainians.

EVIDENCE OF INTERNATIONAL CRIMES AGAINST UKRAINIAN CHILDREN

Independent investigations of the Yale's Humanitarian Research Lab reveal quite the opposite of Russia's official claims that Ukrainian children are being transported to Russian territory for purposes like recreation, evacuation from conflict areas, medical care, or adoption.⁷⁰ A state-coordinated system involving at least 43 facilities throughout Russia and occupied Crimea was

⁶⁷ Ibid.

⁶⁸ International Residual Mechanism for Criminal Tribunals, *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-A, Appeals Judgment, June 8, 2021, <https://www.irmct.org/en/cases/mict-13-56>.

⁶⁹ Ibid.

⁷⁰ Yale Humanitarian Research Lab, Yale School of Public Health, *Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children*, February 14, 2023, ReliefWeb, <https://reliefweb.int/report/ukraine/humanitarian-research-lab-yale-school-public-health-russias-systematic-program-re-education-adoption-ukraines-children-enruuk>.

described in a 2023 report by Yale's Humanitarian Research Lab. Dozens of officials at all levels of Russia's government are involved in the planning of removals, camp operations, and ways to prevent the return of children to Ukraine.

Ukrainian children have been forcibly naturalized as Russian citizens, taken from their homes, placed in foster or adoptive homes, and deprived of their Ukrainian identity. According to the report, many teenagers undergo military training and "reeducation programs", which raises grave concerns about brainwashing and readiness for future militarization. Additionally, the report reveals that many removals took place without the consent of the parents, and that some families were either completely denied contact or misinformed about the type and length of their children's stay in Russia. Parents of children taken to the camps reported being pressured to send their children to Russia. Others reported not giving consent for their children to be taken and being misled about their children's return dates. Some signed consent documents purporting to grant power of attorney where the name of an individual taking custody was left blank, leaving no way to trace where a child went after being taken. Others say they were denied the ability to retrieve their children or otherwise denied contact with and access to them. These actions run counter to international humanitarian law's fundamental requirements for a lawful evacuation, particularly Article 78 of Additional Protocol I⁷¹, which calls for informed consent, a medical basis for the evacuation, and international supervision. They also favor the Rome Statute's legal designation of these acts as war crimes, crimes against humanity, and potentially genocide, particularly in cases where children are relocated permanently and have their national identity destroyed.⁷²

⁷¹ Protocol Additional to the Geneva Conventions (I). 1977/1978. "Article 78, Internment." Adopted 8 June 1977; entered into force 7 December 1978. International Humanitarian Law Database. Accessed July 22, 2025. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-78>.

⁷² Rome Statute of the International Criminal Court. July 17, 1998, 2187 U.N.T.S. 90, art. 7(1)(d). <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

INTERNATIONAL CRIMINAL COURT ARREST WARRANTS: LEGAL AND SYMBOLIC IMPACT

On March 17, 2023, the International Criminal Court (ICC) issued arrest warrants for Vladimir Putin, President of the Russian Federation, and Maria Lvova-Belova, Russia's Commissioner for Children's Rights. They are accused of the war crimes of unlawful deportation and transfer of children from occupied areas of Ukraine to Russia.⁷³

It is up to its member countries to enforce arrest warrants. Nevertheless, enforcement is made more challenging when the accused continue to live in countries that reject the court's jurisdiction. The signatory country is required to hold them and forward them to the ICC. Such arrests have not yet occurred, despite the subjects' travel to ICC member-states. These warrants are notable since they are the first time the ICC has targeted a head of state from a permanent member of the UN Security Council. Notwithstanding the challenges in implementing the legislation, this move shows how committed the international community is in dealing with alleged war crimes in Ukraine. The International Criminal Court (ICC) issued more arrest warrants in June 2024 for top Russian military officials, including former Defense Minister, Sergei Shoigu, and Chief of the General Staff, Valery Gerasimov, for suspected war crimes in Ukraine. These warrants have not been executed since the defendants are believed to be in Russia.⁷⁴

While these warrants may be difficult to enforce in the near term, they carry profound symbolic and legal significance. They affirm the applicability of international criminal law to even the

⁷³ International Criminal Court. 2023. "Situation in Ukraine: ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova." Press release, 17 March. Accessed July 22. <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.

⁷⁴ International Criminal Court, "Situation in Ukraine: ICC Judges Issue Arrest Warrants against Sergei Kuzhugetovich Shoigu and Valery Vasilyevich Gerasimov," press release, 25 June 2024, accessed 22 July 2025, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-sergei-kuzhugetovich-shoigu-and>.

most powerful state actors and highlight the evolving role of the ICC in protecting vulnerable populations, particularly children, during armed conflicts. The Court's legal reasoning draws directly from precedents like *Krstić* and *Akayesu*, interpreting forcible transfer and deportation as war crimes and crimes against humanity when carried out systematically and without military necessity. The ICC's investigations also highlight the challenges of enforcement in real-time conflicts, underscoring the evolving nature of international criminal law in addressing forced displacement as a weapon of war.

CHALLENGES FACING THE INTERNATIONAL CRIMINAL COURT

Despite its growing role in prosecuting transnational crimes, the International Criminal Court (ICC) continues to face numerous political and operational challenges that make it difficult for it to enforce the rule of law, particularly in the context of the war of aggressions waged by the Russian Federation in Ukraine. Tensions with the ICC escalated when President Donald Trump returned to office in January 2025. On February 6, 2025, President Trump signed Executive Order 14203,⁷⁵ which authorized asset freezes and entry restrictions against ICC officials looking into U.S. personnel and allies.

In January 2025, the U.S. House of Representatives voted to sanction the ICC in response to its investigations into Israel, it brought attention to the geopolitical tensions between the Court and the United States. The complex and often tense relationship between the ICC and powerful non-member states is highlighted by these incidents. The United States' opposition is primarily based on the Court's jurisdiction, sovereignty, and alleged targeting of its employees and allies.

⁷⁵ Donald J. Trump, Executive Order 14203: Imposing Sanctions on the International Criminal Court, 6 February 2025, Federal Register 90, no. 10 (12 February 2025): 9369–74, accessed 22 July 2025, <https://www.presidency.ucsb.edu/documents/executive-order-14203-imposing-sanctions-the-international-criminal-court>.

Such political opposition undermines the ICC's enforcement capabilities, especially since the organization relies on member state collaboration to capture suspects and collect evidence.⁷⁶ The Court's lack of enforcement tools that are not dependent on state cooperation and its lack of jurisdiction over non-member states further restricts its effectiveness. These problems highlight the ICC's vulnerability to geopolitical pressures, which can endanger international efforts to prosecute those guilty of serious crimes like those in Ukraine.

PROBLEM OF DATA COLLECTION OF EVIDENCE & DOCUMENTATION OF FORCED DISPLACEMENT OF UKRAINIANS

Identifying victims, determining the extent of forced relocation, and bringing perpetrators to responsibility, all depend on accurate data gathering and recording. However, attempts to collect evidence, verify information, and hold the accused accountable are severely hampered by the continuous forced displacement of Ukrainians to the Russian Federation.

First and foremost, access to vital information is significantly hampered by the Russian authorities' lack of cooperation and transparency. Deportations typically occur in clandestine or militaristic settings, sending people to “filtration camps”.⁷⁷ Different UN⁷⁸ and non-governmental organization reports⁷⁹ have accused Russian forces of interviewing, fingerprinting, and forcefully registering Ukrainians at these checkpoints, frequently

⁷⁶ Human Rights Watch, “US: Trump Authorizes International Criminal Court Sanctions,” news release, February 7, 2025, accessed July 22, 2025, <https://www.hrw.org/news/2025/02/07/us-trump-authorizes-international-criminal-court-sanctions>.

⁷⁷ ZMINA Human Rights Centre, *Deportation from Ukrainian Territories Temporarily Occupied by the Russian Federation: Shadow Report Submitted Ahead of Ukraine’s Universal Periodic Review** (Kyiv: ZMINA Human Rights Centre, January 2023), accessed July 22, 2025, https://zmina.ua/wp-content/uploads/sites/2/2023/01/deportation_eng.pdf.

⁷⁸ United Nations Human Rights Monitoring Mission in Ukraine, Report on Human Rights Violations at Checkpoints in Eastern Ukraine, July 2024, <https://www.ohchr.org/en/documents/country-reports/ukraine-checkpoints-report-july-2024>.

⁷⁹ ZMINA Human Rights Centre, “*Deportation from Ukrainian Territories Temporarily Occupied by the Russian Federation: Shadow Report Submitted Ahead of Ukraine’s Universal Periodic Review*” (Kyiv: ZMINA Human Rights Centre, January 2023), accessed June 23, 2025, https://zmina.ua/wp-content/uploads/sites/2/2023/01/deportation_eng.pdf.

destroying or altering their original documents in the process. Personal information is either altered or confiscated in these cases, making it very challenging to locate and identify the victim later.⁸⁰ Article 78(3) of Protocol I to the Geneva Conventions⁸¹ requires occupying powers to help evacuated children communicate with their families. The European Parliament and other bodies characterize this system as a mass illegal data-collection exercise, in clear violation of international humanitarian law.

Secondly, those who are forcibly evacuated frequently face communication hurdles that keep them from their loved ones, legal representatives, and assistance workers. Many claim that they were forced to remain silent out of fear of retaliation from institutional authorities or occupying forces on Russian soil. Testimonies from survivors are suppressed by these circumstances. Children and other forcibly displaced individuals have been the targets of psychological manipulation or propaganda that has made it difficult for them to identify or report abuse, according to incidents reported by the UN Commission of Inquiry on Ukraine.⁸²

Thirdly, it is more challenging to determine exact statistics due to contradictory sources and politicized narratives. Ukrainian officials and independent observers strongly dispute the Russian government's assertion that more than 700,000 Ukrainian young people had been “evacuated” for humanitarian reasons. For instance, in mid-2024, Ukraine's National Information Bureau and the Office of the Prosecutor General reported that around 19,500 children had been forcibly moved;⁸³ however, verification is challenging due to restricted

⁸⁰ Human Rights Watch. *We Had No Choice: “Filtration” and War Crimes in Ukraine*. September 1, 2022. <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

⁸¹ Protocol Additional to the Geneva Conventions (I). 1977/1978. “Article 78, Internment.” Adopted 8 June 1977; entered into force 7 December 1978. International Humanitarian Law Database. Accessed July 22, 2025. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-78>.

⁸² Frank Hofmann, “Ukrainian Refugees Forcibly Transferred, Mistreated in Russia: HRW,” *Deutsche Welle*, September 1, 2022, accessed July 22, 2025, <https://www.dw.com/en/ukrainian-refugees-forcibly-transferred-mistreated-in-russia-hrw/a-62990457>.

⁸³ Ministry of Reintegration of Ukraine and National Information Bureau, “Children of War” platform, created on behalf of the Office of the President of Ukraine, state information portal, launched 1 August 2022, accessed 22 July 2025, <https://childrenofwar.gov.ua/en/>.

access to occupied territory and blocked Russian institutions. Terms like “evacuation,” “rescue,” and “relocation” are frequently used to cover up coercion and legal infractions, as demonstrated by the disparity between exaggerated Russian claims and Ukraine's documented examples.

Finally, the conflict's continuing character and the political exploitation of displaced people create long-lasting barriers. Operational difficulties in conflict zones must be balanced with humanitarian threats, such likely retaliation against witnesses and disinformation operations, when gathering evidence. To maintain credibility and the dignity of survivors, sensitive information on victims must be gathered and maintained in accordance with international norms like the Istanbul Protocol and the Minnesota Protocol on the Investigation of Potentially Unlawful Death.

To overcome these obstacles, the creation of a centralized registry of deported Ukrainian children, as recently announced by the Ministry of Justice in Ukraine⁸⁴ must be a top priority for international collaboration. Data collection in otherwise inaccessible locations can be aided by investments in satellite technology, remote sensing, and secure digital testimony systems, like those utilized by the International Criminal Court. Survivor-centered approaches must be incorporated throughout all phases of documentation so that victims can share their tales and engage with the judicial system in a safe and respectable manner.

⁸⁴ Interfax-Ukraine, “US Senators Familiarize Themselves with Ukraine’s Efforts to Return Ukrainian Children from Russia,” Interfax-Ukraine, May 31, 2025, accessed July 22, 2025, <https://en.interfax.com.ua/news/general/1068409.html>.

NATIONAL LAW: RUSSIAN FEDERATION CRIMINAL CODE ON GENOCIDE

Article 357 of the Russian Federation's Criminal Code⁸⁵ defines genocide as a crime that includes acts that are intended to completely or partially wipe out a national, ethnic, racial, or religious group. The statute expressly lists a number of illegal activities, such as the forced relocation of children, the forced transfer of children, and the establishment of living conditions intended to physically destroy the group.⁸⁶

This legal framework is significant because it theoretically makes many of the practices that are currently being reported in the context of Ukraine illegal in the law of the Russian Federation per se, including policies that aim to weaken Ukrainian national identity, systematic civilian displacement, and the forcible transfer of Ukrainian children to Russia. However, it is nearly impossible to prosecute genocide domestically due to the Russian government's persistent denial of these crimes and its political control over the legal system. Rather, these clauses emphasize the disparity between Russia's official legal obligations and its actions on the ground.⁸⁷

If Russian domestic legal definitions are used by future accountability mechanisms, like the ICC or hybrid tribunals, to determine culpability, then Russia's national genocide laws may be significant from an international standpoint. However, international mechanisms continue to be the main means of addressing alleged genocidal acts in the current political and legal environment.

⁸⁵ “Article 357. Genocide,” Criminal Code of the Russian Federation, commentary, Prevent Genocide International (Russian version), accessed July 22, 2025, <http://www.preventgenocide.org/ru/statia357.htm>.

⁸⁶ Ibid.

⁸⁷ Ibid.

NATIONAL LAW: CRIMINAL CODE OF UKRAINE ON WAR CRIMES

Serious violations of the laws and customs of war are illegal under Ukrainian law, as stated in Article 438 of the Criminal Code of Ukraine⁸⁸. These crimes include the forced expulsion of civilians for labor, the theft of national treasures in occupied territories, and the cruel treatment of civilians or prisoners of war. The article also discusses the use of unlawful weapons and the issuance of instructions to perform these offenses.

This paragraph underlines Ukraine's commitment to fulfilling its domestic commitments under international humanitarian law and provides Ukraine with a legal basis for prosecuting individuals responsible for forced relocation and other war crimes committed during Russia's ongoing aggression. The forced deportation of Ukrainian people, particularly children, to Russian territory is prohibited by Article 438 due to the documented evidence of coercion and torture.⁸⁹

In early 2023, the Office of the Prosecutor General announced the opening of multiple investigations into the mass forced transfer of Ukrainian children to Russia, often accompanied by coercion, falsified consent forms, and efforts to erase Ukrainian identity through “passportization” and adoption by Russian families, coercion and torture⁹⁰. The cases are primarily grounded in Ukraine’s Criminal Code, particularly Article 438 (War Crimes), which criminalizes the forced expulsion and deportation of civilians in occupied territories, and Article 442-1, which criminalizes forced transfer and adoption of children during armed conflict. Investigations also consider violations of international humanitarian law and human rights law, ensuring Ukraine’s alignment with its international obligations.

⁸⁸ Criminal Code of Ukraine, Articles 438 and 442-1, Criminal Code of Ukraine, <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

⁸⁹ Ibid.

⁹⁰ Viktoriia Kolomiiets, “Child abductions: OPG announced suspicions in Hromadske investigation”, Hromadske, June 30, 2023, accessed July 22, 2025, <https://hromadske.ua/posts/vikradennya-ditej-ogp-ogolosiv-pidozri-figurantam-rozsliduvannya-hromadske>.

CONCLUSIONS/ RECOMMENDATIONS

The forced displacement of Ukrainian civilians, particularly children, from occupied territories to Russia is among the most devastating aspects of the war. While some international reports and legal sources refer to these acts as “deportations,” this term is often misunderstood in English-language discourse and perceived as a “deportation” in immigration law. Deportation typically refers to the removal of non-citizens or foreigners from a state’s territory not the removal of nationals from their own country. These misunderstanding risks obscuring the gravity of what is happening to Ukrainian civilians.

However, under international criminal law, deportation has a precise and serious legal meaning. It is defined in Article 7(1)(d) of the Rome Statute of the International Criminal Court (ICC)⁹¹ as a crime against humanity, and in Article 8(2)(a)(vii)⁹² and 8(2)(e)(viii)⁹³ as a war crime. Deportation refers to the cross-border forced removal of civilians without lawful justification and without their consent. Russia’s actions—especially the transfer of Ukrainian children from occupied territories into Russia or Belarus—fit squarely within this definition.

By using the term deportation in legal and advocacy contexts, lawyers and human rights defenders emphasize the criminal nature of the acts and lay the groundwork for future international prosecutions. Still, given the linguistic and conceptual confusion surrounding the term, it is vital to pair it with explanatory context—clarifying that these are not deportations from Ukraine in the immigration law sense, but rather forcible removals of Ukrainian nationals to the territory of an occupying power. This distinction is critical for advocacy, documentation, and ultimately, legal accountability. A comprehensive strategy combining legal, diplomatic,

⁹¹ Rome Statute of the International Criminal Court, art. 7(1)(d), July 17, 1998, 2187 U.N.T.S. 90.

⁹² Rome Statute of the International Criminal Court, art. 8(2)(a)(vii), July 17, 1998, 2187 U.N.T.S. 90.

⁹³ Rome Statute of the International Criminal Court, art. 8(2)(e)(viii), July 17, 1998, 2187 U.N.T.S. 90.

and humanitarian approaches is essential to address this ongoing crisis and to protect the rights of displaced victims. The following key measures aim to promote accountability and restoration:

1. Strengthening Enforcement Mechanisms of ICC Warrants:

One of the greatest limitations of the International Criminal Court (ICC) is the lack of effective enforcement, particularly when indicted individuals reside in states that do not recognize the Court's jurisdiction. To strengthen accountability, the international community should:

- Expand cooperation agreements with ICC-supporting states to track indicted individuals and freeze their assets.
- Apply targeted diplomatic and economic sanctions to increase pressure on non-compliant states.
- Advance universal jurisdiction initiatives that empower third-party states to prosecute international crimes regardless of where they occurred.
- Form multilateral coalitions to isolate uncooperative states until they comply with international legal norms.

These mechanisms collectively send a strong signal that impunity for such acts is unacceptable under international law.

2. Updating the International Humanitarian Law Framework on Return and Protection of Forcibly Displaced Populations:

Although the Fourth Geneva Convention⁹⁴ and its Additional Protocols⁹⁵ provide protection for civilians in occupied territories, current enforcement mechanisms remain weak, especially

⁹⁴ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Aug. 12, 1949, 75 U.N.T.S. 287.

⁹⁵ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977, 1125 U.N.T.S. 3; Protocol Additional to the Geneva

in the context of children being relocated across borders. Oversight by organizations like the International Committee of the Red Cross (ICRC) has been compromised in practice, particularly in cases where branches of national Red Cross societies (e.g., the Belarusian Red Cross⁹⁶) have been directly involved in facilitating these removals.

To close these protection gaps, the international legal framework should:

- Create enforceable obligations for the immediate and safe return of forcibly transferred civilians, especially children.
- Strengthen independent oversight of organizations involved in family reunification and child protection.
- Standardize procedures for documenting forced displacement and for delivering reparations—including mental health support, social reintegration, and financial compensation.
- Promote binding agreements that facilitate inter-state cooperation and information-sharing in response to forced civilian transfers from war zones and occupied territories.
- Ensure remedies for vulnerable displaced populations.
- Urges Russian federal and local authorities to grant international organizations, such as the ICRC, OHCHR and UNICEF, access to all deported Ukrainian children.⁹⁷

These changes would enhance the legal infrastructure necessary to restore the rights of displaced people and hold perpetrators accountable.

3. Establishing a Comprehensive Register of Deported or Forcibly Removed Ukrainian Children

Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), June 8, 1977, 1125 U.N.T.S. 609.

⁹⁶ CNN, “Belarus Red Cross Admits to Taking Ukrainian Children from Russian-Occupied Areas,” CNN, July 20, 2023, <https://edition.cnn.com/2023/07/20/europe/belarus-red-cross-ukraine-children-deportations-intl>.

⁹⁷ European Parliament, Resolution on the return of Ukrainian children forcibly transferred and deported by Russia, P10_TA(2025)0096 (adopted May 8, 2025), 2025/2691(RSP)

In October 2024, Ukraine took a major step by adopting Cabinet Resolution No. 1240,⁹⁸ which outlines procedures for maintaining a national register of children deported or forcibly displaced children due to Russia’s armed aggression. This register, supported by an interagency commission and finalized technically in May 2025, enables the systematic collection of data on individual cases based on submissions from public authorities, civil society actors, and international partners.⁹⁹

To maximize its effectiveness, Ukraine will need continued international support for data collection and verification, including collaboration with institutions like Yale University’s Humanitarian Research Lab.¹⁰⁰ Reliable documentation of such violations is vital to any future legal proceedings and to eventual efforts to reunite families and secure reparations.

Ultimately, the effectiveness of any legal or humanitarian response to the forced transfer of Ukrainian civilians depends on the clarity and accuracy of the language used to describe these acts and the documentation of the collected evidence about these crimes. Terms such as “forcible transfer,” “abduction,” and “deportation” – when used with proper legal framing, not only reflect the lived experiences of victims but also align with the standards of international law. Comprehensive and transparent documentation, backed by legal precision and moral clarity, is essential for restoring justice and building international consensus for accountability. Sustained legal engagement through the ICC and other international mechanisms remains vital to addressing these grave crimes.

⁹⁸ Cabinet of Ministers of Ukraine, Resolution No. 1240, October 29, 2024, “Certain issues concerning the protection of children deported or forcibly displaced due to the armed aggression of the Russian Federation against Ukraine”. Available at: <https://zakon.rada.gov.ua/laws/show/1240-2024-п#Text>

⁹⁹ Office of the President of Ukraine, “The Return of Ukrainian Children as a Mandatory Element of the Peace Process and Continued Pressure on the Russian Federation: United for Justice • United for Survivors Conference Held,” 7 May 2025, accessed 22 July 2025, <https://www.president.gov.ua/en/news/povernennya-ukrayinskih-ditej-yak-obovyazkova-chastina-mirno-97617>

¹⁰⁰ Yale School of Public Health Humanitarian Research Lab, “Help the Humanitarian Research Lab Keep Finding Ukraine’s Abducted Children,” donation webpage, accessed July 22, 2025, <https://medicine.yale.edu/lab/khoshnood/give-now/>.