Since 2014, Ukraine has been taking measures to protect the rights of children in the territories occupied by the Russian Federation, in conditions of limited access to these territories. The severity of the violations by the Russian Federation and the refusal to fulfill its obligations to ensure the rights of the child make it necessary to find new means of protection after exhausting the previous ones.

However, the full-scale invasion led to the spread of the illegal policy of the Russian Federation to new territories and contributed to the acceleration of the implementation of measures for the forcible integration of these occupied territories of Ukraine and their population into the Russian Federation, in particular, the transfer of education to the Russian program and the implementation of various extracurricular activities (cultural events, military-patriotic education measures, sports competitions, etc.), persecution for learning according to the Ukrainian program remotely, forced passporting and imposition of Russian citizenship, activation of the deportation of Ukrainian children to the Russian Federation.

4.1. Collection of information and recording of all cases of violations of children's rights

One of the key tasks, which should contribute to the protection of children's rights in the conditions of armed aggression and occupation of part of the territory of Ukraine, is the systematic actions of the state to collect and record all cases of violations of children's rights. State authorities and human rights organizations systematically work on documenting committed war crimes, including those committed against children.

A. The Children of the War portal

The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, together with the National Information Bureau, the Office of the Prosecutor General, the National Police of Ukraine, the Ukrainian Parliament Commissioner for Human Rights, the Office of the President in the person of the Counselor-Commissioner for Children's Rights and Children's Rehabilitation have joined forces to implement the Decree of the President of Ukraine to create The Children of the War platform[1]. Informational and analytical support for the team is provided by Support for Ukraine's Reforms for Governence (SURGe) project funded by the Government of Canada.

This is a unified platform that collects information about children who suffered as a result of the war (killed, injured, missing, deported), as well as information about cases when children were found and returned.

In addition, the platform serves as a channel for reporting to law enforcement agencies (in particular, the National Police of Ukraine, the Office of the Prosecutor General), as well as the National Information Bureau about cases of disappearance of a child, a crime committed against a child, detection of an unaccompanied child, deportation, forced change of citizenship and documents and other violations of children's rights during the war by registering appeals on the website.

It is important to note that the website itself does not aggregate information on the number of deported children - these figures are accumulated and provided by the National Information Bureau (SE Ukrainian National Center for Peacebuilding, which is in the sphere of administration of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine). At the same time, it is not very clear how the NIB receives and verifies information about children who were deported to the territory of the

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Russian Federation.

B. Unified register of persons, including children, deported or forcibly transferred in connection with the armed aggression of the Russian Federation against Ukraine

On 18 April 2023, the Cabinet of Ministers of Ukraine adopted Resolution No. 339 Certain Issues of Protection of Persons, Including Children, Deported or Forcibly Transferred in Connection with the Armed Aggression of the Russian Federation against Ukraine[2], which provides for the creation of a Unified Register of Persons, Including Children Deported or Forcibly Displaced in Connection with the Armed Aggression of the Russian Federation against Ukraine. The register will consolidate information on all deported or forcibly transferred persons. Information will be entered into the Register by the National Information Bureau based on the monthly submission of information from ministries, central and local authorities, heads of regional military administrations. As of 15 May 2023, the registry has not yet started working.

4.2. Investigation of war crimes against children and bringing perpetrators to justice

The Office of the Prosecutor General of Ukraine provides procedural guidance in proceedings regarding war crimes recorded during the armed conflict. In total, more than 80,000 criminal offenses under Article 438 of the Criminal Code of Ukraine (violation of the laws and customs of war) have been registered by the OPG at the moment[3].

Since the beginning of the full-scale invasion of the Russian Federation on the territory of Ukraine, the Office of the Prosecutor General has singled out the area of documenting international crimes committed by the Russian military against Ukrainian children, since children are a special category that is under the protection of international humanitarian law.

So far, the prosecutor’s offices have recorded the facts of a number of serious violations against children committed by the military personnel of the aggressor country, which are war crimes according to the norms of international humanitarian law, namely: recruitment and use of children; murder and maiming, rape and other forms of sexual violence, attacks on schools, hospitals and protected persons associated with them, abduction of children, denial of access to humanitarian aid.

As of May 15, 2023, more than 2,830 criminal proceedings are under investigation, including:

war crimes against children – 1,012;

on the facts of an armed attack on children’s organizations and institutions - 1,720;

on facts of sexual violence against children – 13;

on facts of deportation, forcible transfer, abduction - 85.

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The Office of the Prosecutor General cooperates with the investigators and prosecutors of the International Criminal Court. The prosecutors of the Department of Child Protection and Combating Domestic Violence provided the ICC with more than 40 volumes of criminal proceedings materials for examination, prepared and transferred more than one thousand sheets of criminal proceedings materials (evidence on physical media), including electronic evidence, protocols of inspections according to the Berkeley method, protocols with video interviews of witnesses and victims.

On 17 March 2023, the International Criminal Court issued warrants of arrest for the President of the Russian Federation and the Commissioner for Human Rights of the Russian Federation based on a request from the Office of the Prosecutor of the International Criminal Court.

The possibility of creating task forces regarding certain criminal proceedings, which Ukraine is ready to refer to the International Criminal Court, was agreed between the OPG and the ICC[4]. On 23 March 2023, the Prosecutor General signed the Agreement on Opening the Representative Office of the ICC in Ukraine[5].

One of the key areas of international cooperation is work within the framework of the Joint Investigation Team (JIT). It includes 24 countries, including Poland, Estonia, Lithuania, Latvia, Slovakia, Romania and the Prosecutor's Office of the International Criminal Court. Competent bodies of the JIT member countries (24 countries) have the opportunity to interrogate victims and witnesses of the facts of forced transfer/deportation of children who are in the territory of these countries.

The materials of the interrogations (surveys) of the victims and witnesses (including documents, audio, video recordings, etc., provided by the interrogated) received from the competent authorities of the JIT member countries, as well as other available information related to the pre-trial investigation of crimes related to the illegal transfer/deportation of children as a war crime and as an element of genocide is evidence in national level proceedings.

Since 24 February 2022, the Secretariat of the Commissioner has been collecting information on the facts of violations of children's rights as a result of military operations. The Ukrainian Parliament Commissioner for Human Rights appealed to the Prosecutor General with a proposal to join forces in order to take maximum measures to investigate crimes against children in the conditions of a military conflict.

As part of cooperation, the Secretariat Commissioner documented 360 cases of death and injury of children as a result of war crimes committed by the Russian Federation in the territory of Ukraine and sent these cases to the Office of the Prosecutor General for information and use in the work of juvenile prosecutors.

4.3. Coordination of efforts of various state authorities

Coordination of the activities of state authorities, national and international partners involved in the

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implementation of measures for the protection and restoration of children's rights is an important task of the state. Effective coordination of state authorities and non-state partners contributes to ensuring the restoration of the rights of affected children.

At the beginning of the full-scale invasion, on 17 March 2022, the Cabinet of Ministers of Ukraine established the Coordination Headquarters for the Protection of Children's Rights under Martial Law, however, at the very beginning it was not determined that the tasks of the Headquarters included issues related to the protection of children affected by violations of their rights[6].

Thus, the main activities of the Headquarters in the first months of its work were:

1. Ensuring the safe transfer (evacuation) of children who live or are enrolled for a 24-hour stay at institutions of various types, forms of ownership and subordination, children placed in family forms of upbringing, to a safe territory.
2. Ensuring accommodation and meeting the needs of children transferred (evacuated) to safe territories, including control over consular registration in the state of their temporary accommodation.
3. Determining problematic issues related to the protection of children's rights arising in the conditions of martial law, and methods of solving them.[7]

In March 2023, the Government's Coordination Headquaters for the Protection of Children's Rights under Martial Law was headed by the Deputy Prime Minister - the Minister for Reintegration of the Temporarily Occupied Territories[8]. Corresponding amendments were made to the Regulations on the Coordination Headquarters, according to which the Headquarters coordinates activities related to the return to the territory of Ukraine of children who were forcibly transferred to the temporarily occupied territory or to the territory of the Russian Federation or other states[9].

In April 2023, as part of the activities of the Headquarters, there was a discussion on the issues of identifying children deported to the Russian Federation, in particular, orphans and children deprived of parental care and those who are in temporarily occupied territories[10].

The issue of protection of children's rights in the armed conflict was identified as one of the priorities for the Office of the President of Ukraine. On 8 August 2022, Decree of the President of Ukraine No. 568/2022[11] established the Coordination Council for the Protection and Safety of Children, the tasks of which include a systematic analysis of the situation, determination of areas and priorities for the protection of the rights and safety of children, primarily in conditions of martial law, drafting proposals for measures to prevent crimes against children, prevention of forced deportation of young citizens of Ukraine outside the state, promotion of coordinated implementation of such measures, ensuring monitoring of the effectiveness of their implementation.

A separate task of the Coordination Council is to monitor the situation regarding the temporary transfer (evacuation) of children, including orphans, children deprived of parental care, children with disabilities, children with special educational needs, who live in or are enrolled in institutions of various types and forms of ownership and subordination for a 24-hour stay, from territories that are located in the area of military (combat) operations or that are under temporary occupation, encirclement (blockade) or bordering such territories, return and placement of such children in the post-war period.

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4.4. Counseling of victims and their relatives

On 18 August 2022, as part of the operation of the Children of War information and communication portal, the Ukrainian Parliament Commissioner for Human Rights opened a new space - the Consultation Center of the Ukrainian Parliment Commissioner for Human Rights. Similar consultation centers also started their activities on 9 December 2022 in the cities of Khmelnytskyi and Lviv, on 31 March 2023 - in the city of Dnipro, and on 14 April 2023 - in the city of Odesa, where every citizen can receive reference and consultation assistance regarding:

- search for a child;
- return of the child from the temporarily occupied territory and the territory of the Russian Federation;
- return of the family with the child to the territory of Ukraine in case of deportation;
- legalization of the birth certificate obtained in the temporarily occupied territory;
- obtaining a birth certificate of a child born within the administrative-territorial unit where, because of the war, state registration of civil status acts is temporarily not being carried out;
- receiving assistance for children who suffered injuries as a result of the war;
- receiving humanitarian aid for a family with children;
- establishment of contact or return of the child from abroad in case of taking away the child by one of the parents;
- receiving advice on filling in a child search form.

Since the beginning of the work of the Consultation Center, the employees have provided the most consultations on the following issues:

- establishing contact with the child or returning him/her from abroad in case of taking away the child by one of the parents - 104 appeals. Most often, people apply for the return of children who were taken to Poland, Germany, Canada, and the Czech Republic. More than 100 written clarifications have also been provided on this issue;
- return of a child from the temporarily occupied territory or the territory of the Russian Federation - 41 appeals;
- searching for a child who was taken away by one of the parents - 8 appeals.

In addition, the number of appeals to the Consultation Center on the issue of issuing a birth certificate for a child born in the temporarily occupied territory has increased.

4.5. Return of children from the territory of the Russian Federation and their support after return

The issue of the return of Ukrainian children from the temporarily occupied territories of Ukraine and the

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territory of the Russian Federation is one of the priority areas of activity of state authorities, national and international partners. However, the state is limited in its tools for searching for and returning children if they are in the occupied territories of Ukraine or in the territory of the Russian Federation.

Despite this, the state authorities of Ukraine are taking all possible measures to ensure the return of the children. Thus, the Government coordination of actions on the return of children is carried out by the Ministry of Reintegration of the Temporarily Occupied Territories. In accordance with the Regulation on the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine[12], the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine coordinates the implementation of measures for the return to the territory of Ukraine, where state authorities exercise their powers in full, of citizens of Ukraine, in particular children, who were forcibly transferred (deported) to the temporarily occupied territory or to the territory of the Russian Federation, other states.

The NIB is also given certain powers to ensure the return of Ukrainian children. In particular, the NIB is authorized[13]:

- to ensure the exchange of information with the International Committee of the Red Cross, the Central Tracing Agency and other international organizations;
- to represent the interests of deported children, in particular orphans and children deprived of parental care, in order to protect their rights and interests;
- to provide the Ministry of Foreign Affairs with all necessary information for the search and return of such persons.

However, in practice, the implementation of the above-mentioned powers of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine and the NIB is impossible. There is no exchange of information through the Central Tracing Agency. The Ministry of Foreign Affairs does not have the ability to protect citizens who stay in the territory of the Russian Federation because of the termination of diplomatic missions in the territory of the aggressor state, so they cannot search for or return children from the Russian Federation.

The Secretariat of the Ukrainian Parliament Commissioner for Human Rights is actively involved in the procedure for the return of Ukrainian children - responding to appeals, contacting the Commissioner for Human Rights of the Russian Federation Tetyana Moskalkova. As of May 2023, this is the only channel of official contact between representatives of the Ukrainian and Russian sides, which exists exclusively as a platform for resolving humanitarian issues.

The organization of the return of children deported to the territory of the Russian Federation is a complex process that currently functions as an *ad hoc* mechanism because of the absence of representatives of Ukrainian authorities in the territory of the Russian Federation, the non-compliance with agreements by the Russian Federation, constant denial by the Russian Federation of the facts of the deportation of children, etc. According to the National Information Bureau, as of May 14, 364 children were returned to the territory of Ukraine.

At the same time, the need to develop a national mechanism of support and protection for children who were forcibly transferred to the temporarily occupied territories of Ukraine or deported to the territory of the Russian Federation after their return to the territory controlled by the Government of Ukraine remains

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relevant. Thus, among the most urgent needs that may arise for such children, the following can be named:

- **travel**. This issue is often taken over by volunteer organizations, but if the family dealt with the return of the child without the help of the state or volunteer organizations, the question of paying its cost arises, as it can be a great financial burden for the family. If we are talking about the return of a large group of children from the Russian Federation, the question will arise as to how the children can be taken from the border and delivered to the settlement for further action;
- **identification**. Among the children who were forcibly transferred or deported, there are children under the age of 6, there are "status children" from the occupied territories, there are children orphaned as a result of the war. Undoubtedly, the issue of identifying these children, establishing their identity and finding relatives, guardians/custodians, determining the future fate of the child in case his relatives are not found is very important;
- **providing humanitarian aid to children**. Since children can return without personal belongings, or without seasonal clothing, it is necessary to provide a minimum set of humanitarian aid (hygiene, clothing);
- **providing medical examination**. Since complaints about deprivation of food, violence on the part of families in which children are placed in the territory of the Russian Federation are not unusual, it will be necessary to provide medical examination of children;
- **providing temporary accommodation for children, including together with families** (if necessary). To conduct a survey, produce documents, undergo additional examinations, as well as in the event that the territory where the child lived is occupied, it is necessary to provide temporary accommodation of children together with their families;
- **conducting a survey by law enforcement agencies** to find out information about persons who committed the crime of deportation / forced transfer, as well as information about other affected persons;
- **assistance in the production of documents** (birth certificate, passport of a citizen of Ukraine, passport of a citizen of Ukraine for traveling abroad, etc.). This issue will be especially acute for children who were orphaned as a result of the war and do not have relatives, because before documents can be restored, it will be necessary to determine who should take care of them;
- **measures of social support and psychological rehabilitation of children**. The long-term stay of children in camps where so-called "re-education measures" were carried out, or their stay in the families of Russian citizens, studying at Russian schools, where militarization is a widespread phenomenon, will require ensuring the rehabilitation of such children;
- **placement of orphans, children deprived of parental care, in families**. If the child has no relatives, then as part of the deinstitutionalization policy, the child should be placed exclusively in a family;
- **financial assistance to the family** (for example, in the form of one-time cash assistance);
- **continuation of education** - some children have been in deportation for more than a year, and therefore the question of continuation of education (confirmation of educational level) arises for them after their stay at institutions in TOT or in the Russian Federation (especially when it concerns graduation classes, obtaining vocational technical education, the first courses of HEIs) .

Currently, most of these needs are met through communication between state authorities in specific cases. At the same time, the development of a sustainable support mechanism for returned children should be a priority for state authorities.

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4.6. Cooperation with international partners

Within the scope of his powers, the Commissioner cooperated in the field of protection of children's rights with the European Network of Ombudsmen for Children (ENOC). Thus, in September 2022, a delegation from the Secretariat of the Commissioner discussed the observance of the rights of Ukrainian children with representatives of the European Network of Ombudsmen for Children. Then, in November 2023, the Commissioner held a meeting in Brussels with the head of the European Network of Ombudsmen for Children.

As a result of the meetings, agreements were reached on strengthening the network's participation in the protection of the rights of Ukrainian children both in Ukraine and abroad, in particular, the return of deported children from the Russian Federation.

The Ukrainian Parliament Commissioner for Human Rights, within the framework of various organizations of the UN system, worked on the return of Ukrainian children who were forcibly transferred from the temporarily occupied territories to the Russian Federation. On 30 August 2022, the UN Committee on the Rights of the Child heard a report on Ukraine's implementation of the UN Convention on the Rights of the Child.

On 28 April 2023, an informal UN Security Council Arria-Formula meeting was held at the UN headquarters on the topic: Responding to the Abduction and Deportation of Children During Armed Conflicts: Specific Measures for Accountability and Prevention[14]. The meeting was initiated by the members of the UN Security Council Albania, France and the USA, as well as the Permanent Mission of Ukraine to the UN with the support of such countries as: Australia, Austria, Belgium, Bulgaria, Great Britain, Guatemala, Greece, Georgia, Denmark, Ecuador, Estonia, Ireland, Iceland, Spain, Italy, Cyprus, Cyprus, Kingdom of the Netherlands, Latvia, Lithuania, Luxembourg, Malta, Moldova, Germany, New Zealand, Norway, Republic of Korea, North Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Hungary, Finland, Croatia, Czech Republic, Montenegro, Switzerland, Sweden, Japan and delegations of the European Union.

The purpose of the event was to draw special attention of the international community to the problem of abduction and deportation of children in the context of armed conflicts, and Russia's war against Ukraine, in particular.

The briefers of the event were the Ukrainian Parliament Commissioner for Human Rights Dmytro Lubinets, Councilor - the Commissioner of the President of Ukraine on Children's Rights and Child Rehabilitation Dariia Herasymchuk, citizens of Ukraine - victims of crimes of the Russian Federation, as well as Dr. Ezequiel Heffes, Director of Watchlist on Children and Armed Conflict, non-government coalition of human rights organizations.

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1 The Children of the War portal. Access mode: https://childrenofwar.gov.ua

2 CMU Resolution: Some Issues of Protection of Persons, Including Children, Deported or Forcibly Displaced in Connection with the Armed Aggression of the Russian Federation against Ukraine" dated 18 April 2023. Access mode: https://www.kmu.gov.ua/npas/deiaki-pytannia-zakhystu-osib-u-tomu-chysli-ditei-deportovanykh-abo-prymusovo-peremishchenykh-u-zviazku-iz-zbroinoiu-ahresiieiu-rosiiskoi-federatsii-proty-ukrainy-i180423-339

3 The Office of the Prosecutor General. Access mode: https://www.gp.gov.ua/storage/uploads/9bb62ce5-8bbe-4c76-8671-1c5a48fe143f/warcrime-25042023ua.jpg

4 Special investigative groups will be created in Ukraine to collect evidence of Russian crimes for the ICC on 31 March 2023. Access mode: https://www.ukrinform.ua/rubric-society/3689981-v-ukraini-stvorat-specialni-slidci-grupi-aki-zbiratimut-dokazi-zlociniv-rosii-dla-mks.html

5 On 23 March 2023, Prosecutor General Andrii Kostin signed the Agreement on the Opening of the Representative Office of the International Criminal Court in Ukraine in The Hague. Access mode: https://www.gp.gov.ua/ua/posts/genprokuror-andrii-kostin-u-gaazi-pidpisav-ugodu-pro-vidkrittya-predstavnictva-mks-v-ukrayini

6 Resolution of the Cabinet of Ministers of Ukraine dated 17 March 2022 No. 302 On the Formation of the Coordination Headquarters for the Protection of Children's Rights under Martial Law

7 Coordination Headquarters for the Protection of Children's Rights under Martial Law. 30 days of work. Access mode: https://ombudsman.gov.ua/storage/app/media/uploaded-files/finalkoordinatsiiniishtabzpitanzakhistupravditinivumovakh.pdf

8 Iryna Vereshchuk was appointed the head of the Coordination Headquaters for the Protection of Children's Rights under Martial Law on 10 March 2023. Access mode: https://www.kmu.gov.ua/news/irynu-vereshchuk-pryznacheno-holovoiu-koordynatsiinoho-shtabu-z-pytan-zakhystu-prav-dytyny-v-umovakh-voiennoho-stanu

9 Resolution of the Cabinet of Ministers of Ukraine dated 10 March 2023 No. 217 On Amendments to the Resolution of the Cabinet of Ministers of Ukraine dated 17 March 2022 No. 302

10 Meeting of the Coordinating Headquaters for the Protection of Children's Rights under Martial Law and a working meeting on the identification of deported children were held on 28 March 2023. Access mode: https://dn.gov.ua/news/vidbulisya-zasidannya-koordinacijnogo-shtabu-z-pitan-zahistu-prav-ditej-v-umovah-voyennogo-stanu-ta-robocha-narada-z-pitan-viyavlennya-deportovanih-ditej

11 Decree of the President of Ukraine No. 568/2022 of 8 August 2022. Access mode: https://www.president.gov.ua/documents/5682022-43581

12 Resolution of the Cabinet of Ministers of Ukraine dated 8 June 2016 No. 376: Some Issues of the

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Ministry of Reintegration of Temporarily Occupied Territories

13 According to Resolution of the CMU: Some Issues of Protection of Persons, Including Children, Deported or Forcibly Transferred in Connection with the Armed Aggression of the Russian Federation against Ukraine dated 18 April 2023

14 Perm Mission of Ukraine to the UN. Access mode: https://www.facebook.com/UKRinUN/posts/pfbid02kY657zFG3p92cFQmy2zaP4HtVkkmagw6YJTU5K2gfiH3Jc4iDwX1bKCA4r5Z3SkSl?locale=ru_RU

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