

Deportation of Ukrainian Children and Civilians: Return Mechanisms and Legal Consequences for the Russian Federation

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Publisher

Konrad-Adenauer-Stiftung Ukraine (Kyiv)

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The publication is prepared under the project "Strengthening the Analytical Capabilities of the Foreign Policy Decision-Making with the Civil Society" of the Centre for International Security with the support of the Konrad-Adenauer-Stiftung Ukraine (Kyiv).



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Introduction

The forcible transfer and deportation of Ukrainian citizens from territory under Russia's control has continued since the beginning of armed aggression in 2014, particularly within the framework of the [policy](#) of forced passportization of residents of occupied Crimea. Moreover, since 2014, children from both temporarily occupied Crimea and the so-called "Donetsk People's Republic/Luhansk People's Republic" ("L/DNR") have been [deported](#) to the territory of the Russian Federation, and in some cases transferred to Russian families.

The practice of forcible transfer and deportation of civilian population from Ukrainian territory by the Russian Federation in the context of full-scale invasion began at least on February 18, 2022, when an "evacuation" from the so-called "L/DNR" was announced. Specifically, on February 27, 2022, [information](#) emerged about the arrival on February 19, 2022, of children from three orphanages in Donetsk to the sports and recreational complex "Romashka" in the Neklinovsky district of Rostov Oblast, Russian Federation.

Subsequently, more and more information appeared about the forcible transfer and deportation of Ukrainian citizens from occupied territories; however, establishing real figures for both adults and children taken to the territory of the Russian Federation is impossible due to several reasons: lack of access to and control over territories occupied by the Russian Federation, lack of access to Ukrainian citizens on Russian territory, and Russia's refusal to provide current information to both the Government of Ukraine and international organizations.

The Ukrainian side [estimated](#) the figure at approximately 2 million Ukrainians, while the Russian Federation, only within 2023, initially claimed "5.4 million refugees from Ukraine", and later only "over 3.5 [million](#)". UNHCR noted approximately 1.2 million Ukrainians on Russian territory by mid-June 2023; however, this [figure](#) has not been updated since June 2023 and is no longer considered by the organization as reportable for 2024. As of June 28, 2025, the state platform "Children of war" has [recorded](#) 19,546 children considered forcibly displaced and/or deported.

Article 49 of the Fourth Geneva Convention provides that the occupying power may conduct general or partial evacuation. The only grounds for conducting such evacuation are the necessity to ensure the safety of the population or imperative military reasons so demand. Priority within evacuation is the [displacement](#) of persons within their own state, except in cases where this cannot be avoided for material reasons. In the case of displacement of children, the prohibition to displace children to a foreign country is enshrined in Article 78 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). There is only one legal basis for the transfer of children from the occupied

territory – a temporary evacuation where compelling reasons of the health or medical treatment of the children so require.

Deportation or forcible [transfer](#) of population is forced displacement of the persons by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law. In the context of deportation, coercion is also interpreted not only as physical impact. Coercive acts also include the threat of force, fear of violence, pressure, detention, psychological pressure, persecution, or other actions that use an atmosphere of coercion. The coercive nature is [determined](#) by the absence of real choice for victims regarding displacement.

In the context of forcible transfer and deportation of Ukrainian citizens during Russian aggression against Ukraine, the planned and organized nature of displacement is evident, making it impossible to justify by the necessity to ensure population safety, as well as hindering evacuation/departure to territory controlled by the Government of Ukraine. In the context of coercion, the Russian Federation created conditions in which it was impossible to remain and there was a threat to the lives of the civilian population. Russian representatives [carried out](#) threats, persecution, psychological pressure, and direct organized displacement of Ukrainian citizens using pressure and exploiting their vulnerable position. Particularly vulnerable groups were and remain persons in places of detention – both adults and children.

The prohibition of deportation and forcible transfer of population from occupied territory is [provided for](#) in Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and constitutes a grave breach of the Convention. Forcible transfer and deportation may be qualified as a war crime and/or crime against humanity according to the Rome Statute of the International Criminal Court (Articles 8 (2) (a) (vii) and 7 (1) (d)).

On March 17, 2023, Pre-Trial Chamber II of the International Criminal Court (ICC) issued [warrants](#) for the arrest of Vladimir Putin and Maria Lvova-Belova in connection with war crimes in the form of unlawful deportation of population (children) and unlawful transfer of population (children) from occupied territories of Ukraine to Russia (according to Articles 8 (2) (a) (vii) and 8 (2) (b) (viii) of the Rome Statute).

Mechanisms for Return of Deported Ukrainian Citizens

Institutionalized mechanisms for the return of deported persons do not exist at the international level. There is also no single legal framework for return, except for states' obligations regarding freedom of movement, facilitating family reunification and repatriation, etc. All initiatives within other armed conflicts or other cases of forcible transfer and deportation of population worked ad hoc and were based on mutual agreements between two parties, through the mediation of a third party – another state and/or international organizations – and using a certain international organization as a platform.

It should also be considered that deported Ukrainian citizens are not a monolith, and different mechanisms are needed for different categories of persons, depending on the needs and limitations they face.

The first group that requires separate assistance measures, rather than a return mechanism per se, consists of persons over 18 years of age. Besides the financial burden of departure, the challenge is the [absence](#) of sufficient data about such persons in state registers used for person identification and subsequently for issuing certificates for return to Ukraine.

It is necessary to ensure an effective and timely procedure for issuing return certificates, taking into account challenges regarding loss of documents/absence of information in state registers about Ukrainian citizens living in temporarily occupied territories, potentially with issuing of processing such documents on Ukrainian territory.

The second group includes persons who were in places of detention at the time of occupation of Ukrainian territory by the Russian Federation. Such persons also face identification problems due to lack of documents, as the Russian side often releases persons after they serve their sentence without returning documents. At the same time, the challenge is also the [detention](#) of such persons to execute a deportation (expulsion) decision due to allegedly illegal stay on Russian territory and placing them in Centers for Temporary Detention of Foreign Nationals.

In addition to improving the procedure for issuing return certificates, for the return of persons who were in places of detention at the time of occupation, the return mechanism from Russian territory of imprisoned Ukrainian citizens illegally deported from Ukrainian territory to the Russian Federation, as well as Ukrainian citizens held in Centers for Temporary Detention of Foreign Nationals, should become the subject of negotiations with the Russian Federation and third states to develop a clear legal framework for the procedure. Civilian persons who served sentences for offenses not related to armed conflict, as a result of sentences by Ukrainian courts, are not prisoners

of war and must be unconditionally released and transferred to Ukraine. In case of [expulsion](#) of Ukrainian citizens to third countries, for example to Georgia, it is necessary to coordinate with the expulsion country a procedure for humane and proper stay of such persons until identity confirmation and permission to enter the territory of the country, and ensure an urgent identity verification procedure to reduce the time spent in the buffer zone.

The third group consists of Ukrainian citizens under 18 years of age (children). The main challenge in this case is the predominant impossibility of independent return. As of June 29, 2025, 1,366 children have been returned to territory controlled by Ukraine through the efforts of state bodies and non-governmental organizations. Such returns are not systematic but separate individualized measures that cannot ensure the return of all deported children. In the case of minors, a significant limitation is also their identification and search in temporarily occupied territories and Russian territory.

Given these challenges, the return of deported children requires implementation of a number of measures. The measures proposed below may also be effective in facilitating the return of persons over 18 who cannot return independently.

The mechanism for returning deported children must be based on a clearly defined political and legal framework. Ad hoc return procedures implemented by non-governmental organizations or within the framework of third-state assistance have limited effectiveness and cannot cover certain groups of children – particularly those deprived of parental care and residing in institutional facilities.

To develop such a framework, a number of instruments and platforms may be engaged. One potential option is using the capabilities and broad international involvement of states in the UN. Considering the paralysis of the Security Council, experts identify the General Assembly as an alternative platform for developing an appropriate Resolution on the [return](#) of deported children, based on the body's previous experience. At the same time, developing and supporting such a Resolution by as many states as possible is critical. To ensure such support, it is necessary to actively engage member states of the International [Coalition](#) for the Return of Ukrainian Children in advocating for this issue. This concerns both Canada and Norway, which are also co-chairs of the working group on [implementation](#) of Point 4 of the Peace Formula, as well as other states that are part of the Coalition and have stable relations with states that have not joined the Coalition. In particular, considering the minimal representation in the Coalition of states from South America, Africa, and Asia, it is advisable to actively engage Costa Rica, Argentina (which have already joined the Coalition), as well as [Chile](#) (which expressed readiness to become an observer in the Coalition) and the Republic of South [Africa](#), which expressed readiness to be a mediator in the issue of children's return. Important arguments supporting such an initiative are also reports and conclusions of non-judicial human rights mechanisms, such as the UN Monitoring Mission, the UN Commission of Inquiry on Ukraine, the UN Secretary-General on children and armed conflicts, results of individual appeals to the Human Rights Committee, etc. It is necessary to provide comprehensive support to the work of these mechanisms for the completeness and transparency of their coverage of violations and challenges.

Regarding the effectiveness of Resolutions within regional organizations, such as the Council of Europe, in this context, there is no clear answer. Their authority and influence at the regional level may be insufficient for implementing a mechanism that requires the broadest possible support, particularly from states that have relations and influence on the Russian Federation. A more representative platform in this case may be the OSCE; however, a significant obstacle to decision-making is the voting rights of both the Russian Federation and the Republic of Belarus. At the same time, the OSCE platform can be used precisely for active diplomatic communication with states that maintain relations with both Ukraine and the Russian Federation and can play the role of mediators.

Another direction of work is further efforts to engage a third state to protect the interests of Ukrainian citizens on Russian territory by [performing](#) consular functions and/or [appointing](#) a protecting power. When choosing a state to perform any of these functions, it should be considered that European partner states may not be approved by the Russian side, which would [make it impossible](#) for them to perform these functions, as happened with Switzerland. Given this, it is worth considering engaging states that maintain working relations with both Ukraine and the Russian Federation, or those that the Russian Federation does not perceive as unambiguously hostile. When choosing, it is worth weighing the acceptability of such a state for the Russian Federation and the possibility of such state's influence on the Russian Federation, its own readiness to represent the interests of Ukrainian citizens on Russian territory in one of the provided official statuses, as well as the level of trust in relations between Ukraine and this state. As options that require additional discussion and assessment of compliance with the above-mentioned requirements, Turkey, Brazil, South Africa, and other states of Africa and Asia may be considered.

[Delegates](#) of the protecting power, who may be both its own citizens and citizens of other neutral states, may not have diplomatic status.

In the context of the necessity of identification and search for children residing in temporarily occupied territories or on Russian territory, diplomatic efforts should also be made to engage third states that have institutional and technological capabilities to facilitate this process.

An important factor is also participation in the process of international organizations that have the appropriate mandate to facilitate identification, monitoring of locations, and return of the deported. In particular, this concerns the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC). In the case of the ICRC, the mandatory condition must be engagement exclusively of the International Committee, not the Federation and national societies.

Based on the mediation of third states and international organizations, an official framework for the return of the deported must be agreed upon between the two sides: procedures for identification, assessment of the best interests of the child, return of the

deported. At each stage, the presence and possibility of monitoring the Russian Federation's fulfillment of its obligations by third parties must be ensured. The return procedure must be structured according to the needs and challenges of specific categories. For example, for children who have parents or legal representatives, a procedure within the framework of family reunification obligations may be envisaged. In this context, a clear and transparent unified procedure must be agreed upon between the parties, particularly regarding documentary confirmation of family ties to prevent manipulation of document requirements by the Russian Federation. In the context of children deprived of parental care, for whom the State of Ukraine is responsible, the procedure may envisage their representation in the return process, particularly on Russian territory, by authorized delegates of the protecting power or its substitute. Identification and formation of lists of the deported for return must be based on non-recognition of Russian citizenship imposed by the Russian Federation.

Holding Russia Accountable under International Law for Forcible Transfer and Deportation of Ukrainian Citizens

Issues of Russia's responsibility as a state and individual responsibility of officials in the context of current negotiations and international discourse about them are at least relegated to the background. In some cases, [statements](#) are made that active discussion of the issue of responsibility reduces chances for peaceful settlement, and responsibility is not a mandatory part of the process. Given this, the key task is to ensure the impossibility of considering the issue of responsibility as part of the negotiation process. A successful example, in particular, is the inclusion in the Statute of the Special Tribunal for the Crime of Aggression against Ukraine of a [provision](#) that amnesty of persons accused of committing crimes falling under the Tribunal's jurisdiction shall not hinder the prosecution.

In this context, the processes of returning deported Ukrainian citizens and ensuring accountability for the crime of deportation should also be considered as parallel. Any potential fulfillment by the Russian Federation of its obligations regarding the return of deported persons does not change the nature of violations it previously committed. At the same time, issues of responsibility for committed violations of international law may not be the subject of the legal framework for the return of deported persons if their inclusion negatively affects support for such initiatives.

The main form of responsibility in the context of forcible transfer and deportation is individual criminal responsibility of Russian Federation officials involved in this crime. As already mentioned, the ICC in March 2023 issued warrants for the arrest of Vladimir Putin and Maria Lvova-Belova in connection with war crimes in the form of unlawful deportation of population (children) and unlawful transfer of population (children) from occupied territories of Ukraine to Russia (according to Articles 8 (2) (a) (vii) and 8 (2) (b) (viii) of the Rome Statute). Accordingly, deportation of persons over 18 years of age is not the subject of the warrant and is not considered in detail by the Office of the Prosecutor as part of the investigation. Moreover, the qualification cited in the warrant, which remains unchanged in 2025, concerns only consideration of deportation and forcible transfer as war crimes. Considering the exclusive power of the ICC to hold the President of the Russian Federation accountable, it is necessary to make diplomatic and advocacy efforts to expand the group of victims considered within the ICC investigation (to include persons over 18, particularly vulnerable categories), requalification/additional qualification of deportation and forcible transfer as crimes against humanity. In the context of forcible transfer and deportation of children, communication regarding deportation as part of the policy of transferring children from one (national) group to another should be strengthened. Deportation as a separate crime is insufficient for qualifying these actions in the context of genocide; however, in

combination with practices of indoctrination, militarization, changing national status, and transferring children to Russian families, there are grounds for further consideration of these actions as part of transferring children from one (national) group to another.

Moreover, an important aspect in the context of promoting accountability within the ICC is supporting the court's activities, clear [communication](#) of the necessity of impartial and independent justice at the international level, given political [steps](#) by individual states to undermine the Court's authority. Broad support for the Court is necessary not only for continuing the investigation but also for ensuring the arrest of persons for whom the ICC has issued arrest warrants.

In the context of political and legal responsibility, further efforts within the UN system are necessary. Again, given the impossibility of adopting a resolution on the issue within the UN Security Council, the possibility of preparing a thematic resolution in the UN General Assembly should be considered, as well as emphasizing the crime of deportation in general resolutions concerning violations of international law by the Russian Federation. Mentioning the violation in a UN General Assembly Resolution, providing the most current information about the number of deported persons, data on Russia's refusal to fulfill its obligations and provide information to relevant UN agencies (for example, UNHCR) is necessary both for additional attention to the problem and as a basis to call for further efforts in the context of accountability. The call may concern supporting the ICC investigation, strengthening the sanctions regime, opening proceedings regarding the crime of deportation in other states under the principle of universal jurisdiction. In particular, attention should be paid to those states that have an effective national regime for investigating cases within universal jurisdiction, experience in considering proceedings regarding forcible transfer and deportation, as well as those which Russian Federation representatives responsible for committing this crime are more likely to visit.

Active work on political and legal responsibility through initiating resolutions should also continue at the regional level, for example, within the Parliamentary Assembly of the Council of Europe (PACE). First, PACE actively [mentions](#) the role of the Republic of Belarus and personally Alexander Lukashenko in the context of forcible transfer and deportation of children. This is important both for the future prospect of holding Belarusian representatives accountable and for an additional argument to prevent involvement of Belarus as a mediating state during negotiations.

Both UN General Assembly Resolutions and PACE Resolutions do not have legally binding force; however, they consolidate political will and record recognition of the existence of violations. They can serve as an additional argument within diplomatic efforts regarding confiscation and transfer of Russian assets as compensation for damage caused by violations of international law.

Compensation for damage caused is also part of political and legal responsibility. The main direction of work in this context is establishing a compensation [mechanism](#) and facilitating its effective operation. This concerns both expanding the mandate to 2014

(considering that cases of forcible transfer and deportation occurred before the full-scale invasion, including before February 24, 2022) and searching for sources of financing the mechanism, for example, through confiscation of Russian assets.

Further efforts are also necessary within sanctions policy – both harmonization of sanctions, at least within Europe, regarding persons and institutions of the Russian Federation involved in forcible transfer and deportation, and adding new persons to existing lists. At the same time, sanctions lists should include not only persons holding the highest positions but also those who ensure the commission of the crime at the middle level – regional leaders; persons managing camps for children; representatives of organizations actively involved in the process; as well as enterprises and institutions that finance this process.

Extremely important, both in the context of efforts to return the deported and in issues of accountability, is proper informing of Ukrainian foreign diplomatic missions. The receiving state primarily relies on information from the foreign diplomatic mission, so it is necessary to constantly provide current information about forcible transfer and deportation of Ukrainian citizens, their situation in temporarily occupied territories and in the Russian Federation, as well as possible ways to contribute to both return processes and accountability for this crime, depending on the receiving state's position.