Joint statement on the forcible transfer, deportation, and adoption of children from Ukraine by Russia

We are deeply concerned by reports that many children displaced by the war in Ukraine have been forcibly transferred to other Russia-occupied territories or deported to Russia and placed in Russian foster and adoptive families, given Russian nationality and separated permanently from their families, communities, and country.

According to reports by the Ukrainian authorities, the United Nations, the Russian government, and news media, these transfers have been ongoing since February 2022.[1] While many of these children were living in Ukrainian institutions, most are not "orphans," but have living birth parents or other relatives in Ukraine.

We are further concerned by reports that children from Ukraine are being transferred to "camps" and other facilities in Russia and Russia-occupied territories, which Russian officials have said provide "integration" and "patriotic education".[2] Children with disabilities have reportedly been transferred to psychiatric and other types of facilities allegedly for treatment. Many children have seen their date of return delayed, in some cases indefinitely, often with limited or no communication with their parents or information provided to parents by the authorities. This scheme places them at high risk of harm, loss of identity and culture, and long-term or permanent separation from their families.

The UN Office of the High Commissioner for Human Rights has underlined that "International humanitarian law prohibits forced transfers and deportation of protected persons, which may amount to war crimes. This prohibition also applies to children who are not nationals of the party to the conflict in which hands they are found."[3]

During emergencies, such as armed conflict, it is a well-accepted principle of States' obligations under international law[4] that **adoption is not an appropriate response for**

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[1] In September 2022, the Office of the High Commissioner for Human Rights stated to the UN Security Council that "there have been credible allegations of forced transfers of unaccompanied children to Russian occupied territory, or to the Russian Federation itself" and cited concerns "that the Russian authorities have adopted a simplified procedure to grant Russian citizenship to children without parental care, and that these children would be eligible for adoption by Russian families". https://www.ohchr.org/en/statements/2022/09/human-rights-concerns-related-forced-displacement-ukraine. For confirmations by Russian authorities, see e.g.: http://en.kremlin.ru/events/administration/69375; http://en.kremlin.ru/events/administration/69414; http://en.kremlin.ru/events/administration/69138.

[2] Khoshnood, Kaveh, Nathaniel A. Raymond and Caitlin N. Howarth et al., "Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children", pp. 14-15, 14 February 2023. Humanitarian Research Lab at Yale School of Public Health: New Haven, https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data

[3] UN Office of the High Commissioner for Human Rights, "Update on the situation in Ukraine, 1 August – 31 October 2022", p. 3, https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-12-02/HRMMU_Update_2022-12-02_EN.pdf.

[4] In times of peace or in situations of armed conflict, the principles that regulate the provision of alternative care for children, including foster care and adoption, are clearly set forth in Article 21 of the Convention on the Rights of the Child (CRC), the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, and numerous other international conventions and instruments, such as the UN Guidelines for the Alternative Care of Children. In situations of armed conflict, including military

unaccompanied and separated children. Until the fate of a child's parents or other close relatives can be verified by the mandated authorities in Ukraine, each separated child should be considered as still having living relatives or legal guardians and, therefore, is not in need of adoption.

On July 1, 2022, global child rights organisations called for a moratorium on intercountry adoption of Ukrainian children, in line with the policy of the Ukrainian Government and international law. In January 2023, the UN High Commissioner for Refugees stated that Russia giving Ukrainian children Russian passports and putting them up for adoption "goes against the fundamental principles of child protection in situations of war."[5]

Every effort should be made to reunify children with their families. Children in emergencies should not be moved to another country to be placed in alternative care except for compelling health, medical or safety reasons. When a child must be moved, they should stay as close as possible to their home, be accompanied by a parent or caregiver, and have a clear plan of return home.[6]

Any child displaced by the conflict in Ukraine must be cared for in line with these standards. This may include appropriate temporary family-based alternative care in the country or region of arrival, as long as this is accompanied by clear efforts to trace and reunify them with their own families and communities through cooperation with the Ukrainian authorities.

The forcible transfer, deportation and adoption of children from Ukraine, resulting in permanently separating children from their families, communities and culture, is a clear violation of their human rights and of international humanitarian law, and poses a substantial threat to their safety and wellbeing as well as to their sense of identity and belonging.

We condemn these practices and urge all parties to the conflict to respect international laws and standards that are there to protect children in conflict and other emergencies.

We call upon the Russian authorities, including Russia's Presidential Commissioner for Children's Rights, to immediately cease these practices. Urgent efforts must be made to ensure these children are reunited with their families and can be raised by their own relatives in their own culture and communities, speaking their own language.

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occupation, the Fourth Geneva Convention of 1949 prohibits the forcible transfer and deportation of protected persons. The Fourth Geneva Convention (articles 24, 50) and Additional Protocol I (articles 74, 78) provide additional protections for children.

[5] U.N. refugee chief: Russia violating principles of child protection in Ukraine: https://www.reuters.com/world/europe/un-refugee-chief-russia-violating-principles-child-protection-ukraine-2023-01-27/.

[6] United Nations General Assembly. 2010. United Nations Guidelines for the Alternative Care of Children A/RES/64/142, Para. 160. https://bettercarenetwork.org/sites/default/files/2021-03/GuidelinesAlternativeCareofChildrenEnglish.pdf. See also CRPD Guidelines on deinstitutionalization, including in emergencies (2022) CRPD/C/5 https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpdc5-guidelines-deinstitutionalization-including

The Commissioner for Children's Rights and relevant Russian authorities should support tracing and reunification efforts for these children and any others displaced or evacuated to the Russian Federation in cooperation with the Ukrainian authorities, international agencies including UNICEF and the UN Refugee Agency (UNHCR), and other relevant regional and national organisations.

We also call for a robust and rapid response from the international community to help ensure these children's protection, including:

- The Independent International Commission of Inquiry on Ukraine, which pledged in September to gradually devote more resources to investigating issues including "alleged forced transfer of people, and the conditions under which expedited adoption of children were allegedly taking place," should address in its recommendations key measures to be taken by the Russian authorities and the international community to address the issue of forcible transfers, deportations and adoption of Ukrainian children.
- The UN Security Council should take up the issues of forcible transfers, deportations, and adoptions as part of its consideration of the conflict in Ukraine.
- The UN should establish an inter-agency task force dedicated to identifying the whereabouts and ensuring the welfare and return of unaccompanied and separated children who were forcibly transferred within Ukraine or deported to Russia, including children who were, or are in the process of, being illegally naturalised and adopted, as well as children placed in camps or other facilities whether under the guise of education or recreation. Particular attention should be given to ensure children with disabilities are returned and reintegrated with their families or provided with alternative family-based care in their communities.
- All actors involved in supporting children in this conflict, whether State, inter-governmental or non-governmental, should cooperate to ensure the registration of all unaccompanied and separated children being moved across borders, and should conduct regular reporting on their efforts. Impartial humanitarian agencies should play a lead role in ensuring tracing and reunification protocols are in place and operating. UNHCR should seek access to all unaccompanied Ukrainian children in Russian-occupied territories of Ukraine and in the Russian Federation, and Russian authorities should ensure UNHCR's unfettered access to these children.
- More broadly, all interventions targeted towards children affected by the conflict in Ukraine, including international assistance, should be primarily directed towards supporting children in families, and reunifying families where children are separated. Where this is not possible or in the child's best interests, temporary, family-based alternative care should be provided in line with applicable international standards, including the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, and the Guidelines for the Alternative Care of Children.

Further recommendations and guidance on children's care in the conflict in Ukraine can be found here.

As of 5 March 2023, this joint statement has been endorsed by the following organisations, agencies, and networks:

Bethany Christian Services

Better Care Network

Boston College School of Social Work

Both Ends Believing

CPC Learning Network at Columbia University

Child Rights International Network

Deaf Kidz International

Disability Rights International

Education For All Coalition

European Disability Forum

Faith to Action Initiative

FICE International

Forget Me Not

Georgetown University Collaborative on Global Children's Issues

GHR Foundation

Global Social Service Workforce Alliance

Hopeland

Hope and Homes for Children

Human Rights Watch

International Parent Advocacy Network

International Social Services (ISS)

Kinnected

La Strada International

Lumos

Miracle Foundation

Missing Children Europe

National Council For Adoption

Partnership for Early Childhood Development & Disability Rights (PECDDR)

Picture Impact

RISE Institute

The Kempe Foundation

Ukrainian Child Rights Network

Ukrainian Education Platform

University of Oxford, Dept of Social Policy and Intervention

Voices of Children

WAPA International

World Without Orphans

Bethany

Better Care Network

BEB
Children first. Family forever.

BOSTON COLLEGE
School of Social Work

CRIN
CHILD RIGHTS INTERNATIONAL NETWORK

CPC LEARNING NETWORK
COLUMBIA MAILMAN SCHOOL OF PUBLIC HEALTH

DeafKidz INTERNATIONAL

DEFENCE FOR CHILDREN INTERNATIONAL
DÉFENSE DES ENFANTS INTERNATIONAL
DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL
THE WORLDWIDE MOVEMENT FOR CHILDREN'S RIGHTS

DISABILITY RIGHTS INTERNATIONAL

EDUCATION FOR ALL COALITION

EUROPEAN DISABILITY FORUM

GEORGETOWN UNIVERSITY
Collaborative *on* Global Children's Issues

GHR FOUNDATION

FAITH TO ACTION INITIATIVE

FICE

Forget Me Not

GLOBAL SOCIAL SERVICE WORKFORCE ALLIANCE
Improving the workforce. Improving lives.

HOPE AND HOMES FOR CHILDREN

hopeland

HUMAN RIGHTS WATCH

ISS 100

The RISE Institute

UKRAINIAN **CHILD RIGHTS** NETWORK

Українська освітня платформа