



Regional
Center for
Human Rights



Support to Civil Society
Organisations in Ukraine

LEGAL ASSESSMENT OF THE DISPLACEMENT OF UKRAINIAN CHILDREN TO BELARUS: THE EVOLUTION OF AN INTERNATIONAL CRIME

Analytical report

2023



Introduction

Deputy of the House of Representatives of the National Assembly of Republic of Belarus Lyudmila Makarina-Kibak says: *“Since 2016, we have been accepting children from Ukraine, including Donbas. We continued this practice in 2022 and 2023.”*¹ The stay of minor citizens of Ukraine on the territory of the Republic of Belarus is positioned by the state’s highest officials as recovery, rest, or rehabilitation - in general, neutral actions or even humanitarian aid to the victims of the armed conflict.

Instead, children’s camps and sanatoriums become centers of express indoctrination, in which their identity is changed, and their consciousness is militarized within a short time. Abusing the vulnerable position of children, high-ranking officials and persons close to them in Belarus develop plans for further integration into their society and implement the genocidal policy of the Russian Federation aimed at turning Ukrainian children into enemies of their nation.

The President of the Republic of Belarus, Alyaksandr Lukashenka insists: *“I went to Putin [Russian President Vladimir Putin], I said: let’s spend part of the Union budget on these children. That’s how we started to bring them.”*² This analytical paper aims to indicate, based on the synthesis of information from open sources, the places of detention of minors in the Republic of Belarus, the logistics of the displacement of children, the scale of transfer, and the recreation program, as well as to provide legal qualification to the relevant actions and establish the vertical of the persons involved in their implementation.

¹ <https://house.gov.by/ru/interview-ru/view/belarus-udeljaet-ogromnoe-vnimanie-ozdorovleniju-detej-iz-zon-prirodnjx-katastrof-voennyx-dejstvuj-deputat-10492/>

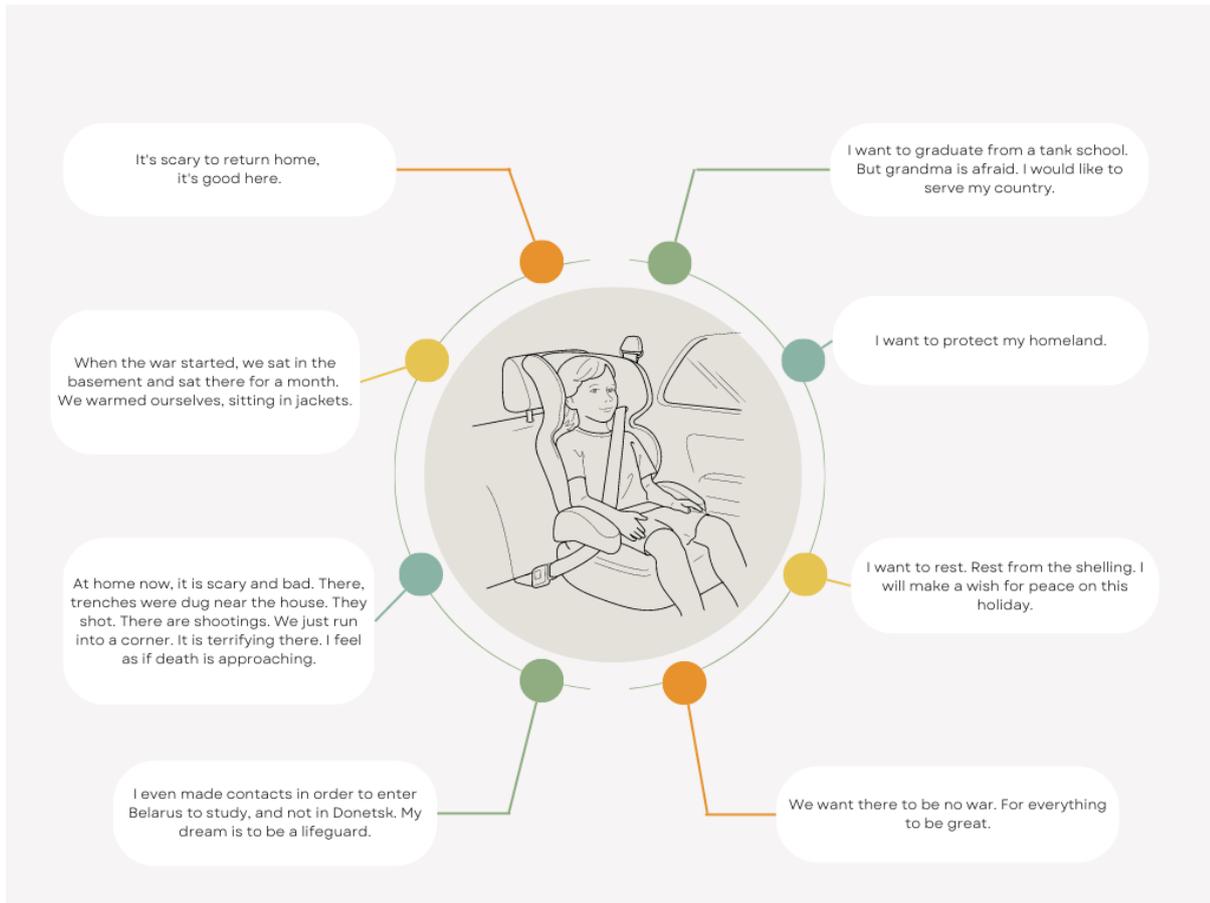
² <https://tass.ru/mezhdunarodnaya-panorama/18132695>

What did the children say?³

Article 12 of the Convention on the Rights of the Child insists on the importance of taking into account the views of the child in all matters affecting the child, in accordance with the age and maturity of the child.⁴ Ukrainian children displaced to the Republic of Belarus bear witness to the horrors of the armed conflict unleashed by the Russian Federation. They are in a state of despair, uncertainty, and fear, and they all share one dream - peace. These are children who were traumatized as a result of living near a combat zone. Some of them lost their parents, other relatives, and friends. These circumstances determine the particular vulnerability of minors, which makes them susceptible to indoctrination and Russification, and fatigue due to the armed conflict along with Russian propaganda accelerates the militarization of consciousness and prompts them to serve in the armed forces of the aggressor state. Given the above, the abuse of the situation of Ukrainian children from the occupied territories during their “vacation” in the Republic of Belarus should be considered an *aggravating circumstance*, and the environment of fear and lack of freedom created by the Russian Federation - a condition that excludes the voluntariness of any consent given by children and their legal representatives for such a vacation.

³ <https://www.belta.by/society/view/domoy-strashno-vozvrashchatsja-tut-horoshho-deti-iz-donbassa-pobyvali-v-respublikanskom-dome-molodezhi-570666-2023/>
<https://www.belta.by/society/view/chuvstvo-budto-priblizhaetsja-smert-deti-donbassa-ob-obstrelah-na-rodine-575303-2023/>
<https://www.belta.by/regions/view/deti-iz-donbassa-priehavshie-na-otdyh-v-belarus-v-novyj-god-zagadaem-zhelanie-o-mire-539508-2022/>
<https://www.belarus.by/ru/press-center/humanitarian-cooperation/kusochek-mira-vozmemo-o-detstve-rebhat-iz-donbassa-kotoroe-zabiraet-vojna-no-vozvrashchaet-belarus-i-0000158269.html>

⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>



Geography of displacement of minors

Today, it is possible to identify at least eight facilities for the detention of Ukrainian children on the territory of the Republic of Belarus, including:

- Children's recreation camp "Dubrava" OJSC "Belaruskali" (Minsk region),⁵
- Children's rehabilitation and health centre "Zhdanovichi" (Minsk region),⁶
- Sanatorium "Golden Sands" (Gomel region),
- Republican Children's Hospital of Medical Rehabilitation "Ostroshitsky Gorodok" (Minsk region),⁷

⁵ <https://www.belta.by/amp/society/view/nadeemsja-cto-esche-kogda-nibud-oni-poedut-v-belarus-cto-rasskazala-mama-pro-otdyh-devochek-iz-577763-2023>

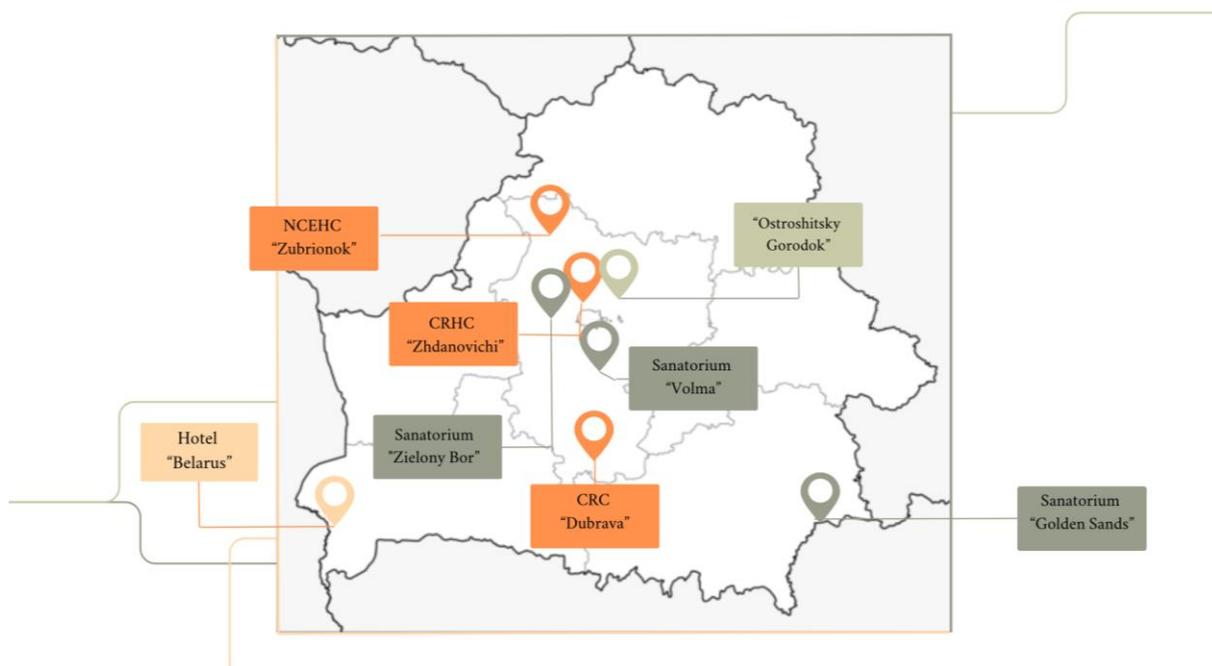
<https://newsua.ru/news/91681-svyshe-100-detej-iz-obstrelivaemoj-yasinovatoj-v-mae-poekhali-na-otdykh-v-lagerya-belorussii>

⁶ <https://newsua.ru/news/91681-svyshe-100-detej-iz-obstrelivaemoj-yasinovatoj-v-mae-poekhali-na-otdykh-v-lagerya-belorussii>

⁷ https://www.tvr.by/news/obshchestvo/belarus_prodolzhaet_pomogat_detyam_donbassa_cto_zapomnilos_rebyatam/

- Hotel “Belarus” (Brest district),
- National children's educational and health center “Zubrionok” (Minsk region),
- Sanatorium “Volma” (Minsk region),
- Sanatorium “Zielony Bor” (Minsk region).

Minors were displaced from the occupied territories of Ukraine, namely: Donetsk, Luhansk, Horlivka⁸, Makiivka⁹, Yasynuvata¹⁰, Dokuchaevsk¹¹, Anthracite, Mariupol, Lysychansk¹², Zaporizhzhia region (Berdyansk¹³, Vasylykivka¹⁴, Kamyano-Dnipro district¹⁵), Kherson region¹⁶.



⁸ <https://brsm.by/news/yarkij-akkord-otdyha-detej-iz-donbassa-v-belarusi/>
https://www.tvr.by/news/obshchestvo/belarus_prodlzhaet_pomogat_detyam_donbassa_chno_zapomnilos_rebyatam/

⁹ <https://sputnik.by/20220927/chno-rasskazyvayut-donetskie-deti-kotorye-priekhali-na-ozdorovlenie-v-soligorsk-1067301733.html>

¹⁰ <https://newsua.ru/news/91681-svyshe-100-detej-iz-obstreliivaemoj-yasinovatoj-v-mae-poekhali-na-otdykh-v-lagerya-belorussii>

¹¹ <https://www.belta.by/amp/society/view/nadeemsja-chno-esche-kogda-nibud-oni-poedut-v-belarus-chno-rasskazala-mama-pro-otdyh-devochek-iz-577763-2023>

¹² <https://www.belta.by/amp/society/view/nadeemsja-chno-esche-kogda-nibud-oni-poedut-v-belarus-chno-rasskazala-mama-pro-otdyh-devochek-iz-577763-2023>

¹³ <https://sputnik.by/20220927/chno-rasskazyvayut-donetskie-deti-kotorye-priekhali-na-ozdorovlenie-v-soligorsk-1067301733.html>

¹⁴ <https://mig.com.ua/ru/bolshe-40-ka-detej-yz-okkupyrovannoj-vasylevky-rossyiane-vyvezly-v-belarus/>

¹⁵ <https://e-cis.info/news/568/108662/>

¹⁶ <https://sputnik.by/20230329/shkolniki-iz-khersonskoy-oblasti-pobyvali-v-informagentstve-sputnik-belarus-1073794438.html>

Transfer logistics

Children are taken from the occupied territory of Ukraine to Belarus through the Russian Federation. The intermediate point is the city of Rostov-on-Don, where minors are brought by bus.¹⁷ According to the information contained in the letter of Dmitrii Mezentsev to Oleg Belozyorov, General Director of OJSC Russian Railways, in 2022 effective cooperation between Belarusian Railways and OJSC Russian Railways was implemented in the organization of [travel] and food for Ukrainian children. Financing was carried out at the expense of the budget of the Union state. In 2023, it is planned to use the same scheme for 1,050 children (in the first half of the year) and 908 children (in the second half of the year) from low-income families, as well as orphans in difficult living conditions, who live in the territory of the so-called DPR and LPR.¹⁸

According to information from open sources, the children are brought to Belarus by the Adler-Minsk train, owned by the Belarusian Railways, and run once every two days. It might be train 302C, which moves through the station “Rostov Glavny”.¹⁹ The distance between the initial and final station is 1,800 kilometers. Thus, the entire journey takes more than two days.²⁰ From the capital of the Republic of Belarus, Ukrainian children are transferred to camps/sanatoria by buses, in particular, by special transport of OJSC “Belaruskali”.²¹

Scales of deportation and portrait of minor victims

Ukrainian children started to be taken to Belarus in 2015 at the latest. Since 2021, sporadic programs for specific categories of children (children in

¹⁷ <https://sputnik.by/20230410/vzryvy-snaryadov--eto-norma-chto-govoryat-i-o-chem-mechtayut-deti-donbassa-1074219178.html>

¹⁸ <https://investigatebel.org/en/investigations/vyvoz-ukrainskih-detej-v-belarus>

¹⁹ <https://sputnik.by/20221013/ocherednaya-gruppa-detey-iz-donbassa-pribyla-v-belarus---video-1067946881.html>

²⁰ <https://www.tourister.ru/tips/7038>

²¹ <https://www.stc-tv.by/obschestvo/109674-v-soligorskom-rayone-startovala-letnyaya-ozdorovitel'naya-kampaniya/>

difficult life circumstances, children with disabilities) have turned into a large-scale and systematic plan for the accelerated eradication of Ukrainian national identity using the institutional and human resources of the Republic of Belarus.

According to information provided by the Belarusian side, more than 3,000 Ukrainian children were transferred to the territory of the state in 2021-2022.²² At the same time, according to the testimony of Vladimir Kazbanov, Deputy Director of the Aleksey Talay Charitable Foundation, “on average, a ticket for one arrival costs 1,500 Belarusian rubles plus the road - at least 500 rubles”. He indicates that the primary sources of financing trips are:

- “charitable” donations to the Foundation, in particular from Kamchatka businessman Nikolay Gints,²³
- assistance of OJSC “Belaruskali”,
- budget of the Union state.

According to Kazbanov, 18 million rubles have already been used from the Union State fund to organize the displacement of “children from Donbas” (there is also information about the allocation of 29 million rubles only in September 2022).²⁴ Therefore, at least 9,000 minor Ukrainians might visit or remain on the territory of the Republic of Belarus.

The age of children taken to Belarus is 5²⁵-16 years. Among the minors are orphans (in particular, in connection with the armed aggression of the Russian Federation), children deprived of parental care, children with disabilities.²⁶

²² <https://www.belta.by/society/view/kormili-dranikami-s-mjasom-teper-takie-delaem-doma-deti-donbassa-mechtajut-ynov-priehat-v-belarus-577592-2023/>

https://www.tvr.by/news/obshchestvo/belarus_prodolzhaet_pomogat_detyam_donbassa_chno_zapomnilos_rebyatam_/

²³ <https://investigatebel.org/en/investigations/vyvoz-ukrainskih-detej-v-belarus>

²⁴ <https://rg.ru/2022/12/07/avtobusy-kompiutery-i-interaktivnye-doski-dmitrij-mezencev-privez-gumanitarnyj-gruz-na-donbass.html>

²⁵ <https://sputnik.by/20230410/vzryvy-snaryadov--eto-norma-chno-govoryat-i-o-chem-mechtayut-deti-donbassa-1074219178.html>

²⁶ <https://mlyn.by/05092022/pervaya-gruppa-detej-iz-donbassa-priehali-5-sentyabrya-na-otdyh-v-belarus/>

At the same time, it is impossible to obtain verified information about the number of deported children, their personal data, and detention conditions. The UNICEF representative office in the Republic of Belarus does not respond to inquiries. The Belarusian Red Cross Society violated the principles of independence and neutrality. According to senior officials of Belarus, both structures cooperate with the government in implementing “rehabilitation” programs. Thus, parliamentarian Lyudmila Makarina-Kibak noted: *“We do this openly and transparently, including in cooperation with international organizations and funds of the UN system, including the Red Cross and UNICEF.”*²⁷

In response to a request regarding:

- 1) how many Ukrainian children were taken to Belarus for the so-called rehabilitation?
- 2) did Ukraine demand access to these children? Did you visit their places of detention?
- 3) were the Ukrainian children returned to the occupied territories or the territory controlled by Ukraine?

the Embassy of Ukraine in the Republic of Belarus noted: *“In the consular department of the Embassy of Ukraine in the Republic of Belarus, there is no information from the Belarusian side regarding the number and whereabouts of minor children of Ukrainian citizens who were taken to Belarus from the temporarily occupied territories of our state.”*

In response to a request dated July 28, 2023, regarding the activities of the Embassy of Ukraine in the Republic of Belarus for the protection of the rights and interests of minor citizens of Ukraine, in connection with information on Ukrainian children illegally deported to Belarus, the Ministry of Foreign Affairs of Ukraine stated:

“According to the data of the Embassy of Ukraine in the Republic of Belarus, as of now, the said institution has not received any appeals from authorities or law enforcement agencies of Ukraine regarding the violation of the rights

²⁷ <https://sputnik.by/20230719/belarus-ozdoravlivaet-ukrainskikh-detey-otkryto--deputat-1077630975.html>

and interests of minor citizens of Ukraine in connection with their stay in Belarus. There are also no appeals on the mentioned issue from parents and heads of children's institutions in Ukraine.

At the same time, the mentioned issue is under the exceptional control of the diplomatic institution. It is constantly raised during working meetings with representatives of the diplomatic corps accredited in Minsk. So, in particular, on July 27 of this year, a meeting was held with the Representative of UNICEF in Belarus, Mr. Khaidarov, during which the issues regarding the illegal deportation of children of Ukrainian citizens to Belarus from the occupied territories of Ukraine and the possible involvement of UNICEF in their return to the Motherland were discussed.”

Displacement of orphans and children deprived of parental care

The first cases of displacement of orphans and children deprived of parental care occurred in 2021. In September 2021, 131 pupils of the Donetsk Special Boarding School No. 17 and Amvrosiivka Boarding School No. 4 were transferred to “Zubrenok” for “rehabilitation.”²⁸ At the same time, children from Donetsk boarding school No. 1 were displaced²⁹. In April 2023, children from the Anthracite special (correctional) boarding school were taken to “Dubrava.”³⁰

Cases of further placement of such children in boarding schools or foster families in Belarus have not been recorded. At the same time, the Aleksey Talay Foundation offers residents of Belarus to foster children from Ukraine, rebuild hospitals, kindergartens, and churches in the “DPR,” and donate to its work.³¹

²⁸ https://www.tvr.by/news/obshchestvo/deti_iz_donetskoy_oblasti_priekhali_po_podarochnoy_putevke_v_bielarus/

²⁹ <https://zviazda.by/be/node/226378>

³⁰

https://www.tvr.by/news/obshchestvo/pochemu_bomzhi_pomogali_mladentsam_v_mariupole_kak_mer_otpravil_svoy_gor_od_na_smert_i_gde_deti_derut/

³¹

The program of “rehabilitation” of Ukrainian children in Belarus

In camps and sanatoria in Belarus, in addition to the usual health and recreation program, children from Ukraine survive indoctrination, Russification, and militarization. Those children’s shifts, which took place in the spring, autumn, and winter, had a mandatory educational component with classes in the Russian language according to the Russian curriculum. It is important to remember that there are no schools with Ukrainian language of education in Belarus, and electives exist only nominally - in the form of methodological developments that are not implemented.³² The educational component of the camps is aimed at popularizing Belarusian institutions of secondary professional and higher education. In October 2022, the head of the Minsk regional organization of the trade union of workers of the chemical, mining, and oil industry, Dmitry Shvayba, said that children from the occupied territories could receive education in Belarus, incentives in the form of scholarships, dormitories, and further employment, in particular at “Belaruskali,” whose funds operates “Dubrava.”³³ Such plans indicate the intention to leave Ukrainian children in the Republic of Belarus permanently. In some cases, they are already showing success: 16-year-old Yaroslav Aksyonov from Donetsk, after “rehabilitating” in “Dubrava”, plans to study in Belarus to become a firefighter and then - to stay in the country and move his whole family there.³⁴

As for militarization, information is documented about visits by children from the occupied territories to the military unit of the Internal Troops of the Ministry of Internal Affairs 3214, whose staff participated in the violent crackdown on protesters in March 2006 and August 2020³⁵, as well as about training by special forces and cadets of the Faculty of Internal Troops of the Military Academy in hand-to-hand combat and in military affairs.³⁶ It is also

³² <https://nash-dom.info/113772>

³³ <https://sputnik.by/20221014/shvayba-deti-iz-donbassa-mogut-poluchit-obrazovanie-v-belarusi-1067959141.html>

³⁴ https://www.youtube.com/watch?v=BK3Zs_WnwE

³⁵ <https://investigatebel.org/en/investigations/vyvoz-ukrainskih-detej-v-belarus>

³⁶ <https://www.sb.by/articles/lukashenko-obsudil-khod-uborochnykh-rabot-i-kadrovyy-vopros-s-vitse-premerom-zaytsem.html>

known about holding an exhibition of weapons.³⁷ In addition, the “Dubrava,” which accepts the most significant number of Ukrainian children, holds meetings with the “Rodnik” military-patriotic club, organizes tours of the “Stalin Line,” and encourages to lay flowers for the heroes of the “Great Patriotic War”.³⁸ Hardware and equipment of the Ministry of Emergency Situations and the Ministry of Internal Affairs of the RB are located on the territory of the camp.³⁹

In the context of militarization, it should also be noted that children's “recreation” in Belarus is organized with a mandatory military-patriotic component. One of the features is the purposeful development of hatred, in particular, towards Poles and Ukrainians. According to President Lukashenka’s Decree No. 160 of May 4, 2022, “On the Development of Military-Patriotic Clubs”⁴⁰ the process of creating clubs was started at all military units. For the summer period, 146 military-patriotic camps were opened for minors.⁴¹ In addition, on the basis of institutions where Ukrainian children are located, the following operate:

- military-patriotic club “Zarnitsa” (“Zubrenok”);
- military-patriotic club “Rodnik” (“Dubrava”);
- military-patriotic club “Rys”⁴².

The effectiveness of militarization in the course of “rehabilitation” in Belarus is indirectly evidenced by the fact that Ukrainian children after the end of their “recreation” seek to enter a tank school and defend the “Motherland” [Russia].⁴³

³⁷

https://www.tvr.by/news/obshchestvo/detyam_donbassa_podarili_novogodniy_prazdnik_v_legendarnoy_voyskovoy_chasti_3214/

³⁸ <https://vk.com/mydubrava>

³⁹ <https://brsm.by/news/yarkij-akkord-otdyha-detej-iz-donbassa-v-belarusi/>

⁴⁰ <https://president.gov.by/ru/documents/ukaz-no-160-ot-4-maya-2022-g>

⁴¹ <https://news.zerkalo.io/life/17455.html>

⁴² <https://belsat.eu/ru/news/12-07-2023-ukrainskih-detej-massovo-vyvozyat-v-belarus-chto-proishodit-i-pochemu-eto-voennoe-prestuplenie>

⁴³ <https://www.belta.by/society/view/kormili-dranikami-s-mjasom-teper-takie-delaem-doma-deti-donbassa-mechtajut-vnov-priehat-v-belarus-577592-2023/>

In the context of Russification and indoctrination, attention should be paid to the ideological influence and, in some places, psychological violence on the territory of the Republic of Belarus. Meetings with Belarusian officials are organized for children from the occupied territories: Artyom Zhovneryk, Elena Karpovich, Vladimir Kuntsevich, Sergey Chadovich, Dmitry Mezentsev, Aleksandr Lukyanov. As part of children's civic and patriotic education, special events are held, for example, the quest game “Blue-eyed Belarus” with the assistance of the Belarusian Republican Youth Union and OJSC “Belaruskali.”⁴⁴ Ukrainian minors become victims of the crowd’s curiosity: “press conferences” are organized with them and propaganda videos are filmed⁴⁵.

A mandatory component of the “rehabilitation” program is meetings with representatives of the Belarusian Orthodox Church (directly subordinate to the Russian Orthodox Church), in particular, Bishop Eusebius of Slutsk and Soligorsky, Metropolitan Benjamin of Minsk and Zaslavsky, as well as visits to cathedrals and churches.⁴⁶ Commenting on the aggression of the Russian Federation against Ukraine, the aforementioned Metropolitan Veniamin notes that *“our fraternal peoples have spiritual unity, but within the framework of political reality, we see a division, a severe division that causes natural sorrow, but at the same time, we realize that having such a good foundation on which our states were built, we can and must restore unity of our countries, of three peoples”*⁴⁷.

It is important to note that the role of the BOC is not limited to Russification and propaganda of the narratives of the “Russkiy mir”. In July 2015, “volunteers” of the Minsk Parish of the Icon of the Mother of God “Joy of All

⁴⁴ <https://vk.com/mydubrava>

⁴⁵ See, f.e., <https://www.youtube.com/watch?v=oQN2CF2Eogg>
https://www.youtube.com/watch?v=BK3Zs_WnwE&t=378s
https://www.youtube.com/watch?v=b_A9snMWvXg
https://www.youtube.com/watch?v=Jc4O9_eabFM&t=2166s

⁴⁶ <https://nash-dom.info/113772>

⁴⁷ <https://news.zerkalo.io/life/13351.html#c>

Who Sorrows” helped organize the displacement of 25 children from the so-called DPR to the territory of Belarus to the spiritual and educational center “Visiting father” (“В гостях у бабушки”) near Slonim, Grodno region. Seven people from the group stayed in Belarus forever. The same trip for eight children from the so-called DPR was organized in August 2016.⁴⁸

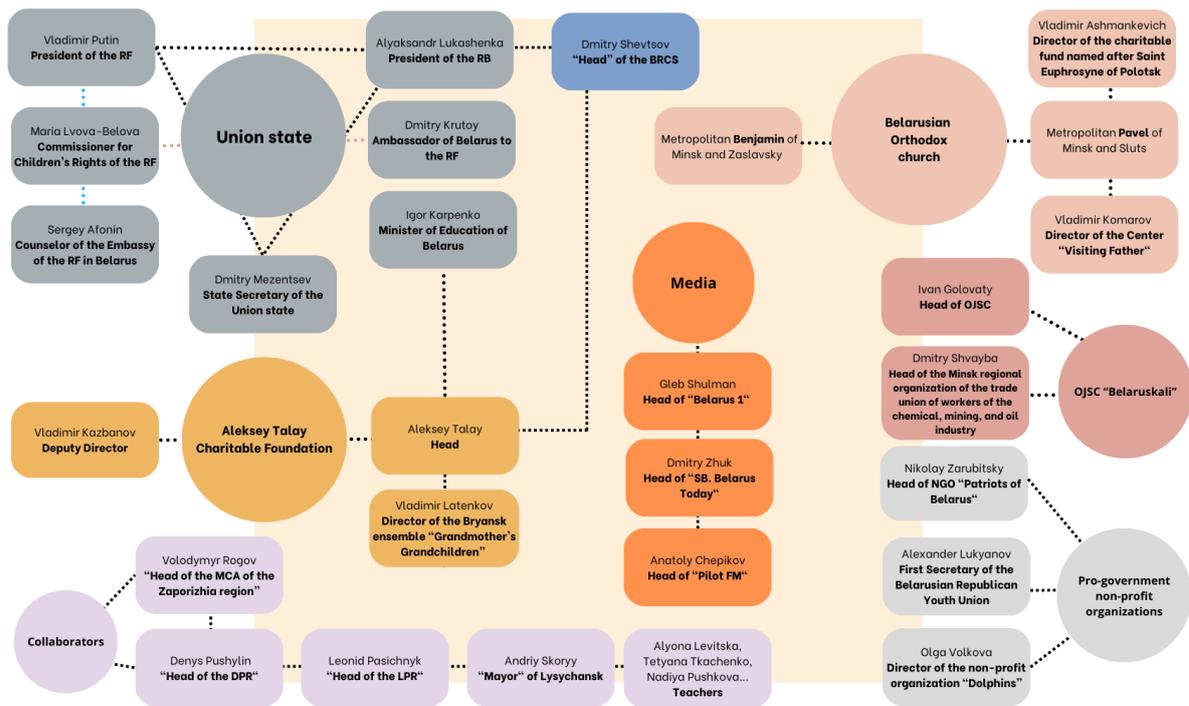
Organization of transfer

The displacement of Ukrainian children takes place within the framework of a policy with a clear division of powers between the involved entities and according to the relevant legal regulation.

The main institutions involved are the Union state, the Aleksey Talay Foundation, the Belarusian Orthodox Church, business entities (OJSC “Belaruskali”), pro-government volunteer initiatives, collaborators in the occupied territories, and Belarusian media.

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http://www.sobor.by/videonews/Psihoterapiya_dlya_detey_s_Donbassa_nashi_volonteri_privzli_rebyat_na_kanikuli_v_Belarus



Until 2021, the displacement of Ukrainian children to Belarus took place with the assistance of the Belarusian Orthodox Church. The leading role in this process was played by the Metropolitan Benjamin of Minsk and Zaslavsky, as well as “volunteer initiatives” based on the Minsk Parish of the Icon of the Mother of God “Joy of All Who Sorrows” (with the support of the Metropolitan Pavel of Minsk and Slutsk), the spiritual and educational center “Visiting Fathers” (head - Vladimir Komarov), charitable fund named after Saint Euphrosyne of Polotsk (director - Vladimir Ashmankevich). Today, the BOC plays a vital role in the indoctrination and Russification of children in the Republic of Belarus, which was mentioned in more detail above.

A year before the full-scale invasion, the organization of “recreation” and “rehabilitation” of children from the occupied territories of Ukraine in Belarus came within the responsibility of the Aleksey Talay Foundation. The latter actively supports Russian aggression and spreads narratives about Nazism in Ukraine (*“Ukraine must be demilitarized, denazified, and sane, loyal, good*

forces must come to power there”⁴⁹). Aleksey repeatedly visited the so-called DPR. He is determined to continue the deportation of minors, despite his inclusion in the sanctions lists. Talay emphasized that he coordinates his activities with the President of the Republic of Belarus: *“Having received the consent and support of the head of state, we began to work out the possibility of recreation for the children of Donbas in Belarus.”*⁵⁰ Then he changed his opinion: *“Now it turns out that my fund seems to have framed Alyaksandr Lukashenka. Because without his order and support, we would not have been able to implement this project on such a large scale on our own. And now he seems to be under attack. And somehow I, like, one might say, his son, a person who deeply respects him, is not very pleased. So I take full responsibility. Without him, we would not have coped, but the main culprit is me. [...] The Hague, so The Hague.”*⁵¹

On February 25, 2021, the Aleksey Talay Foundation concluded a cooperation agreement with the Ministry of Education of the Republic of Belarus. First of all, it was about joint initiatives in the field of patriotic education, including Ukrainian children taken to Belarus. According to the ex-Minister of Education of the Republic of Belarus Igor Karpenko: *“The foundation has projects aimed at patriotic education of the younger generation. It is crucial that everyone can feel their involvement in the historical past, the events in which our great-grandfathers and grandfathers, veterans participated. The agreement provides for several joint activities in this direction.”*⁵² The main project within the agreement is *“Children of independent Belarus. Veterans and future generations!”*⁵³ Later the Ministry of Education of the Republic of Belarus participated in the organization of the education of Ukrainian children

⁴⁹ <https://belsat.eu/ru/news/12-07-2023-ukrainskih-detej-massovo-vyvozyat-v-belarus-chto-proishodit-i-pochemu-eto-voennoe-prestuplenie>

⁵⁰ <https://by.tribuna.com/others/1112965785-talaj-o-vyvoze-detej-s-okkupirovannyx-territorij-ukrainy-po/>

⁵¹ https://by.tribuna.com/others/1112960093-talaj-o-vyvoze-detej-s-okkupirovannyx-territorij-ukrainy-ya/?utm_source=copy

⁵² <https://www.belta.by/society/view/minobrazovaniya-podpisalo-soglashenie-s-blagotvoritelnyim-fondom-alekseja-talaja-430274-2021/>

⁵³

https://grodnonews.by/news/obrazovanie/v_grodno_podpisano_soglashenie_mezhdu_ministerstvom_obrazovaniya_belarus_i_blagotvoritel.html

according to the Russian curriculum and did not allow them to preserve their national identity through the educational component.

In May 2023, Aleksey Talay announced his plans for the future: *“We decided to create a structure that would help us provide charitable assistance through the Donbas in quality and within the framework of the law. To help the children of Donbas, affected citizens. Including rehabilitating injured citizens on the territory of the Republic of Belarus.”*⁵⁴ The new fund will be registered in Russia. It will have five co-founders. Three are Belarusians, two are Russians. One of them is the director of the Bryansk ensemble “Grandmother's Grandchildren” (“Бабкины внуки”), which supports the war in Ukraine - Vladimir Latenkov.

Vladimir Kazbanov, the manager of the Fund's affairs, is engaged in operational activities related to organizing the displacement of Ukrainian children. He notes that the first “small, only 20 people” group from the territory of the “DPR” and “LPR” was accepted by the Belarusians in August 2021. These were children with different degrees of disability. They were successfully treated at the Republican Children's Medical Rehabilitation Hospital in Ostroshitskyi Gorodok. Later, the National Educational and Health Centre “Zubrionok” and the children's health camp “Dubrava”, sanatoria “Golden Sands”, “Volma”, “Zeliony Bor” and Novopolotsk also received young residents of Donbas.⁵⁵ Vladimir Kazbanov is a supporter of the integration of Belarus and Russia. Since the mid-2010s, he has been actively involved in the projects of “Rossotrudnichestvo.” He collected funds for the “humanitarian mission in Donbas,”⁵⁶ part of which is the “rehabilitation” of Ukrainian minors in the Republic of Belarus.

From 2022, “funding of humanitarian projects” to help the “children of Donbas” becomes a priority of the Union state. Vladimir Putin said: “We

⁵⁴ <https://news.zerkalo.io/life/38573.html?c>

⁵⁵ <https://www.sb.by/articles/putevka-v-bezopasnuyu-zhizn.html>

⁵⁶ <https://gazetaby.com/post/eta-vstrecha-planirovalas-neskolko-let-kem-foto/192966/>

welcome the inclusion in the humanitarian agenda of the activities of the Union state of issues related to providing assistance to students and educational institutions of the Donetsk and Lugansk People's Republics. [...] Education, helping children, young people - this, probably, should always be in the focus of our attention.”⁵⁷ On September 16, 2022, the Resolution of the Council of Ministers of the Union State of Belarus and Russia No. 20 “On measures of the Union State to provide humanitarian aid to the population living in the affected areas of the Donetsk People’s Republic and the Luhansk People’s Republic” was signed.⁵⁸ During the implementation of the Resolution, 1,050 Ukrainian children were planned to arrive in Belarus. As it turned out later, these were not only children from the “republics.” On October 25, 2022, State Secretary of the Union State Dmitry Mezentsev stated that “dozens of millions of rubles have been allocated” for the project and that this work will be continued at the “Dubrava”, where minors from the occupied territories were located. “We gladly paid for the children’s transfer through Rostov to Belarus”. He also added that children will be helped to “forget difficult pages, accomplish and form a dream” so that they become “reliable citizens of their country.”⁵⁹

Maria Lvova-Belova, the Presidential Commissioner for Children’s Rights in the Russian Federation, also supports the displacement of Ukrainian children to the Republic of Belarus. On July 12, 2023, a meeting occurred between her and the Ambassador of the Republic of Belarus to Russia, Dmitry Krutoy. According to the results, the Commissioner noted: “We agreed on the possibility of organizing sanatorium treatment and recreation in the Republic for children from new regions.”⁶⁰

⁵⁷ <https://eurasia.expert/putin-zayavil-chto-soyuznoe-gosudarstvo-okazhet-podderzhku-uchashchimsya-iz-donbassa/>

⁵⁸

<http://ivo.garant.ru/#/basesearch/%D0%9F%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%B%D0%B5%D0%BD%D0%B8%D0%B5%20%D0%A1%D0%BE%D0%B2%D0%B5%D1%82%D0%B0%20%D0%9C%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D1%80%D0%BE%D0%B2%20%D0%A1%D0%BE%D1%8E%D0%B7%D0%BD%D0%BE%D0%B3%D0%BE%20%D0%B3%D0%BE%D1%81%D1%83%D0%B4%D0%B0%D1%80%D1%81%D1%82%D0%B2%D0%B0%20%D0%91%D0%B5%D0%BB%D0%B0%D1%80%D1%83%D1%81%D0%B8%20%D0%B8%20%D0%A0%D0%BE%D1%81%D1%81%D0%B8%D0%B8%20%D0%BE%D1%82%2016%20%D1%81%D0%B5%D0%BD%D1%82%D1%8F%D0%B1%D1%80%D1%8F%202022%20%D0%B3.:0>

⁵⁹ <https://www.dw.com/ru/ukrainskih-detej-nezakonno-vyvozat-v-belarus-otvetit-li-za-eto-lukasenko/a-65399019>

⁶⁰ <https://t.me/malvovabelova/1750>

The “Russian footprint” in the organization of the displacement of Ukrainian children to the Republic of Belarus can be traced in the actions and statements of Sergey Afonin, Counselor of the Embassy of the Russian Federation in Belarus: *“Yesterday I was at the closing of the second shift at a children’s camp for children from Donbass. It was held with the active support of the Aleksey Talay Charitable Foundation. It is impossible to forget the happy eyes of the children who did not see the bombings for 18 days, and did not hear the explosions. They felt safe in Belarus, knowing that Ukrainian nationalists would not reach them here, and would not be able to kill their loved ones.”*⁶¹ Afonin also noted: *“The fact that these children regained their childhood for 18 days is a great merit of the Aleksey Talay Foundation and all those involved in this case. You know, not only the embassy, but the entire Russian Federation in general, offers such initiatives.”*⁶²

An important role in the organization of “recreation and rehabilitation” of Ukrainian children in the Republic of Belarus is to be given to the beneficiaries, so they are cited:

- Elena Sedun (Head of the Children’s recreation camp “Dubrava” OJSC “Belaruskali”),⁶³
- Nikolai Kulinchik (Head of the Children's rehabilitation and health centre “Zhdanovichi”),⁶⁴
- Alexey Batkov (Head of the Sanatorium “Golden Sands”),⁶⁵
- Zhanna Tereshchenko (Chief Physician of the Republican Children’s Hospital of Medical Rehabilitation “Ostroshitsky Gorodok”),⁶⁶

⁶¹ <https://www.sb.by/articles/afonin-deti-donbassa-rasskazyvayut-o-bombezhkakh-spokoyno-budto-eto-obychnaya-zhizn-i-y-etom-ves-tra.html>

⁶² <https://sputnik.by/20221008/obratno-v-bunker-deti-iz-dnr-so-slezami-pokidayut-belarus-1067740753.html>

⁶³ <https://sputnik.by/20230410/vzryvy-snaryadov--eto-norma-chto-govoryat-i-o-chem-mechtayut-deti-donbassa-1074219178.html>

⁶⁴

<http://drocZhdanovichi.by/%D1%80%D1%83%D0%BA%D0%BE%D0%B2%D0%BE%D0%B4%D1%81%D1%82%D0%B2%D0%BE/>

⁶⁵ <https://gp.by/novosti/obshchestvo/news252317.html>

⁶⁶ <https://www.belta.by/society/view/fond-talaja-pomog-detjam-iz-donbassa-priehat-na-reabilitatsiju-v-belarus-492554-2022/>

- Natalia Polyakova (Director of the Hotel “Belarus”),⁶⁷
- Nadezhda Onufrieva (Head of the National children's educational and health center “Zubrionok”),⁶⁸
- Dmitry Kabanov (Head of the sanatorium “Volma”),⁶⁹
- Yulia Bychinskaya (Head of the sanatorium “Zeliony Bor”).⁷⁰

It is important to emphasize the involvement in the process of the “head” of the Belarusian Red Cross Society, Dmitry Shevtsov, who notes: *“the Belarusian Red Cross has taken, takes and will take an active part in the transfer of children” (from Ukraine)*. The BTCC representative violated the principles of impartiality and neutrality by supporting the policy of Belarus and using the Z-symbol.⁷¹

As for Russification and indoctrination in the Republic of Belarus, relatives and persons close to President Lukashenka are involved in this process. In the study of the Belarusian Investigative Center, Vladimir Kulakov, an activist of the pro-government association “Patriots of Belarus”, husband of Tatiana Kulakova, sister of the wife of President son Dmitry Lukashenka - Anna, is mentioned. Dmitry Lukashenka himself, as the head of the Presidential Sports Club, is also involved in the process of organizing the “recreation”: he is personally thanked by his collaborator Olga Volkova, director of the non-profit organization “Dolphins”. Dmitry Kazakov, a member of the supervisory board of the Aleksey Talay Charitable Foundation, and Yulia Kazakova, the coordinator of social projects of the Foundation, are close to Lukashenka's son - Victor⁷². It is important to emphasize the involvement of the Belarusian Republican Youth Union. First Secretary of the Union Aleksandr Lukyanov

⁶⁷ <https://hotel-belarus.by/gostinitsa-belarus/gostinichnyj-kompleks-novopolotsk/gostinitsa-belarus>

⁶⁸ <https://www.belta.by/society/view/direktor-zubrenka-belorusskie-deti-i-gosti-iz-za-rubezha-schastlivo-otdyhajut-v-nashej-strane-572931-2023/>

⁶⁹ <https://www.youtube.com/watch?v=UuSWEQi2-SQ>

⁷⁰ <https://zeleniybor.by/treatment/nashi-vrachi>

⁷¹ <https://riamediabank.ru/media/8476514.html>

⁷² <https://investigatebel.org/en/investigations/vyvoz-ukrainskih-detej-v-belarus>

fully supports the policy of Alyaksandr Lukashenka, calls his steps “*prophetic*”, the reaction “*quick*”, understanding and support “*motivating*.”⁷³

Attention should also be paid to the role of collaborators in transferring Ukrainian children: “heads” of the so-called DPR, LPR, occupied Zaporizhzhya, and Kherson regions, as well as representatives of “volunteer” organizations and specific educators/accompanying persons. Due to President Lukashenka's long-term non-recognition of the so-called people republics, cooperation between the DPR and the LPR regarding the “rehabilitation” of Ukrainian minors in the Republic of Belarus is carried out through the Union state. For example, on June 16, 2023, a meeting took place between Dmitry Mezentsev and Denys Pushylin, during which, *inter alia*, the “rehabilitation” of children from the so-called DPR was discussed.⁷⁴ In turn, on April 26, 2023 “member of the main council of the military-civilian administration of the Zaporizhia region” Volodymyr Rogov expressed the words of “*a big gratitude to our Belarusian brothers who helped send 100 Zaporozhian children, these pioneers, to Belarus for rest, recovery, and rehabilitation. [...] To what extent Ukrainian propaganda and debilitation [дебілізація] worked... They really did not understand who lives in Belarus. There were some things in their minds... I don't even know what to call them. [...] I went with them in order to control everything. I took them to Rostov, put them on a train, and then sent them to Belarus.*”⁷⁵

In 2021, the first group of children with disabilities was brought to the Republic of Belarus by the already mentioned Olga Volkova (the “Dolphins” organization). In an interview on June 20, 2023, she noted: “*As for the camp “Dubrava”, and not only, after all, the Aleksey Talay Foundation took the children to Minsk and Gomel*”⁷⁶. “*Aleksey [Talay], and the President of*

⁷³ <https://news.sb.by/articles/lukyanov-ponimanie-i-podderzhka-prezidenta-motiviruyut-nashu-molodezh-k-novym-sversheniyam.html>

⁷⁴ https://www.souzveche.ru/news/74051/?sphrase_id=1565424

⁷⁵ <https://new.ctv.by/vladimir-rogov-bolshaya-blagodarnost-belorusam-kotorye-pomogli-otpravit-100-zaporozhskih-detey-na>

⁷⁶ <https://www.belta.by/society/view/belarus-eto-skazka-direktor-oo-delfiny-rasskazala-kak-detej-iz-donetska-prinimajut-v-belarusi-572845-2023/>

*Belarus, and ordinary citizens who bring things to the aid fund - you have no idea what these boxes are. It is true that for me, the topic of Belarus is so close". "More than 3 thousand children from Donbass were able to visit Belarus. If we talk about impressions, they cannot be conveyed. This is the great merit of the President of Belarus."*⁷⁷

The role of the media in the process of displacement and indoctrination of Ukrainian children on the territory of Belarus should be emphasized. The implementation of this policy is carried out by the state TV and radio channels "Belarus 1"⁷⁸, "SB. Belarus today"⁷⁹, "Pilot FM."⁸⁰

At the level of accompanying children to Belarus and usurping the functions of legal representatives of minors against the best interests of the child, the heads of institutions and educators played their role:

- Olga Telychko ("Head" of the Anthracite Special Correctional Boarding School),⁸¹
- Tetyana Tkachenko ("Representative" of the Donetsk special boarding school No. 17),⁸²
- Nadiya Pushkova ("teacher" of a boarding school in the city of Donetsk),⁸³
- Alyona Levytska/Lyvytska ("teacher" of the cadet corps named after A.V. Zakharchenko in the city of Donetsk),⁸⁴
- Olena Kozyntseva ("head" of the kid's club in the tourism center in the city of Horlivka),⁸⁵

⁷⁷ <https://www.ostrovets.by/news/novosti/news38303.html>

⁷⁸ <https://www.belarus.by/ru/press-center/humanitarian-cooperation/kusochek-mira-vozmemo-o-detstve-rebjat-iz-donbassa-kotoroe-zabiraet-vojna-no-vozvrashaet-belarus-i-0000158269.html>

⁷⁹ <https://investigatebel.org/en/investigations/vyvoz-ukrainskih-detej-v-belarus>

⁸⁰ <https://brsm.by/news/domoj-strashno-vozvrashhatsya-tut-horsho/>

⁸¹ <https://www.belta.by/society/view/nadeemlja-hto-esche-kogda-nibud-oni-poedut-v-belarus-hto-rasskazala-mama-pro-otdyh-devochek-iz-577763-2023>

⁸² https://www.tvr.by/news/obshchestvo/deti_iz_donetskoy_oblasti_priekhali_po_podarochnoy_putevke_v_belarus/

⁸³ <https://ctv.by/ya-tak-obradovalsya-hto-govoryat-detki-iz-donbassa-kotorye-priehali-v-belorusskiy-zubryonok>

⁸⁴ <https://www.belta.by/society/view/eto-prosto-skazka-soprovozhajushchaja-detej-iz-donbassa-ob-otdyhe-v-belarusi-527748-2022/>

⁸⁵ <https://sputnik.by/20230410/vzryvy-snaryadov--eto-norma-hto-govoryat-i-o-chem-mechtayut-deti-donbassa-1074219178.html>

- Olga Korniychuk (“accompanier” of children from the so-called DPR),⁸⁶
- Varvara Dobryanska (primary school teacher, Kalmius, Donetsk region),⁸⁷
- Nataliya Teslia (senior coach of the Donetsk Children's and Youth Sports School).⁸⁸

Legal qualification

The transfer of minor citizens of Ukraine to the territory of Belarus with subsequent Russification and indoctrination is a violation of Article 8 of the Convention on the Rights of the Child – **the right to preserve identity**, in particular citizenship. According to John Tobin, a professor at the University of Melbourne, identity is the vehicle through which a biological entity transforms into a legal being, confirming the “existence of a specific legal personality capable of bearing rights and duties”. Therefore, this right is a prerequisite for the exercise of all human rights for children.⁸⁹

The clear policy of the Russian Federation regarding the eradication of the Ukrainian identity of deported children, in which Belarus plays the role of an accomplice, is aimed at preventing the reestablishment of the connection between indoctrinated minors and the country of origin, its cultural heritage, language, and society. It should be emphasized that, at the latest, from the beginning of the full-scale invasion, Ukrainian children must have Russian documents for “vacation” in the Republic of Belarus. In relations with the Republic of Belarus, they are recognized as citizens of the Russian Federation.⁹⁰ Actions aimed at forging, concealing or destroying documents proving the identity of a child are not only a violation of Article 8 of the

⁸⁶ <https://brsm.by/news/yarkij-akkord-otdyha-detej-iz-donbassa-v-belarusi/>

⁸⁷ <https://sputnik.by/20220927/chto-rasskazyvayut-donetskie-deti-kotorye-priekhali-na-ozdorovlenie-v-soligorsk-1067301733.html>

⁸⁸ <https://brsm.by/news/domoi-strashno-vozvrashhatsya-tut-horosh/>

⁸⁹ Tobin, J., & Todres, J. (2019). Article 8: The right to preservation of a child’s identity. In J. Tobin (Ed.), *The UN Convention on the Rights of the Child: A commentary* (pp. 281–306). Oxford University Press.

⁹⁰ <https://www.dw.com/ru/ukrainskih-detej-nezakonno-vyvozat-v-belarus-otvetit-li-za-eto-lukasenko/a-65399019>

Convention on the Rights of the Child, but also a violation of Article 24 of the International Covenant on Civil and Political Rights.⁹¹

In the context of the displacement of Ukrainian children to the territory of the Republic of Belarus through the prism of Article 11 of the Convention on the Rights of the Child, there is a reasonable basis to believe that the allegedly illegal transfer and non-return of children cause severe damage to their identity. In every case of deportation of minor citizens of Ukraine, along with the violation of Article 8, a violation of Article 30 is also recorded, namely **the right to enjoy Ukrainian culture, practice their own religion, use the Ukrainian language**, to be protected from interference with Ukrainian identity, to have **a progressive education**, sustainable not only from the point of view its continuity but also taking into account ethnic, cultural and linguistic origin.⁹² This article echoes the provisions of Article 94 of the Geneva Convention on the Protection of the Civilian Population in Time of War.⁹³

It is worth noting that indoctrination, which is an integral part of the “rehabilitation” of Ukrainian children in institutions on the territory of the Republic of Belarus, is a violation of the child’s **right to freedom of thought** (Article 13 of the Convention on the Rights of the Child) and **to education** (Article 29 of the Convention on the Rights of the Child). The prohibition of indoctrination is a fundamental principle enshrined in the practice of the European Court of Human Rights.⁹⁴ In the decision in *Kjeldsen v. Denmark* the Court ruled that “the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner”. From this point of view, indoctrination on the part of Russia and Belarus is a tool for eradicating diversity, in particular cultural diversity, which is more deeply covered in the study referenced in the

⁹¹ https://zakon.rada.gov.ua/laws/show/995_021#Text

⁹² https://zakon.rada.gov.ua/laws/show/995_021#Text

⁹³ https://zakon.rada.gov.ua/laws/show/995_154#Text

⁹⁴ <https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1376&context=elj>

footnote.⁹⁵ The adoption of the “educational standards” of the Russian Federation by the Republic of Belarus and their expanding to Ukrainian children is mentioned in more detail in the paragraph *The program of “rehabilitation” of Ukrainian children in Belarus*.

Although the ECtHR did not consider cases of so-called political indoctrination, its illegality is enshrined in the decisions of the Inter-American Commission on Human Rights.⁹⁶ The prohibition of indoctrination applies to both formal and non-formal education.⁹⁷

Returning to the right to identity, according to General Comment No. 14 of the Committee on the Rights of the Child, the right to its preservation must be taken into account when assessing the best interests of the child.⁹⁸ Taking into account the Russification and indoctrination of Ukrainian children on the territory of the Republic of Belarus, which causes severe damage to the identity of minors, there are reasons to believe that **the principle of the best interests of the child** and, accordingly, Article 3 of the Convention on the Rights of the Child has been violated. This circumstance makes the Russification, indoctrination of minor citizens of Ukraine and **their deportation** to the territory of the Republic of Belarus illegal. This statement is even more relevant for orphans and children deprived of parental care. Permission to take them to Belarus was never obtained from the competent authorities of Ukraine.

Regarding the “permission to take the child outside” given by parents or other legal representatives, the following considerations of the UN Human Rights Committee, contained in General Comment No. 17, should be considered. Experts insist that the Convention on the Rights of the Child recognizes parents’ leading role in raising children. However, in some instances of abuse

⁹⁵ <https://almenda.org/doslidzhennya-zmistu-shkilnykh-pidruchnykyv-rosiyi/>

⁹⁶ The Situation of Human Rights in Cuba, Inter-Am. Comm’n. H.R., OEA/Ser.L/V/II.61, doc. 29 rev 1 Conclusions, para. 22 (1983)

⁹⁷ See Lautsi (GC), 2011-III Eur. Ct. H. R. 61 (Malinverni, G., dissenting)

⁹⁸ <https://www.icj.org/sogiunjurisprudence/general-comment-no-14-on-the-right-of-the-child-to-have-his-or-her-best-interests-taken-as-a-primary-consideration-art-3-para-1-crccgc14-29-may-2013/>

by parents, the child's best interests require the state's intervention. It is not only about ill-treatment but also about the neglect of the child's rights, among which the right to identity, as mentioned above, plays a fundamental role. Moreover, taking into account the violation of the principle of the best interests of the child in the course of such deportation, the "permission of parents/other legal representatives" cannot be considered as a circumstance that legitimizes the deportation itself, as well as the subsequent indoctrination, Russification and militarization. At the same time, in connection with the inability to confirm or deny the return of Ukrainian children to the occupied territories, as well as given the dispute over the legality of the grounds for their displacement to the Republic of Belarus, **at the moment** to qualify a war crime (Article 8 (2)(b)(viii) of the Rome Statute) and a crime against humanity (Article 7(1)(d) of the Rome Statute) in the form of deportation unequivocally does not seem possible.

Regarding the militarization of "recreation" programs on the territory of Belarus, it should be emphasized that the child's **right to education** is not only a matter of access but also of content. A child has the right to an education whose content is firmly rooted in universally recognized values. According to Article 29 of the Convention on the Rights of the Child, the principles proclaimed in the UN Charter are a "marker" of universality. Following paragraph 4 of Article 2, such a principle is the prohibition of the use and the threat of force.⁹⁹ In this context, it is also appropriate to mention the first provision from the Preamble of the UNESCO Constitution: "*since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.*" Instead, the Russian Federation and Belarus deliberately militarize minors from among their own citizens as well as citizens of Ukraine.

Article 51 of the Geneva Convention on the Protection of the Civilian Population in Time of War prohibits any pressure or propaganda aimed at securing voluntary enlistment into the armed forces of a belligerent state. It is essential to pay attention to the fact that children returning from Belarus

⁹⁹ https://unic.un.org/aroundworld/unics/common/documents/publications/uncharter/UN%20Charter_Ukrainian.pdf

declare their intention to become Russian soldiers, which indicates a violation of this article, the purpose of which is to protect the civilian population of the occupied territory from actions that offend their patriotic feelings and undermine loyalty to their state. It is worth noting that during the adoption of the text of the article, some delegations advocated the exclusion from the text of propaganda aimed at securing voluntary enlistment. This proposal was rejected because **propaganda is, in fact, only a disguised form of constraint.**¹⁰⁰ Thus, the militarization of education, in particular as part of the “rehabilitation” of Ukrainian children in camps on the territory of the Republic of Belarus in the course of the armed conflict between Ukraine and the Russian Federation, in which Belarus has the status of an “allied state”, *prima facie*, has the elements of a war crime provided for in Article 8(2)(a)(v).

The policy aimed at transferring Ukrainian children to the Republic of Belarus with subsequent Russification, indoctrination, and militarization could potentially qualify as a crime against humanity under Article 7(1)(k). As a result of its wide-scale implementation, severe damage is caused to the mental health of children who become victims of identity change. As demonstrated above, such a policy entails the violation of several articles of the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. Moreover, it is based on **indirect discrimination** on two grounds: age (children) and nationality (Ukrainian citizens), according to which Ukrainian minors are treated the same as Russian and Belarusian children, although they are in different conditions and in different legal statuses (Ukrainian children have additional protection as civilians from the occupied territory and foreign citizens).

According to the decision of the ECtHR in the case “Thlimmenos v. Greece” “the right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose

¹⁰⁰ <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-51/commentary/1958?activeTab=undefined>

situations are significantly different.”¹⁰¹ In *Derksen v. the Netherlands*, the Human Rights Committee directly addressed the concept of indirect discrimination, stating that “Article 26 (of the International Covenant on Civil and Political Rights) prohibits both direct and indirect discrimination, the latter notion being related to a rule or measure that may be neutral on its face without any intent to discriminate but which nevertheless results in discrimination because of its exclusive or disproportionate adverse effect on a certain category of persons.”¹⁰² Therefore, while Russian and Belarusian children on the territory of the Republic of Belarus can preserve their national identity, Ukrainian children are deliberately deprived of such a right, which in terms of scale and systematicity, can be qualified as **discriminatory persecution** according to Article 7(1)(h) of Rome statute.

The intention to eradicate the Ukrainian identity of the children taken to the Republic of Belarus also shows that the persons participating in this process share the **dolus specialis** of the Russian high-ranking officials aimed at destroying the Ukrainian nation. Among other things, such acts may be qualified in the future as *complicity in the commission of genocide* according to the definition laid down in Article 2(e) of the Convention on the Prevention and Punishment of the Crime of Genocide¹⁰³ and in Article 6(e) of the Rome Statute.¹⁰⁴

Conclusion

According to the analysis of information from open sources, it was possible to establish eight institutions for the detention of Ukrainian children on the territory of Belarus since the beginning of the full-scale invasion. In addition, two places of accommodation under the auspices of the Belarusian Orthodox

¹⁰¹ *Thlimmenos v. Greece*. ECHR. Application no. 34369/97, Judgment of 6 April 2000, § 44

¹⁰² *Derksen v. The Netherlands*. HRC: Communication No. 976/2001, Views of 1 April 2004

¹⁰³ https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

¹⁰⁴ https://zakon.rada.gov.ua/laws/show/995_588#Text

Church were identified, where minors from the occupied territories of Ukraine were transferred in 2015-2016.

It has been established that more than 3,000 Ukrainian children were displaced for “recreation, recovery, or rehabilitation” in 2021-2022. However, the final figure may be higher, considering, in particular, those displaced since 2015. Among minors are children aged 5-16, primarily orphans, deprived of parental care, children with disabilities, and those in difficult living conditions.

The program for the stay of Ukrainian children in the Republic of Belarus includes Russification (education in the Russian language, immersion in the space of the “*Russkiy mir*,” involvement in the traditions of Orthodoxy, etc.) and militarization (military-patriotic education, war propaganda, glorification of the exploits of the Soviet and Russian military, in particular, the participants of the so-called SMO).

High-ranking officials and people close to them in the Republic of Belarus, including relatives of President Alyaksandr Lukashenka, are involved in the organization and conduct of the “recreation”. Financing of the programs takes place mainly from the budget of the Union State, as well as from the funds of large industrial entities of Belarus and Russian businessmen, donations from believers, and contributions to the Aleksey Talay Charitable Foundation, who heads the operational activities for the displacement of Ukrainian children. Pro-government non-profit organizations, state media, and collaborators in the occupied territories play their roles in this process.

The indoctrination, Russification, and militarization accompanying the deportation of minor citizens of Ukraine to the Republic of Belarus is a violation of the right to preserve identity, in particular, citizenship, the right to education, freedom of thought and conscience, and the principle of the best interests of the child. Specific components of “recreation” in Belarusian institutions have the characteristics of a war crime and a crime against

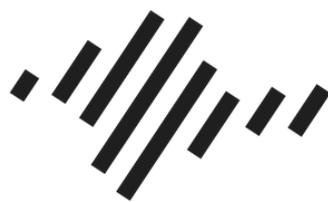
humanity, and the policy itself testifies to the possible complicity of Belarus in committing genocide against the Ukrainian nation.

The policy of transferring minor Ukrainian citizens to the territory of the Republic of Belarus requires further study and analysis, not only based on information obtained from open sources but also on the evidence collected by an independent competent body from the children themselves and their legal representatives. The displacement of minors from the occupied territories to Belarus should be subject to constant monitoring by impartial institutions, including the UN system. In this context, the “invitation” made by the Deputy Minister of Foreign Affairs of the Republic of Belarus, Yuriy Ambrazevych, to the Special Representative of the UN Secretary-General for Children and Armed Conflict, Virginia Gamba should be taken into account, as well as the assurance of the “readiness” of the Belarusian side to strengthen interaction with her office in order to ensure the principle of the best interests of the child.¹⁰⁵ In addition, open and unimpeded access to institutions where its minor citizens are located should be provided to Ukraine.

The recreation and rehabilitation program for Ukrainian children must be coordinated with the state of their citizenship - Ukraine. It cannot contain components aimed at Russification and militarization. Ukraine’s permission should be requested every time before organizing new shifts. It is a determining condition that can legitimize the relevant actions.

The determination to continue the deportation of Ukrainian children to the Republic of Belarus, the lack of transparency of this process, the treatment of minors as Russian citizens, and the “recreation” program testify to the illegality of such a policy. However, the competent authorities must make the final decision on the legal qualification and prosecution of the perpetrators at both the national and international levels.

¹⁰⁵ <https://s-k.by/ru/politics-news-ru/view/nedetskie-igry-s-34212-2023/>



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