

ALGORITHM FOR THE RETURN OF DEPORTED ORPHANS AND CHILDREN DEPRIVED OF PARENTAL CARE TO UKRAINE



This publication has been produced with the support of the 'Partnership Fund for a Resilient Ukraine'. The content of this publication is the sole responsibility of the Regional Center for Human Rights and does not necessarily reflect the views of the Fund and/or of its financing partners.

CONTENTS

Introduction	4
Disadvantages of the current procedure for returning 'status' children	6
Legal basis of the algorithm for the return of 'status' children	13
Conclusion	27
Recommendations	29

Introduction

At least 3,790 orphans and children deprived of parental care have been deported or forcibly transferred since the beginning of the Russian Federation's armed aggression against Ukraine¹. Additionally, between 2014 and 2022, another 1,000 orphans from the occupied Crimean peninsula were displaced and given for adoption to Russian citizens².

As of May 2024, 388 children with experiences of deportation and/or forcible transfer have been returned to Ukraine³. The status data of these returned children is official information of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine⁴, and is therefore not available for analysis. However, according to information from open sources⁵, among the returned children are orphans and those deprived of parental care ('status' children). However, these are mostly isolated cases.

The existing practice of return is not designed for the repatriation of orphans and children deprived

¹<https://www.youtube.com/watch?v=tx7-HgJ694>

²https://www.osce.org/files/f/documents/0/1/546560_0.pdf, p.17

³<https://childrenofwar.gov.ua/>

⁴<https://zakon.rada.gov.ua/rada/show/v0307925-21>, para. 39

⁵See e.g., https://www.facebook.com/SaveUkraine.Network?locale=uk_UA
https://www.facebook.com/ukrainianchildrightsnetwork?locale=uk_UA

of parental care. This underscores the need to develop an algorithm for the return of this category of children, including further actions regarding their rehabilitation and reintegration. Additionally, Ukraine must undertake significant preparatory work at the national level to ensure the best interests of the child, which directly impacts the pace and effectiveness of repatriation in the context of deinstitutionalization reform.

The return of orphans and children deprived of parental care must be conducted in accordance with the principles and procedures provided by international standards for all deported and forcibly transferred children⁶. It is also important to consider that orphans and children deprived of parental care belong to a particularly vulnerable category, and Ukraine has an obligation to support and bring up these children.

⁶<https://krymbezpravil.org.ua/materialy/way-home-mekhanizm-povernennia-nezakonno-deportovanykh-i-prymusovo-peremishchenykh-ditey/>

Disadvantages of the current procedure for returning 'status' children

In the second issue of the Bulletin on the activities of the Commissioner for Children's Rights under the President of the Russian Federation, Maria Lvova-Belova, regarding the protection of children during the so-called special military operation, 'methods of reunification' with a deported or forcibly transferred child are provided⁷. In each case, an appeal from the family is a mandatory prerequisite for return. However, appeals regarding the deportation or forcible transfer of 'status' children to the competent authorities of Ukraine were most often received not from families but from authority figures, particularly guardianship authorities.

In addition, at the request of the Russian Federation, the legal representative of the child must physically accompany the child during the return to the territory controlled by Ukraine. This requirement is not always feasible due to several situations, such as:

- When the legal representative is the head of a healthcare institution, educational institution, or other children's institution.
- When the legal representative has other children to take care of.

⁷<https://deti.gov.ru/uploads/magic/ru-RU/Document-0-258-src-1705931603.6543.pdf>

- When the child was in institutional care at the time of the full-scale invasion due to difficult life circumstances, which continue to persist.

The main obstacle in the process of returning 'status' Ukrainian children is the consistent policy of the Russian Federation aimed at unjustifiable delay in their repatriation. Elements of this policy include:

- Persistent refusal to send the list of deported and forcibly transferred Ukrainian children to the Central Tracing Agency of the International Committee of the Red Cross.
- Imposing Russian citizenship on children by the decision of the head of an institutional care facility, in violation of the best interests of the child.
- 'Scattering' children across the territory of the Russian Federation, particularly in regions several thousand kilometers away from their country of origin.⁸
- Inclusion of children in the Federal Data Bank of Orphans through their actual place of residence, which allows their adoption and establishment of guardianship by Russian citizens but complicates identification by Ukrainian authorities.⁹

⁸https://verstka.media/special/hochudamoy/?fbclid=IwZXh0bgNhZWQCMTEAARIK24MAu2M43ISkuDpPswPKbG2s7DHRVnQkMOtH8PhYyIUNYSf1-M-ZPKE_aem_AQIBY7ruI66YHSuATfGwrbsYvrhdexAyVvkS_FjaoraiPdRweXf1f6bTGgqNM3R-J8DJ3VNEpx0gWb6Lp2oRJUBv

⁹<http://www.bryanskobl.ru/docs/ombudsman/child-report-2023.pdf>, p. 101

- Forcible transfer of at least 380 Ukrainian children to foster care¹⁰ and 78 to adoption¹¹, with probable changes to their personal data.
- Political indoctrination and inducement to refuse repatriation through bribery or threats.¹²

According to the Russian side, the process of returning a child takes from one to three months.¹³ Representatives of Ukraine also confirm the considerable length of the process.¹⁴ To resolve the issue of a child's return, Russia requires personal data of the child and information about the applicant (the child's legal representative), as well as the probable place of stay in the territory under Russian control. Thus, the burden of finding the children rests entirely on Ukraine, while representatives of the Office of the Commissioner for Children's Rights under the President of the Russian Federation decide whom to return, often citing the 'absence/ of information about the child in the specified location.

In addition, one of the stages of the return process, as announced by the Russian agents themselves, is 'coordinating the position and the list of documents

¹⁰<https://deti.gov.ru/Deyatelnost/documents/258>

¹¹<https://meduza.io/feature/2024/03/11/oni-mogut-nachat-protivodeystvovat>

¹²<https://grivna.ua/publikatsii/ya--zagublena-dusha-istoriya-vikradenogo-hersonskogo-pidlitka-yakogo-povernuli-z-rf-ale-e-pitannya>

¹³ <https://deti.gov.ru/uploads/magic/ru-RU/Document-0-258-src-1705931603.6543.pdf>

¹⁴https://censor.net/ua/resonance/3464787/ombudsman_dmytro_lubinets_vkradenyh_z_ukrayiny_diteyi_rosiyany_namagayutsya_perevyhovaty_v_dusi_russkogo

with the competent authorities of the subject of the Russian Federation.¹⁵⁷ This indicates that:

- There is no unified position regarding the return of deported and forcibly transferred Ukrainian children, which is a manifestation of discriminatory treatment and a violation of the child's right to repatriation to their country of origin.
- There is no single, comprehensive list of documents considered necessary to resolve the issue of return, creating opportunities for manipulation and abuse by the Russian Federation.

According to information from the competent authorities of Ukraine, the Russian side demands comprehensive data about the family to which the 'status' Ukrainian children will be returned. This includes, in particular:

- The decision to appoint a legal guardian.
- Characteristics of the legal guardian.
- The act of inspection of the living conditions.
- The certificate that the parents are not deprived of parental rights (in cases where the child was in institutional care at their request).
- The certificate from a narcologist confirming the absence of drug or alcohol addiction in the legal guardian, etc.

¹⁵⁷<https://deti.gov.ru/Deyatelnost/documents/258>

It should be emphasized that, on the other hand, processes are taking place within the Russian Federation to reduce the scope of requirements for a potential legal guardian, particularly for deported Ukrainian children. For example, it is planned to be optional to provide the act of inspection of the living conditions during the socio-psychological assessment. The corresponding Russian draft law, which provides for such an innovation, has already passed the first reading stage.¹⁶ At the same time, upon the arrival of a Ukrainian legal representative in the territory controlled by the Russian Federation, they are required not only to provide a complete package of documents but also to undergo an interview with a representative of the custody and guardianship authorities.

Obviously, the return of 'status' children to Ukraine with placement in family forms of upbringing is more in their best interests. However, this requirement does not exist in either international humanitarian law or international human rights law. Moreover, deported and forcibly transferred children, whose foster parents are no longer able to fulfill their responsibilities, are in a more vulnerable position than 'status children' whose legal representatives are ready to continue their upbringing.

¹⁶<https://tass.ru/obschestvo/18265611>

The child must have the right to have their opinion taken into account in the process of transfer to the family.¹⁷ The child's choice of a Ukrainian family under the conditions of being under the effective control of the Russian Federation remains extremely limited. In the occupied territory, in the Russian Federation, or in Belarus, there are no circumstances for the proper expression of the child's opinion or prior acquaintance with the Ukrainian foster family.

The requirements of the Russian Federation and the procedure it has established for the return of children indicate that Russia, having imposed its own citizenship on Ukrainian children, considers itself competent to resolve the issue of their family arrangement both on its territory and in Ukraine, regulating this process according to Russian legislation. This not only makes it impossible for the authorities of Ukraine to issue certain documents but also distorts the legal qualification of the process. Under these circumstances, the illusion of 'family reunification' is created instead of the return of deported or transferred Ukrainian children who came under the control of the Russian Federation as a result of international crimes by its agents.

On April 24, 2024, negotiations between Ukraine and the Russian Federation took place in Doha with the mediation of Qatar. According to Dmytro Lubinets,

¹⁷https://zakon.rada.gov.ua/laws/show/995_021#Text, Article 12

the Ukrainian Parliament Commissioner for Human Rights, the repatriation of 'status' children was among the topics discussed, as 'the Russian Federation is obliged to return children, regardless of their status.' Qatar has agreed to accept the first list of orphans and children deprived of parental care.¹⁸ However, the outcome and effectiveness of the process are difficult to predict due to the lack of specific legal agreements between the parties.

¹⁸https://www.facebook.com/photo/?fbid=3265326250441812&set=a.1405731706401285&locale=uk_UA

Legal basis of the algorithm for the return of 'status' children

The algorithm for the return of 'status' children should be developed based on the concept of a unified legal mechanism prepared by the Regional Center for Human Rights.¹⁹ Its guiding principles are respect for the best interests and individual needs of the child. Ukraine should make maximum efforts to return 'status' children, for whom it fulfills the role of *parens patriae*.

This algorithm should consist of several steps, with its effectiveness depending on their implementation.

STEP 1

Adoption of a UN General Assembly resolution on the return of children including orphans and children deprived of parental care to their country of origin

Guarantees for the protection of orphans and children deprived of parental care are limited in international humanitarian law. Moreover, international treaties dealing with the law of armed conflicts do not actually distinguish between 'status' children and other children. Only Article 24 of the Geneva Convention relative to the Protection of

¹⁹<https://krymbezpravil.org.ua/materialy/way-home-mekhanizm-povernennia-nezakonno-deportovanykh-i-prymusovo-peremishchenykh-ditey/>

Civilian Persons in Time of War contains an obligation for the parties to the conflict to take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and to facilitate, under all circumstances, their care, the performance of rites connected with their religion, and their education according to their cultural traditions.²⁰

The deportation and forcible transfer of orphans and children deprived of parental care are prohibited.²¹ Instead, the parties to the conflict should facilitate the reception of these children in a neutral country to guarantee their safety.²²

International standards include an absolute prohibition of the adoption of displaced children during wartime. Simultaneously, they mandate that no child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time.²³ In the context of repatriation, this poses several obstacles for orphans and those deprived of parental care compared to children who have a guarantee of family reunification, including the legal representation law applicable to individuals other than biological parents.

²⁰<https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>, Article 24

²¹*ibid*, Article 49

²²*ibid*, Article 24

²³https://digitallibrary.un.org/record/673583/files/A_RES_64_142-EN.pdf, paras 19 and 151

Currently, international humanitarian law does not establish procedures for addressing violations by one of the parties regarding its obligations concerning the treatment of orphans and children deprived of parental care, whom it has forcibly transferred or deported. This includes issues such as adoption, name changes, and/or resettlement to locations far from the State of origin. Consequently, the offending party effectively appropriates the 'status' children of the opposing party, rendering their return impossible due to the absence of a mechanism provided for by international law.

The resolution adopted at the level of the UN General Assembly can contribute to filling the indicated gaps, particularly in the context of:

- Identification of orphans and children deprived of parental care.
- Establishment of laws governing the powers of legal representatives.
- Guarantee of the principle of equality of all children in the right to family reunification, regardless of whether the parents are biological or adoptive.
- Ensuring the right to return to the country of origin in cases where the child suffered from forcible transfer or deportation.
- Assessment of the best interests of 'status' children regarding the initiation of the process of return to the country of origin, etc.

Baroness Helena Kennedy, co-chair of the Bring Kids Back UA International Task Force, believes that Ukraine's experience in returning children will serve as a model for enhancing international law.²⁴ The adoption of a relevant resolution by the UN General Assembly will pave the way for the return of 'status' children who were forcibly transferred or deported not only from Ukraine but also from other States in conditions of armed conflict, expediting the implementation of all subsequent steps.

STEP 2

Conclusion of a series of international agreements in the format of 'Ukraine - third party' and 'third party - Russia'

Only cooperation based on a legally binding agreement can fully ensure the rights and the child best interests in the return process. Legal regulation of the process guarantees greater effectiveness and provides additional tools for pressure in case of a violation of the agreement, such as the application of countermeasures (sanctions).

The third party to the agreement can be any entity acceptable to the parties to the armed conflict or their combination, including:

- another State,
- a group of States,

²⁴<https://www.president.gov.ua/en/news/mehanizmi-napracovani-ekspertnoyu-grupoyu-bring-kids-back-ua-88157>

- an international organization or its body (such as the UN or UNICEF),
- the UN Secretary-General, or the Special Representative of the UN Special Representative of the Secretary-General for Children and Armed Conflict, or
- a non-governmental organization.

It should act as a guarantor of the return of all deported and forcibly transferred orphans and children deprived of parental care.

The agreements themselves should include provisions for:

- a) Methods of identification by the parties of deported or forcibly transferred Ukrainian children.
- b) An exhaustive list of documents to be provided by the child's legal representative.
- c) Terms and logistics of return.
- d) Return financing.
- e) Spheres of cooperation with specialized governmental and non-governmental organizations.
- f) Monitoring and evaluation of the effectiveness of the return process.
- g) Methods of resolving disputes regarding the interpretation and implementation of agreements.

h) Responsibility in case of non-fulfillment and violation of agreements.

At the same time, the agreements should ensure the speed and scale of the process of returning children and eliminate the requirement for the physical presence of a legal representative in the occupied territory and in the Russian Federation.

STEP 3

Conducting an independent and impartial assessment of the child's best interests

According to the results of the study of international standards and practices,²⁵ the Regional Center for Human Rights found that in the vast majority of cases, returning to Ukraine is in the best interests of 'status' children. This conclusion is confirmed in the Resolution of the Parliamentary Assembly of the Council of Europe.²⁶

Orphans and children deprived of parental care are more often victims of transfer to Russian families for guardianship or adoption compared to other categories of deported Ukrainian children. Ukrainian children are imposed with Russian identity, and they are integrated into the Russian educational system and socio-cultural space. 'Guardians' and 'adoptive

²⁵<https://krymbezpravil.org.ua/materialy/otsinka-naykrashchyykh-interesiv-deportovanykh-ditey-syrit-ta-ditey-pozbavlenykh-batkovskoho-pikluvannia-z-metoiu-ikhnoho-povernennia/>

²⁶https://pace.coe.int/en/files/33348/html?__cf_chLtk=NRgyYfTcHL7zSAsJ6s_bFG5OCzOG4vZh2_9yRLW1Xwo-1715239886-0.0.1.1-1621

parents' play a significant role in this process. They, along with Russian officials, should be excluded from the process of assessing the child's best interests since they obtained their status unlawfully.

Russia, as a State, cannot be the subject of an assessment of the best interests of Ukrainian children, as they came under its control as a result of the commission of international crimes by Russian agents. Entrusting the assessment of the best interests to the Russian authorities would lack objectivity, given the systematic unlawful nature of the actions of the highest officials of the Russian Federation and their subordinates, denial of forcible displacement and forcible transfer to families, as well as Russia's attempt to shift responsibility for its own wrongful acts to Ukraine.

Therefore, the competent authorities of Ukraine should conduct an individual assessment of the best interests of the 'status' children with the aim of their return. Russia can only be provided with a third-party opinion on the appropriateness of conducting such an assessment.

STEP 4

Development of individual child return trajectories

Elaborating an individual return plan (trajectory) for orphans and children deprived of parental care is a complex task that requires the allocation of more

resources from the State than in the case of children who have parents or other blood relatives.

The Constitution of Ukraine stipulates that the maintenance and education of orphans and children deprived of parental care are entrusted to the State.²⁷ The Family Code of Ukraine establishes that the State takes under its protection every orphan and child deprived of parental care.²⁸ This role of Ukraine is further reinforced by the *parens patriae* doctrine, which mandates that the State must act as the legal representative of a person in need of protection.

At the same time, the body responsible for protecting the rights of deported and forcibly transferred orphans and children deprived of parental care has not yet been identified at the national level, particularly in the context of developing individual return trajectories. The Coordination Council for the Protection and Safety of Children under the President of Ukraine is engaged in synchronizing the implementation of the Bring Kids Back UA action plan.²⁹ The Office of the Ukrainian Parliament Commissioner for Human Rights is 'tasked' with logistical, security, and other aspects of return, as well as providing psychological and humanitarian assistance to children and cooperating with partners.³⁰ The

²⁷<https://www.president.gov.ua/documents/constitution>, Article 52

²⁸<https://zakon.rada.gov.ua/laws/show/2947-14#Text>, Article 5

²⁹<https://www.president.gov.ua/news/prezident-oznajomiv-sya-z-planom-povernennya-nezakonno-deport-83261>

³⁰https://www.ombudsman.gov.ua/news_details/ombudsman-ukrayini-dmitro-lubinec-dodomu-vdalosya-povernuti-11-ukrayinskih-ditej

Ministry of Reintegration of Temporarily Occupied Territories coordinates the interaction of local and central executive authorities, local self-government bodies, the National Information Bureau, and non-governmental organizations on the return and social protection of deported or forcibly transferred children.³¹ The Ministry of Social Policy,³² the National Social Service,³³ and the Coordination Center for the Development of Family Upbringing and Child Care are responsible for organizing the placement of children in family forms of upbringing.³⁴

In the case of 'status' children affected by deportation and forcible transfer, placement in family forms of upbringing after return is of paramount importance. At the State level, it is necessary to establish a registry of families willing not only to foster but also to participate in the return of a 'status' child from the territory under the control of the Russian Federation. When developing an individual return trajectory, it is also crucial to avoid locating the child near the war zone or in regions under constant Russian shelling.

The individual trajectory should include a plan for addressing learning setbacks (the gap between the competence that the student should acquire and what they actually know and can do), along with providing necessary psychological, financial, and legal assistance separately.

³¹<https://zakon.rada.gov.ua/laws/show/376-2016-%D0%BF#n10>, para. 3, part 9-1

³²<https://zakon.rada.gov.ua/laws/show/423-2015-%D0%BF#Text>

³³<https://nssu.gov.ua/polozhennya-pro-nacsocsluzhbu>

³⁴<https://zakon.rada.gov.ua/laws/show/538-2023-%D0%BF#Text>

To ensure the development and implementation of an individual trajectory (plan) for the return of Ukrainian children, the Cabinet of Ministers of Ukraine approved the 'Procedure for the Identification and Return of Children Deported as a Result of the Armed Aggression of the Russian Federation' on May 14, 2024.³⁵ The procedure applies to a wide range of affected children, including those who are at risk of deportation or forcible transfer, and it involves the coordination of efforts among State bodies and non-governmental organizations by the Ministry of Reintegration of Temporarily Occupied Territories. The document establishes an individualized approach and a comprehensive vision of measures to be taken *before, during, and after* the return.

At the same time, the Order has significant shortcomings:

- Objectification of the affected child and the lack of a mechanism for taking into account their opinion.
- Development of relations with non-governmental organizations on a subordinate basis rather than a partnership basis.
- Declarative nature of certain provisions, for which there are neither necessary regulatory acts nor adequate financial or human resources.

³⁵https://www.kmu.gov.ua/storage/app/uploads/public/664/4b9/174/6644b91742808316910144.pdf?fbclid=IwZXh0bG9hZW0CMtAAAR0-dWAXKbsulop8esq8rpqMevW6McwrheG8ZTqFgAj8eNZDovrrQ-NK2Dw_aem_AXo4gUUyafOo7_oeSEYbRnpG-8_kYRCjSz4JJWheBAVsj00-OUF5HHYvHLT8sGohXhLgixvG1u-mSJWPFHGePQ8B

Furthermore, the individual plan's form must be approved later, which represents an unjustifiable waste of time and raises questions about its potential creation as a whole.

As a result, the adopted act regulates and establishes only the current practice of returning a child from the control of the Russian Federation. Rehabilitation and reintegration of children remains the 'responsibility' of non-governmental organizations.

STEP 5

Rehabilitation and reintegration of returned Ukrainian children

According to General Assembly Resolution (76/147) 'The Rights of the Child' (2021), States should take measures aimed at the rehabilitation and reintegration of children in environments that promote their health, self-respect, and dignity, in accordance with the norms of international humanitarian law and international human rights.³⁶ Programs for the rehabilitation and reintegration of returned children should be developed and approved at the national level in close cooperation with non-governmental organizations and international partners, taking into account both general trends and the unique needs of orphans and children deprived of parental care.

³⁶<https://digitallibrary.un.org/record/3954144>

These programs should be comprehensive and justified in terms of duration, extending to each region of the returned child's actual residence. They should encompass not only psychological and medical assistance but also social support and educational services, and legal aid. Additionally, programs should include mechanisms for monitoring and evaluating their implementation.

Conclusion

The return of Ukrainian 'status' children who were deported or forcibly transferred to the territories controlled by the Russian Federation is an obligation of both Russia and Ukraine in accordance with international law. However, the Russian Federation consistently obstructs the return of 'status' Ukrainian children. It exploits lacunae in international law, including the absence of a return mechanism, as well as the vulnerability of children and their legal representatives, effectively 'appropriating' children and making their repatriation impossible. The Russian Federation presumes that such children are Russian citizens and should remain under Russian control, making rare exceptions only when Ukrainian legal representatives can provide all the documents required by Russian law.

The return must take place without delay because the urgency of this process is confirmed by information about thousands of identified orphans and children deprived of parental care. They were imposed Russian citizenship, forcibly transferred to Russian boarding schools or families, and attempts were made to eradicate their Ukrainian identity. The limited time frame for the development and implementation of the algorithm for the repatriation, rehabilitation, and reintegration of 'status' children is also due to

the high risk of changing their personal data, the threat of forcible mobilization upon reaching the age of majority, and the coercively adaptation of the child to life in the Russian environment, which can increase the risk of significant traumatization during and after the return process.

Due to the abuses of the Russian Federation regarding the return of deported and forcibly transferred Ukrainian children, particularly 'status' children, it is expedient to involve third countries and international organizations in the development and implementation of a unified legal mechanism for return. Within such a mechanism, there should be a separate algorithm for the return of orphans and children deprived of parental care, given their belonging to a particularly vulnerable category of persons. It is crucial that the algorithm be legal rather than political, based on current international standards and practices, to simplify and expedite the return of children.

The primary element of the repatriation, rehabilitation, and reintegration mechanism should be the development of individual trajectories for each child, considering their best interests, especially regarding upbringing in a family environment. In this context, carrying out deinstitutionalization reform and developing and implementing a program for the rehabilitation and reintegration of returned 'status' children are pivotal.

Recommendations

To facilitate the prompt development and effective implementation of the algorithm for the return of deported and forcibly transferred orphans and children deprived of parental care, as well as their subsequent rehabilitation and reintegration, the Regional Center for Human Rights has developed the following recommendations to the competent authorities of Ukraine:

To the Ministry of Foreign Affairs:

- To contribute to the development and adoption by the UN General Assembly of a resolution on a possible mechanism for the return of children deported, forcibly transferred, and/or abducted in connection with armed conflict.
- To promote the conclusion of legally binding third-party mediation agreements in the process of returning Ukrainian children from the control of the Russian Federation.
- To encourage foreign countries to join the International Coalition for the Return of Ukrainian Children.
- To advocate in foreign countries, particularly in the so-called Global South, and international organizations for the immediate and unconditional return of Ukrainian children in accordance with their best interests.

To the Ministry of Justice:

To develop a draft agreement on third-party mediation in the process of returning Ukrainian children from the control of the Russian Federation.

- To contribute to the improvement of international mechanisms for combating deportation, forcible transfer, and unjustifiable delay in the repatriation of children during armed conflict. In particular, justify the recognition of such children as 'abducted' in the sense of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

- To initiate a discussion on the feasibility of adopting an Additional Protocol to the Geneva Conventions of 1949 or to the UN Convention on the Rights of the Child regarding the special protection of orphans and children deprived of parental care in armed conflict.

- To develop a project of amendments to the Law of Ukraine 'On the Protection of Childhood' and other relevant normative legal acts regarding the provision of specific legal, social, and financial guarantees for the status of 'a child affected by military actions and armed conflict'.

To the Verkhovna Rada of Ukraine:

To contribute to overcoming the current conflict of law regarding the authority responsible for ensuring the rights and facilitating the return of deported or forcibly transferred Ukrainian children by:

- a) Amending the Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights' to grant him powers in this area.
- b) Finally consolidating such powers under the Ministry of Reintegration of Temporarily Occupied Territories by adopting amendments to the Law of Ukraine 'On the Protection of Childhood'.
- c) Adopting a law to establish the position of the Commissioner for the Rights of the Child in Ukraine, who is independent from any branch of government.

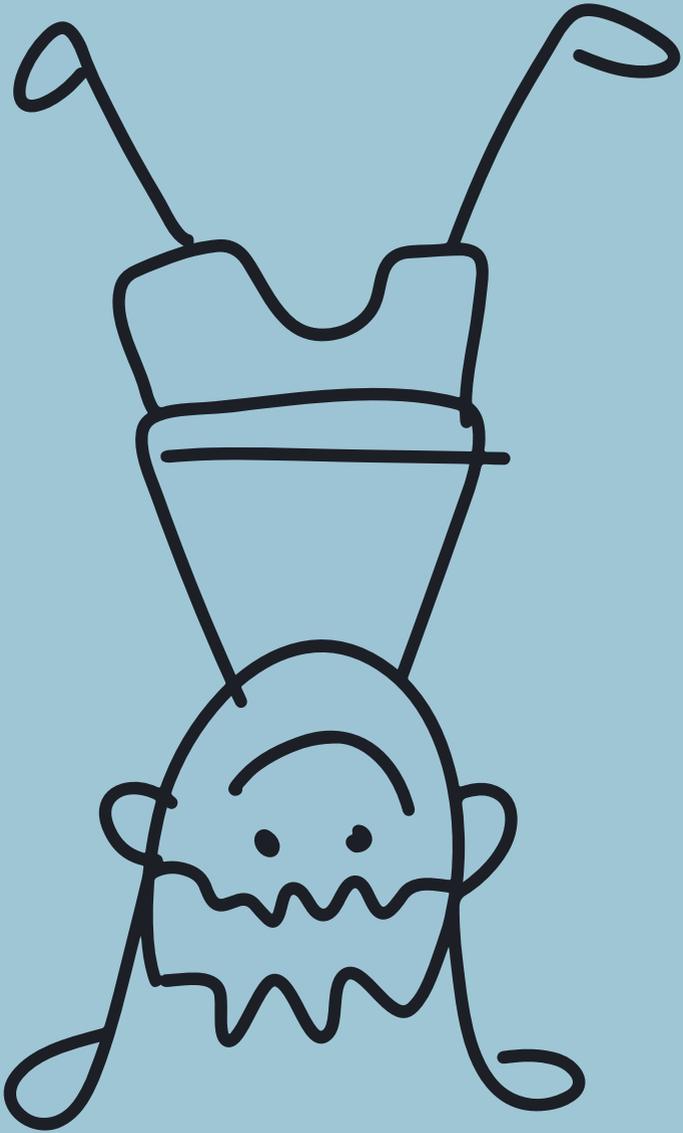
To the Ministry of Reintegration of Temporarily Occupied Territories:

- To ensure the implementation of the 'Procedure for the Identification and Return of Children Deported as a Result of the Armed Aggression of the Russian Federation'.
- To organize the process of developing individual trajectories (plans) for the return of 'status' children, and conduct an analysis to ensure compliance of the individual trajectory (plan) with the child's best interests.

- To initiate the activities of the interdepartmental working group on the development and implementation of individual and/or collective rehabilitation and reintegration programs for children returned from the control of the Russian Federation.

To the Ministry of Social Policy:

- To create a register of families ready to participate in the return and further upbringing of deported or forcibly transferred 'status' children, providing them with educational and developmental activities tailored to the specific needs of children traumatized as a result of international crimes.
- To develop and ensure the implementation of a comprehensive policy in the field of providing necessary services, support, and social protection to families who have a 'status' child, particularly one returned from the control of the Russian Federation.



Regional Center for Human Rights

2024