

5:00 AM

ANALYTICAL REPORT

COALITION

**Deportation of Ukrainian citizens
from the territory of active military
operations or from the temporarily
occupied territory of Ukraine to the
territory of the Russian Federation
and the Republic of Belarus**



CONTENT

Introduction	4
1. Forcible transfer and deportation of Ukrainian citizens after the start of full-scale aggression against Ukraine	6
1.1. General description of the situation of deportation of Ukrainian citizens to the territory of RF and RB	6
1.2. «Filtration»	7
1.3. Accommodation in the territory of RF and RB. Temporary accommodation points for Ukrainians	12
1.4. Deportation of children	15
2. Legal definition and political assessment	21
2.1. Distinguishing the concepts of «evacuation», «forcible transfer», «deportation»	21
2.2. Deportation or forcible transfer as international crime	23
2.3. Legal definition of the deportation of children from the territory of Ukraine	24
2.4. Due legal analysis, investigation by national law enforcement agencies	27
2.5. International political assessment	28
3. Key problems faced by deported Ukrainian citizens, actions of the state of Ukraine and international partners	31
3.1. Key problems faced by Ukrainian citizens deported to RF or RB	31
3.2. Diplomatic efforts	32
3.3. Efforts made by the Government of Ukraine to protect and restore the rights of citizens	35
Conclusions and recommendations	39



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LIST OF ABBREVIATIONS

- AR Crimea** – Autonomous Republic of Crimea
- SMS** – State Migration Service
- «DPR»** – so-called Donetsk People’s Republic, i.e., the territory of Donetsk Region temporarily occupied by Russia before 24 February 2022
- FDM** – foreign diplomatic mission
- AFU** – Armed Forces of Ukraine
- CC** – Criminal Code
- «LPR/DPR»** – so-called Luhansk People’s Republic and Donetsk People’s Republic, i.e., the territories of Luhansk Region and Donetsk Region temporarily occupied by Russia before 24 February 2022
- «LPR»** – so-called Luhansk People’s Republic, i.e., the territory of Luhansk Region temporarily occupied by Russia before 24 February 2022
- MFA** – Ministry of Foreign Affairs
- ICRC** – International Committee of the Red Cross
- MD** – Ministry of Defence
- OSCE in Europe** – Organisation for Security and Co-operation in Europe
- UN** – United Nations
- UNHCR** – Office of the United Nations High Commissioner for Refugees
- TAP** – temporary accommodation points
- RB** – Republic of Belarus
- RF** – Russian Federation
- TOT** – temporarily occupied territory
- FL** – federal law
- UNICEF** – United Nations Children’s Fund

INTRODUCTION

On 24 February 2022, the Russian Federation launched a full-scale aggression against Ukraine. Already from early March 2022, information began to arrive about the forcible transfer of Ukrainian citizens to the territories that had been occupied before 24 February 2022, and later – about their deportation to the territory of the Russian Federation and the Republic of Belarus. People were taken from the areas of active military operations, as well as from the settlements of Kyiv, Chernihiv, Kharkiv, Sumy, Zaporizhzhia, Donetsk, Luhansk, and Kherson regions occupied by the Russian army.

Ukrainian citizens who found themselves in the territories occupied by the Russian army tried to leave (evacuate) on their own to the Ukrainian government-controlled territory but it was not always possible as the Russian military was blocking evacuation corridors and shelling the gray zone. These people were forced to leave through the occupied territories of Ukraine to RF and then to safe third countries, through which they returned to the Ukrainian government-controlled territory. Humanitarian corridors from Donetsk, Luhansk, Sumy, Kyiv, Kharkiv, and Zaporizhzhia regions worked intermittently. There were no humanitarian corridors from Kherson Region.

Undoubtedly, the situation of an international armed conflict has a profound impact on the processes of displacement of the civilian population, while military operations, danger, and fear for their lives force people to leave their permanent places of residence. At the same time, it is important to identify and record the facts of forcible transfer (i.e., forced displacement of civilians within a national boundary) or deportation (forced displacement of civilians across an international border) of Ukrainian citizens by the occupying power or enemy army, because such actions constitute an international crime.

Since the beginning of the full-scale aggression against Ukraine, Ukraine 5 AM Coalition has been documenting the facts of international crimes committed by the forces of the aggressor state, including the deportation of Ukrainian citizens to the territory of RF. Therefore, the main task of this analytical report is to outline the deportation of Ukrainian citizens as a full-scale and systematic practice pursued by RF in the territories of Ukraine temporarily occupied by it and the accompanying measures of so-called «filtration», as well as to summarise the maximum amount of information and facts regarding these events.

Ukrainian citizens who ended up in the territory of RF, RB, and occupied Crimea as a result of criminal actions by Russians or forced escape from war zones face significant difficulties. They have no means of subsistence (money, livable housing), no opportunity to contact relatives, in many cases they have no opportunity to receive legal advice on further actions for leaving the territory of RF to the EU countries. The biggest problem faced by Ukrainian citizens is the lack of identity documents that confirm Ukrainian citizenship: this makes it much more difficult to leave RF and return to Ukraine.

The analytical report covers the period from the beginning of the full-scale aggression against Ukraine (24 February 2022) to 1 October 2022.

This analytical report is based on information collected primarily from open sources, materials and reports of national human rights organisations (in particular, the Media Initiative for Human Rights), international organisations, as well as on the analysis of the regulatory and legal framework of RF and RB regarding the accommodation and exercise of the rights of Ukrainian citizens deported to the territory of RF and RB

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1 FORCIBLE TRANSFER AND DEPORTATION OF UKRAINIAN CITIZENS AFTER THE START OF FULL-SCALE AGGRESSION AGAINST UKRAINE

1.1. GENERAL DESCRIPTION OF DEPORTATION OF UKRAINIAN CITIZENS TO THE TERRITORY OF RF AND RB

After the beginning of the full-scale aggression against Ukraine, an increasing number of reports appears about the forced displacement of Ukrainian citizens from the areas captured by the Russian army to the territory of RF. The first official report by the Ukrainian authorities on the «forced displacement» of Ukrainians appeared on 26 March. Iryna Vereshchuk, Deputy Prime Minister and Minister of Reintegration of the Temporarily Occupied Territories of Ukraine, reported that the number of Ukrainians forcibly deported by Russia was almost 40,000¹.

On 16 April, the Russian mass media reported that the Russian military had taken about 100 people, including 10 children, from Izyum (Kharkiv region) to the territory of Belgorod Region of RF².

Further on, the number of Ukrainian citizens taken from the territory of Ukraine to the territory of RF increased rapidly. However, it is currently difficult to estimate the number of Ukrainian citizens who were deported or ended up in the territory of RF and RB as a result of evacuation. The Ukrainian authorities do not have their own sources of information and estimates of the number of Ukrainian citizens deported to RF or RB due to the temporary lack of control over certain sections of the Russian-Ukrainian border as a result of the seizure of the territory of Ukraine by the Russian army. According to the UNHCR data, as of 3 October, 2.852 million Ukrainian citizens stayed in the territory of RF and 15,932 Ukrainian citizens stayed in the territory of RB³. According to the Russian side data, more than 4.5 million people, including 685,000 children, arrived in the territory of RF as of 3 October 2022⁴.

1 «Iryna Vereshchuk: Number of forcibly transferred Ukrainians may now be 40,000 — we are fighting for their return»: https://www.minre.gov.ua/news/iryna-vereshchuk-killist-nasylnovyvyezennyh-ukrayinciv-zaraz-mozhe-stanovyty-40-tysyach?fbclid=IwAR02IaNTtFUFqTE4lYz5bhBIje_M5SdtuQl2PEdanACnmoOXQ6SauP8ZCek

2 «First refugees taken from Izyum to Russia»: <https://ria.ru/20220416/bezhentsy-1783847109.html>

3 <https://data.unhcr.org/en/situations/ukraine> (as of 3 October 2022)

4 «More than 4.5 million refugees have arrived in Russia from the territory of Ukraine and Donbas since February»: <https://tass.ru/obschestvo/15936967>

According to eyewitnesses, during the deportation to RF, the Russian service members were searching for people in shelters (basements of houses, kindergartens), forcing them to come out of their hiding places and leave, threatening to blow them up, or explaining the need for «departure» by future mopping-up operations and «razing everything to the ground», detaining on the streets, etc. Also, in some places, people were taken away by deception (under the guise of «evacuation» to the Ukrainian government-controlled territory). Both children and older people were forced to walk (sometimes up to 6 km) to the location of the filtration points or to the buses that transported them to filtration points. Sometimes Russian soldiers themselves transported people to the Russian border, where filtration measures were carried out.

Deportation to RB was carried out under the guise of evacuation: the Russian military took people from shelters under threats and transported them to the border or to other places where there were no crossing points, and handed them over to the Belarusian Red Cross. Later, after the «census» by the Belarusian Red Cross, people were accommodated in the health resorts near the town of Gomel and a dormitory in the town of Mozyr⁵.

1.2. «FILTRATION»

Almost immediately after the appearance of the first official reports on the forcible transfers and deportations of Ukrainian citizens by the Russian military, testimonies began to appear about how the process of displacement, which has acquired a forced character, takes place, in particular, about the so-called «filtration» procedure.

It is worth noting that the practice of «filtration» is not new for RF: the Russian army widely used the creation of so-called «filtration camps» back during the First Chechen War and the Second Chechen War. The tasks of the «filtration» system in both Chechen wars were to detain persons suspected of participating in illegal armed formations and conduct interrogations⁶. At the same time, the information regularly appeared about the systematic torture, rape, and murder of civilians held in those camps, who were allegedly suspected of involvement in «guerrilla warfare» against the Russian army⁷.

RF planned the creation of filtration camps in Ukraine in advance. Thus, in late 2021 and early 2022, a number of media outlets, in particular, the German newspaper Bild, published information, allegedly received from special services, regarding Russia's plans to create «camps for the detention of pro-Ukrainian activists» in the occupied territories of Ukraine, as well as regarding the preparation of lists of

5 <https://babel.ua/texts/79752-u-berezni-rosiyski-okupanti-primusovo-vivozili-civilnih-z-kijivshchini-v-bilorus-kazali-shcho-ryatuyut-ce-deportaciya-ta-shche-odin-voyenniy-zlochinnosiyann>

6 «Filtration camps in Chechnya»: <http://old.memo.ru/hr/hotpoints/n-caucas/filtry00/filtral2.htm>

7 Hundreds of Chechens Detained in «Filtration Camps». Detainees Face Torture, Extortion, Rape: <https://www.hrw.org/news/2000/02/17/hundreds-chechens-detained-filtration-camps>

those who will be brought there by force⁸. In some publications⁹, these camps were directly called «filtration camps».

After the start of full-scale aggression against Ukraine, the Russian army introduced «filtration measures» at checkpoints in the occupied territory through which people tried to leave the areas of military operations. During the checks, the representatives of the occupation army were looking for those who could be detained. People traveling to the government-controlled territory were checked very meticulously¹⁰.

The most common «filtration» procedure in the occupied territories provides for inspections of houses, cars, personal belongings, seizure of telephones and computer equipment, fingerprinting, taking photos, interviews with Russian military (apparently with the participation of FSB officers) at the checkpoints during departure from a settlement occupied by Russia or in the town or village. After that, a person is sent to specific locations where the so-called filtration camps are set up: there a person may receive a «certificate» about passing the filtration or be detained for a more detailed check.

According to the information of the Permanent Representative of Ukraine to International Organisations in Vienna, as well as according to the report of Yale University researchers with the support of the U.S. Department of State, 21 filtration camps were identified as of August 2022, in particular in the village of Kozatske (Novoazovsky district), in the village of Vasylivka, in Donetsk, in the villages of Makiivka, Buhas (Volnovakha district), Olenivka (Bakhmut district), Olenivka (Volnovakha district)¹¹.

This list is not exhaustive, as filtration processes take place in all settlements occupied by Russia, without exception, as well as at checkpoints. According to the information of the Main Directorate of Intelligence of the Ministry of Defence of Ukraine, people from the occupied town of Rubizhne, Luhansk Region, were taken to Starobilsk, Luhansk, and Sorokyne for filtration, and from captured Popasna to Pervomaisk and Kadiivka, Luhansk Region. There is also data that a filtration camp was set up in the village of Velyka Lepetykha, Kherson Region¹².

The occupying power may take such measures of control and security as may be necessary as a result of the war¹³, but the filtration system implemented by RF is built on numerous violations. According to documented evidence, violations of the

8 «Putins Putsch-Plan für die Ukraine»: <https://www.bild.de/bild-plus/politik/ausland/politik-ausland/volksrada-und-internierungslager-putins-putsch-plan-fuer-die-ukraine-79022546.bild.htm>

9 <https://www.promoteukraine.org/is-russia-planning-filtration-camps-for-ukrainians/>

10 <https://mipl.org.ua/operacziya-filtracziya-cherez-shho-prohodyat-ukrayinczi-yaki-opynylysya-pid-rosijskoyu-okupacziyeyu/>

11 «Mapping the Filtration System in Donetsk Oblast»: <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/filtration-1>

12 <https://mipl.org.ua/event/komanda-mipl-predstavyt-doslidzhennya-shhodo-tak-zvanyh-filtracijnyh-zahodiv-na-okupovanyh-rosiyanamy-terytoriyah-ukrayiny-u-vidni/>

13 Art. 27 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War

right to privacy, unlawful detentions, ill-treatment and torture, and violations of human dignity are committed during non-regulated filtration processes.

For example, in the city of Mariupol even the seams on the clothes of people suspected by the Russian military of having connections with the Azov Regiment were checked. Citizens who tried to leave the territory of military operations are subjected to humiliating procedures by order of the Russian military: they are forced to undress so that the Russian military could examine their tattoos, identify traces that may indicate participation in military operations (mostly this applies to men, but there are also reports on checks of women by Russian male soldiers). During «filtration» people are asked to fill out a questionnaire to indicate the following data: passport series, number, name, acquaintance with representatives of Azov Regiment, Security Service of Ukraine, whether a person or his/her relatives took part in military operations, etc. After that, passports are taken away, fingerprints and palm prints are collected, and photos are taken¹⁴.

According to the testimony of deported Ukrainians, checks (filtration measures) were carried out mainly by local investigators, the police of the so-called «DPR» and Russian border guards, but the harshest interrogations were conducted on the border with RF¹⁵. In Kherson direction, filtration measures are taken by the Russian military and FSB investigators¹⁶.

The second level of filtration is «camps». Although the filtration measures take place throughout the occupied territory of Ukraine, filtration camps are mostly located in the occupied territories of Luhansk and Donetsk regions. The second stage is the main type of filtration, after which a person is either released or detained for further verification. People wait in lines for filtration for many days and weeks. During the inspection, they are subjected to psychological and physical pressure, there are reports of shootings¹⁷.

There are recorded cases of threats to women who had relatives or friends who were military or police officers – they were told that they would be found, and they would receive their men's heads in boxes¹⁸.

14 <https://mipl.org.ua/operacziya-filtracziya-cherez-shho-prohodyat-ukrayinczi-yaki-opynylysya-pid-rosijskoyu-okupacziyeyu/>

15 Testimonies about passing filtration: <https://www.radiosvoboda.org/a/filtracziyni-tabori/31892704.html>, <https://www.facebook.com/donbassrealii/videos/1445701309215538/?t=7>, <https://www.youtube.com/watch?v=MTXQF2dFrGM>

16 Filtration measures are taken by Russian military and FSB investigators: <https://mipl.org.ua/filtracziya-na-xersonshhini-i-v-krimu-kudi-znikayut-ukrainci/>

17 Survey for MIHR analytics: "Filtration" as a series of Russian war crimes: from collection of personal data to torture" (July 2022): "My husband went before me. They checked his documents, took away his passport, told him to step aside, called someone, and gave his personal data over the phone. After the conversation, they said that he would be taken in for questioning. At 00:30, a military officer entered the room, called the husband's name, and ordered him to leave. My husband never came back. His mother tried to find out where he was taken. They replied that no one would tell us that, that he must have been shot immediately. Before my husband had been taken away, he was warned to prepare for torture," Viktoria, the wife of a resident of Mariupol, tells about the village of Bezimenne, Donetsk Region

18 <https://mipl.org.ua/operacziya-filtracziya-cherez-shho-prohodyat-ukrayinczi-yaki-opynylysya-pid-rosijskoyu-okupacziyeyu/>

In Donetsk direction, filtration took place in two stages: primary — in filtration camps in the territory of the so-called «DPR» (the territory of Donetsk Region, occupied by RF before 24 February 2022), secondary — in the territory of RF¹⁹. Forced displacement usually took place through the so-called «filtration camps» located in the cities of Donetsk, Makiivka, Snizhne, Torez (new name: Chystiakove), Shakhtarsk, Khartsyzk, Novoazovsk, Berdyansk and in the villages of Nikolske, Bezimenne, and Yuryivka²⁰.

In Kherson Region, the first stage of «filtration» took place at the main «filtration points» set up in this direction by the Russian military in Chonhar and Armiansk, and later – at «filtration points» in the temporarily occupied territory of Crimea.

In Luhansk Region, «filtration» was carried out in the city and district departments of the so-called «Ministry of Internal Affairs of the LPR», as well as in «filtration camps» in Perevalsk district of Luhansk region, in the premises of former Chornukhyne penal facility No. 23 (a separate floor was intended for «filtration» measures)²¹.

Facts of full-fledged interrogations of people trying to leave the occupied territories were recorded. Such interrogations can last several hours before a further permit to enter the territory of RF. Some Ukrainian citizens were interrogated several times, and the decision on their further fate depended, in particular, on whether a person would correctly answer the questions of the Russian military on their thoughts about the «special military operation.» There are known facts of the use of physical force by the Russian military (physical abuse, beatings), or even electric shocks during «filtration measures»²². There is evidence of deaths during «filtration measures» as a result of the use of physical force by the Russian military, as well as cases of the use of physical force against women²³.

19 Information/testimony about undergoing filtration:
<https://mipl.org.ua/filtraciya-na-xersonshhini-i-v-krimu-kudi-znikayut-ukraïnci/>,
<https://life.pravda.com.ua/society/2022/06/9/249026/>,
<https://youtu.be/MTXQF2dFrGM>

20 «Forced displacement of people takes place through the so-called 'filtration camps' located in the cities of Donetsk, Makiivka, Snizhne, Torez (now Chystiakove), Shakhtarsk, Khartsyzk, Novoazovsk, Berdiansk and the villages of Nikolske, Bezimenne and Yuryivka»:
<http://www.golos.com.ua/article/363857>

21 Filtration camps in Luhansk Region: <https://www.ukrinform.ua/rubric-regions/3475643-denisova-nazvala-misca-roztasuvanna-filtracijnih-taboriv-na-doneccini-i-lugansini.html>,
<https://hromadske.radio/news/2022/03/26/na-okupovaniy-luhanshchyni-takozh-ie-odyn-z-filtratsiynykh-taboriv-rf>

22 Testimonies about the use of physical force and electric shocks torture during filtration:
<https://www.pravda.com.ua/news/2022/06/17/7353025/>,
<https://www.youtube.com/watch?v=IxPwprTTdkY>,
https://bbc.global.ssl.fastly.net/russian/features-61826001?ocid=wsrussian.social.in-app-messaging.telegram..russiantelegram__edit,
<https://mipl.org.ua/filtraciya-na-xersonshhini-i-v-krimu-kudi-znikayut-ukraïnci/>

23 Testimonies about the facts of death and the use of physical force during filtration:
<https://www.bbc.com/ukrainian/features-61824321>,
<https://prm.ua/filtratsiia-po-ordynsky-v-mariupoli-okupanty-vbyvaiut-tsyvilnykh-za-nepravylne-tatuiuvannia-na-tili/>,
<https://ccl.org.ua/news/filtracijni-tabory-dlya-ukrayincziv-cze-bagatorichna-systemna-zlochynna-diyalnist-rf-oleksandra-drik/>

In addition, there are many reports on family separation, when family members were separated from loved ones as a result of «filtration measures». Thus, according to the testimony of a volunteer who helps deported Ukrainians, in most such cases parents are separated from their children on the grounds that they cannot prove that they are a biological father or mother of the child. A child is sent to a state institution, and parents are provided with no information on either the address or the name under which the child was registered. There is no procedure by which parents can prove that these are their children²⁴. There are also cases when children were taken away from their parents during «filtration» because the Russian military «detects and suspects» the parents' involvement in pro-Ukrainian activities²⁵. This happened, in particular, to Viktoria Obidina, a combat medic, who was separated from her four-year-old daughter Alisa during the «filtration» in Manhush in course of the evacuation from the Azovstal steelworks facility²⁶.

There is evidence that Mariupol residents forcibly transferred to the occupied part of Donbas (to Donetsk, Snizhne) are treated most meticulously as, apart from the standard «filtration measures», they are forced to have medical tests. This is allegedly done for clinical examination, mass research. There is evidence from a mother who was deported to RF from Mariupol together with her nine-year-old daughter and 23-year-old son that during their stay in a filtration camp, her son was forced to undergo a medical examination to be further sent to the frontline to fight against Ukraine²⁷. There is also evidence that the Ukrainian citizens forcibly taken from the recently occupied territories were forced to get passports of the so-called «LPR» by threats in «filtration camps»²⁸.

Little is known about what happens to those who fail «filtration». It is known that people who fail the first or second level of «filtration» are sent to pretrial detention centres or prisons in the occupied territory of Ukraine. During the third stage of «filtration», detainees are interrogated and beaten, brutally tortured (electric shocks are used), not given enough food and water (40 people are given 5 litres of water), kept in inhumane unsanitary conditions (40 people were kept in one cell, where 30 people were sleeping and 10 were standing), not given medical assistance, killed²⁹.

There is information from various sources that some detainees who had links with law enforcement agencies, AFU, etc., were sent to a former penal facility in the village of Olenivka and the Izolyatsia prison in Donetsk. There, detainees are

24 «Return from Mordor. How deported Ukrainians are taken out of Russia»: <https://life.pravda.com.ua/society/2022/06/9/249026/>

25 «Russian filtration camps: Five stories of Mariupol residents about torture, interrogations, abduction of children»: <https://www.youtube.com/watch?v=IxPwprTTdkY>

26 <https://novynarnia.com/2022/10/17/obidina-alisa/>

27 «I found a sister from Mariupol on the way to the Arctic Circle, and a second relative in a filtration camp»: <https://freeradio.com.ua/ia-znaishla-sestru-z-mariupolia-u-dorozi-do-poliarnohokola-a-druhu-rodychku-u-filtratsiinomu-tabori-monoloh/>

28 «Denisova: Deported Ukrainians are forced to accept citizenship of 'LPR', otherwise citizens face repression»: <https://hromadske.ua/posts/deportovanih-ukrayinciv-zmushuyut-prijmati-gromadyanstvo-lnr-inakshe-na-gromadyan-chekayut-represiyi-denisova>

29 MIHR survey for the preparation of analysis: "Filtration as a series of Russian war crimes: from collection of personal data to torture" (July, 2022)

subjected to physical violence and threats, they are forced to cooperate, and the «unreliable» ones are tortured³⁰. In the territory of Simferopol city (temporarily occupied territory of Crimea), a separate unit in the pre-trial detention centre No.1 was set aside for the detention of prisoners of war and civilians forcibly transferred from mainland Ukraine to temporarily occupied Crimea³¹.

1.3. ACCOMMODATION IN THE TERRITORY OF RF AND RB. TEMPORARY ACCOMMODATION POINTS FOR UKRAINIANS

In the territory of RB, forcibly deported Ukrainians, mainly from Kyiv and Chernihiv regions, were accommodated in health resorts near the town of Gomel and in a dormitory in the town of Mozyr, where they were «interviewed» and «given advice» on the need for employment or leaving the territory of RB, in particular through Poland.

A much larger number of Ukrainian citizens were deported to the territory of RF. According to numerous testimonies, those who passed «filtration» were given migration cards, put on buses, and taken to Russia. For example, many Mariupol residents were brought to the nearest city in the territory RF — Taganrog³².

Usually, after a short stop in settlements close to the state border of Ukraine (Belgorod, Rostov-on-Don, Taganrog), deportees are taken further inland. Resolution of the Government of the Russian Federation No. 349 dated 12 March 2022, approved³³ the distribution of citizens of RF, Ukraine, so-called «DPR», «LPR», who arrived in the territory of RF in an emergency mass manner, between the federal subjects. The distribution determined that a total of 95,909 people were planned to be accommodated in the subjects of RF and the temporarily occupied territory of the Crimean Peninsula: 11,398 people – in Siberia, 7,218 – in the Far East, and 7,023 – in the North Caucasus, including other regions such as militarised republics of Chechnya, Ingushetia, and Dagestan³⁴.

According to Russian official sources, as of 3 October 2022, 38,000 people stayed in so-called temporary accommodation points (hereinafter referred to as TAPs) in various regions of Russia and the temporarily occupied territory of Crimea³⁵. In June 2022, 559 TAPs were set up. In the summer of 2022, the number of TAPs

30 Testimonies about the use of physical violence against persons who failed filtration: <https://t.me/andriyshTime/818>, <https://t.me/andriyshTime/819>, <https://ukrainer.net/rosiia-deportuie/>

31 <https://www.facebook.com/tamila.tasheva/posts/10159096542076868>, «Russians torturing Ukrainian prisoners in Simferopol pre-trial detention centre»: https://zaxid.net/rosiyani_u_simferopolskomu_sizo_katuyut_ukrayinskih_poloneni_n1542842

32 <https://www.occrp.org/en/37-ccb/ccb/16452-ukrainian-refugees-recall-ordeal-of-forced-deportations-to-russia>

33 <http://publication.pravo.gov.ru/Document/View/0001202203120005?index=0&rangeSize=1>

34 «Putin 'resettling Ukrainians 5,500 miles away in Siberia and far east Russia', report claims»: <https://www.independent.co.uk/news/world/europe/russia-ukraine-resettling-siberia-putin-b2056054.html>

35 <https://plus-one.ru/news/2022/06/02/bolee-16-mln-bezhencev-s-ukrainy-i-iz-donbassa-priehali-v-rossiyu>

dropped as some Ukrainians returned to their abandoned places of residence, in particular to the occupied territory of Ukraine. However, after the beginning of the AFU offensive in Kherson Region in the south of Ukraine and the announcement made by the occupation administration of Kherson Region about the need to evacuate to the left bank of the Dnipro River³⁶, information appeared about the opening of additional TAPs in some regions of RF, in particular, in Karachay-Cherkessia³⁷ of Khanty-Mansi Autonomous Area³⁸. As of 24 October, the number of TAPs reached 807.

Available information indicates that Ukrainian citizens are taken to many regions of RF, in particular, to Astrakhan, Belgorod, Taganrog, Rostov-on-Don, Tolyatti, Tula, Naberezhnye Chelny, Penza, Syktyvkar, Nakhodka, Cheboksary, and are also accommodated in boarding houses Samara, Vladimir regions (town of Kovrov), near Moscow (at the cottages in the village of Zhukovo), Ryazan and other regions. There was also a tendency to deport Ukrainian citizens to distant regions of Russia. On 21 April, 308 residents of Mariupol and residents of the occupied territories of Donetsk Region, including 90 children, pregnant women, the elderly, and people with disabilities, arrived by train from Taganrog in the village of Vrangel (with a population of 18,000). There are 14 TAPs in Primorsky Krai (in the cities of Vladivostok, Nakhodka, Artem, Usuriysk)³⁹.

Apart from the territory of RF, forcibly transferred Ukrainian citizens are settled in the temporarily occupied territory of the Autonomous Republic of Crimea (in the towns of Alushta, Dzhankoy, Yevpatoria, Krasnoperekopsk, Yalta). According to the Russian FSB data, 156,000 Ukrainian citizens, including those from the south of Ukraine, entered the occupied peninsula from March 2022 to May⁴⁰. Some of the forcibly transferred Ukrainian citizens remain in the territory of Donetsk and Luhansk regions occupied before 24 February 2022.

Temporary facilities for the accommodation of deported Ukrainians in RF and the territory of the temporarily occupied Crimean peninsula were mainly located in the premises of old hotels and health resorts, Soviet-type summer camps without proper living conditions. During their stay in TAPs, people are forced to undergo medical examinations, and representatives of Russian state institutions «interview» them (the most common questions: whether they have property damaged by AFU, how they were forced to learn the Ukrainian language, what they think about the Russian Federation). To «integrate» Ukrainians into Russian society as soon as possible and «give» them the status of Russian citizens, Ukrainians are «strongly advised» to receive temporary asylum status (as of August 2022, according to information from Russian sources, a little more than 55,000 people from Ukraine received this status), get a job in the Russian Federation (mainly

36 <https://suspilne.media/297860-okupacijna-vlada-pereselae-ziteliv-hersonsini-z-pravogo-berega-dnipra-na-livij/>

37 <https://ria.ru/20221017/pvr-1824593204.html>

38 <https://www.gorod3466.ru/news/obshchestvo/v-yugre-otkroyut-dopolnitelnye-punkty-vremennogo-razmeshcheniya-dlya-evakuirovannykh-zhiteley-iz-zon/>

39 <https://www.sibreal.org/a/bezhentsev-iz-mariupolya-privezli-v-primore/31837229.html>

40 «To European Union through Crimea and 'DPR'. How southerners flee occupation»: <https://youtu.be/t99USKQ9RbE>

laborers). Parents are forced to register their children to study in Russian schools⁴¹. A separate issue is the legal status of Ukrainian citizens who were taken (deported) to the territory of RF. Like other foreign citizens, they have the right to stay in the territory of RF for a total of 90 days during each 180-day period⁴². At the same time, a Ukrainian citizen, who has found himself/herself in the territory of RF, has the right to apply to an authorised agency of RF to obtain one of two legal statuses — a refugee or a foreign citizen who got asylum.

According to the data of the Russian NGO «Civic Assistance Committee», in the first half of 2022, 53 Ukrainian citizens received refugee status in RF⁴³. At the same time, as of June 2022, according to the procedure established by the legislation of RF, only 55,202 Ukrainian citizens received asylum in RF, which became the reason for statements by Tatyana Moskalkova, Commissioner for Human Rights in the Russian Federation, about the need to ask the Ministry of Internal Affairs and the FSB to identify the reasons for such a «scanty» number of persons who received the status compared to the number of Ukrainian citizens transferred to the territory of RF after the start of full-scale aggression against Ukraine⁴⁴.

It is important to note that both in the case of receiving refugee status and in the case of receiving asylum in the Russian Federation, pursuant to the article of Federal Law of RF «On Refugees» No. 4528-1 dated 19 February 1993 (revised on 14 July 2022), there is a requirement to submit national identity documents (passport, other documents) for storage at a territorial executive internal affairs agency. This norm does not apply to citizens of the so-called «DPR» and «LPR», as well as to Ukrainian citizens who applied for asylum seeker status in RF, starting July 2022⁴⁵.

In addition to the special statuses of foreign citizens, it is important to speak about the significant simplification of obtaining Russian citizenship by Ukrainian citizens. The foundations of such a policy of RF were laid from the beginning of Russia's occupation of part of the territory of Ukraine in 2014. Later, on 24 April 2019, the Decree of the President of RF was adopted, simplifying the procedure for obtaining citizenship by residents of the self-proclaimed «LPR/DPR»⁴⁶. Already after the beginning of the full-scale aggression against Ukraine, this decree was amended at least twice. Initially, in May 2022, residents of Kherson and Zaporizhia regions were added to the categories of persons who can obtain Russian citizenship in an

41 Testimonies about conditions in temporary accommodation points for deported Ukrainians in the Russian Federation: <https://www.slidstvo.info/warnews/rozpovidi-deportovanyh-ukrayintsiv-pro-prymusove-vyvezennya-do-rosiyi/>, <https://www.bbc.com/ukrainian/features-62316233>

42 Federal law 25 July 2002 No. 115-FZ (revised 14 July 2022) «On legal status of foreign citizens in the Russian Federation»

43 <https://www.asi.org.ru/news/2022/09/19/za-pervye-shest-mesyaczev-2022-goda-oficijalno-priznali-bezhenczami-tolko-tri-cheloveka/>

44 <https://www.rbc.ru/society/24/06/2022/62b575e19a794780eac80fa8>

45 Federal law «On amending Art. 12 of the Federal Law 'On Refugees' of 14 July 2022 No. 342-FZ

46 Decree of President of RF of 24 March 2019 No. 183: <http://www.kremlin.ru/acts/bank/44190>

expedited manner⁴⁷. In July, the new amendments allowed all Ukrainian citizens to acquire Russian citizenship in an expedited manner⁴⁸.

Currently, it is not known how many Ukrainian citizens, who were forcibly displaced (deported) to the territory of RF, decided to obtain Russian citizenship. However, according to the information of the Russian NGO «Civic Assistance Committee», in the first half of 2022, the number of people who received Russian citizenship through the Ministry of Internal Affairs decreased by 20%, and the sharpest drop was observed among the Ukrainian citizens: the number of those who received Russian citizenship decreased by 43%⁴⁹.

1.4. DEPORTATION OF CHILDREN

A particularly acute problem is the deportation of Ukrainian children to the territory of RF, namely the children with a particular «status» (children deprived of guardianship and parental care, orphans, and children who are actually deprived of parental care as their parents were killed already after the beginning of the full-scale war on 24 February 2022).

According to the Children of War platform data⁵⁰, created by the Ministry of Re-integration together with the National Information Bureau on behalf of the Office of the President of Ukraine, 9,441 children are considered deported. At the same time, according to the Prosecutor General's Office, more than 7,000 Ukrainian children were deported to the non-government-controlled territory of Ukraine, the territory of the aggressor state, and the territory of RB as of 19 September 2022⁵¹. This figure is based on data, including reports on missing children filed by relatives/guardians/custodians, heads of children's institutions, etc. So far, 5,327 such children have been identified.

However, these figures may not reflect the real numbers of children forcibly transferred since active military operations are currently underway and part of the territory of Ukraine is temporarily occupied. In addition, Russia deliberately prevents access to information related to the so-called «evacuation» processes. Such obstacles are created both for the competent agencies of Ukraine and international organisations (for example, UNICEF, ICRC) and representatives of civil society. Deported children can be conditionally divided into several categories:

- Children who were taken to the territory of RF with legal representatives (parents, close relatives, guardians, etc.)

47 Decree of President of RF of 25 May 2022 No. 304: <http://publication.pravo.gov.ru/Document/View/0001202205250004>

48 Decree of President of RF of 11 July 2022 No. 440: <http://publication.pravo.gov.ru/Document/View/0001202207110002>

49 <https://www.asi.org.ru/news/2022/09/19/za-pervye-shest-mesyaczev-2022-goda-oficialno-priznali-bezhenczami-tolko-tri-cheloveka/>

50 <https://childrenofwar.gov.ua/>

51 Interview of Prosecutor General Andriy Kostin of 19 September 2022 (from 20:36): <https://youtu.be/PhdxISFXSpo>

- Orphans and children deprived of parental care who had the relevant status before the start of the full-scale invasion
- Children with disabilities who have legal representatives and stayed in 24-hour supervision facilities as of 24 February 2022
- Orphans and children deprived of parental care, who acquired this status in connection with the actions of RF: their parents were killed or failed «filtration», or were separated from the children due to the lack of documents confirming paternity.

There are some testimonies regarding the displacement of children, namely those with a particular «status» (children deprived of guardianship and parental care, orphans) and children who are actually deprived of parental care as their parents were killed already after the beginning of the full-scale war on 24 February 2022. Children are being taken en masse from orphanages and healthcare institutions where they underwent treatment or rehabilitation without their parents (in particular, from the territory of «DPR», where Ukrainian orphans had been taken earlier)⁵².

Back in April 2022, Maria Lvova-Belova, Russian presidential commissioner for children's rights, stated that «we have in our territory» 1,700 children from «Donetsk and Luhansk republics», most of whom are «children from facilities.» And Larisa Falkovskaya, the director of the department for state policy on protection of children's rights at the Ministry of Education of the Russian Federation, said in April, with reference to guardianship authorities, that 2,161 children had been brought to Russia. According to Falkovskaya, 100 of them had been transferred from «liberated territories of Ukraine» and would soon be handed over to foster families in Moscow city and Tula, Kaluga, and Voronezh regions⁵³.

As of the beginning of May 2022, more than 2,000 orphans, children without particular status, and children deprived of parental care were taken to Russia from residential care facilities and orphanages in the occupied parts of Luhansk and Donetsk regions alone. Some of them were taken to Moscow region, others – to Leningrad, Omsk, and Vladimir regions, and some were already being prepared for adoption⁵⁴.

As of July 2022, according to the Ukrainian Parliament Commissioner for Human Rights, 108 Ukrainian children deprived of parental care were illegally taken from Donetsk Region to the Russian Federation. Children aged 5 to 16 are «accommodated» in the foster families of Russian citizens⁵⁵. In particular, on 14 July 2022,

52 Testimonies about the transfer of children with "status" and children actually deprived of parental care due to the death of parents after a full-scale invasion to RF: <https://www.bbc.com/ukrainian/features-62164267>, <https://youtu.be/U8TiZumL-Pc>

53 Data from the Russian authorities on children from "Donetsk and Luhansk republics": <https://www.bbc.com/ukrainian/features-62164267>

54 Information as of May on the number of children taken from residential care facilities and orphanages in occupied parts of Luhansk and Donetsk regions to Russia : <https://www.radiosvoboda.org/a/novyny-pryazovya-deportatsiya-ditey-mariupol-rosiya-usynovlennya-putin/31877450.html>, <https://youtu.be/X002egYntvQ>

55 Information on transfer of 108 Ukrainian children deprived of parental care aged 5 to 16 "accommodated" in foster families of Russian citizens: <https://interfax.com.ua/news/general/847142.html>

32 children were transferred to Russian families in Moscow city, Moscow, Voronezh, Kaluga, and Tula regions, as well as in Yamalo-Nenets Autonomous Okrug. Thirteen children were taken to Russia from Donetsk, Shakhtarsk, and Makiivka, another 19 were deported to the Russian Federation earlier. Before «distributing» children to different regions of the Russian Federation, they are brought to Moscow to meet with «foster parents», and to speed up the «process of adoption» Ukrainian orphans started receiving Russian citizenship under a simplified procedure.

In particular, in mid-July, Ukrainian children deprived of parental care were transported from temporarily occupied Donetsk to Moscow region via Kursk and Rostov. All of them are brothers and sisters who had previously lived in the Donetsk orphanage. Currently, their adoption by the families of Russian citizens is planned⁵⁶. There is also information on the deportation of 13 children aged 6 to 12 from the Kupyansk residential care facility. Although the children have parents or guardians, the occupiers took them to the occupied town of Svatove (Luhansk Region) without their knowledge. The Russian side itself confirms that these Ukrainian children have parents or guardians in Ukraine but does not provide information about what will happen to these children in the future⁵⁷.

Children who were taken to remote regions of Russia could sometimes be on the road for about a week. As a result of the analysis of open sources, it was possible to establish that they were deported to at least 57 regions of the Russian Federation, in particular, to Omsk Region, Dagestan and Sakhalin⁵⁸, which limits the children's ability to communicate with Ukrainian relatives, and also negatively affects their physical condition (due to a significant difference in climatic conditions) and morale.

In Russia, children are settled in hotels, children's camps, recreation centers, health resorts, and shelters. The conditions there are similar to those typical for «cheap hostels»⁵⁹. Children of school age are automatically enrolled in Russian educational institutions and study according to existing Russian curricula⁶⁰. It is recorded that during the walks, students listen to the Russian national anthem, and Russian flags are used in organised events⁶¹.

56 Data on transfer of Ukrainian children deprived of parental care from the territory of occupied Donetsk to Moscow region: <https://zn.ua/ukr/international/okupovani-navishcho-rosija-primusovo-pereseljaje-ukrajinskikh-ditej-ta-jak-iz-tsim-boretsja-ukrajina.html>, <https://www.facebook.com/dmytro.lubinets/posts/2845387925768982>, <https://www.slovoidilo.ua/2022/08/08/novyna/suspilstvo/rosiany-hotuyutsya-vyvezty-ditej-syrit-luhanshhyny-rf-hajdaj>

57 Data on transfer of children who have parents or guardians from the Kupyansk residential care facility: https://t.me/Pravda_Gerashchenko/41965, <https://svatove.city/articles/236822/vikradenih-z-harkivschini-ditej-okupanti-shovali-v-shkoli-internati-svatovogo-navischo>, <https://kh.vgorode.ua/ukr/news/sobytyia/a1219503-okupanti-vikrali-ditej-iz-kupjanska-volonter>

58 <https://spravdi.gov.ua/dopomoga-vykradenym-syrotam-yak-rosiya-vsnyovlyuye-ditej-z-ukrayiny/>

59 <https://freeradio.com.ua/ru/kuda-pryvezly-jevakuyrovannykh-yz-dnr-lnr-y-v-kakykh-uslovyakh-ony-budut-zhyt-foto-vydeo/>

60 <https://yamal-media.ru/narrative/my-edem-na-ekskursiju-kak-evakuirujut-ditej-sirot-iz-luganska-i-donetska>

61 Ibid.

In the first months of the full-scale invasion, RF deported Ukrainian children mainly under the pretext of «evacuation», but during the summer and at the beginning of September 2022, the list of grounds for deportation was supplemented by «vacations in camps». After these «vacations» end, children are forcibly held in the territory of RF for an indefinite period «for education purposes» and «for security reasons»⁶². On 28 August 2022, it was documented that 20 children (seven from Strilecha, Kharkiv Region, another 13 from Kozacha Lopan, Kharkiv Region) were taken to the Medvezhonok children's camp in the village of Kabardinka, between Gelendzhik and Novorossiysk. In total, it is known that at least 503 children were taken from Kharkiv Region to Russia's Krasnodar Krai⁶³. On 22 September, the Kuban 24 state media outlet reported that 223 children from Kharkiv Region were enrolled in primary classes of School No. 7 in Gelendzhik⁶⁴.

Children were also taken to summer camps in the territory of the temporarily occupied Crimean peninsula: mainly to Yevpatoria, Yalta, and Feodosia. Open sources reveal that at least 6,000 children were displaced in this way⁶⁵. In total, the occupying power plans to accommodate up to 5,000 Ukrainian children from Kherson Region in Crimea⁶⁶. «Deputy Education Minister of Kherson Region» Tetiana Kuzmich said that children will be given optional Russian language and history classes during «vacations»⁶⁷.

According to Russian channels official data, in April, the families from Moscow Region took temporary care of 27 children from Donbas. The children's accommodation project was personally supervised by Moscow Region governor Andrey Vorobyov. Maria Lvova-Belova stated that those 27 children had been living in facilities for years, without blood relatives. However, in an interview with 360 TV channel, two boys, 8 and 9, whose temporary guardians were already waiting on the platform, told a journalist that they had a grandmother in Mariupol, thus confirming that they had blood relatives in Ukraine. In July 2022, those 27 Ukrainian children received Russian citizenship⁶⁸.

According to BBC data (with reference to reports from RF's official), more than 100 children have already been settled in foster families, and this process is ongoing⁶⁹.

62 <https://www.pravda.com.ua/news/2022/10/24/7373226/>,
https://24tv.ua/rosiyani-ne-povertayut-batkam-ditey-yakih-zabrali-litni-tabori_n2164313

63 <https://graty.me/uk/navishho-vam-chuzhi-diti-pislya-deokupaczi%D1%97-harkivshhini-batki-ne-mozhut-povernuti-ditej-yakih-vivezli-u-rosiyu-na-litnij-vidpochinok/>

64 <https://kuban24.tv/item/v-gelendzhike-deti-iz-harkovskoj-oblasti-nachali-obuchenie-po-shkolnoj-programme>

65 <https://glava.rk.gov.ru/ru/article/show/5610>

66 Ibid.

67 <https://most.ks.ua/news/url/z-hersonskoj-oblasti-okupanti-hochut-vivezti-v-serednju-smugu-rosiji-400-ditej/>

68 Data from the Russian authorities on the acquisition of Russian citizenship by 27 Ukrainian children: <https://life.nv.ua/ukr/kids/poryatunok-ditey-z-mariupolya-yak-vihovanci-simeynogo-ditbudinku-uniknuli-deportaciji-vvs-50257715.html>,
<https://www.radiosvoboda.org/a/novyny-pryzovyya-deportatsiya-ditey-mariupol-rosiya-usynovleniya-putin/31877450.html>,
<https://www.rbc.ua/ukr/news/zachem-rossiyane-vyvozyat-detey-ukrainy-zhdet-1662576294.html>

69 BBC data (with reference to the information from the official authorities of RF) on more than 100 Ukrainian children given to foster families in RF: <https://www.bbc.com/ukrainian/features-62391181>

According to the data of NGO «Regional Centre for Human Rights», collected while monitoring the official Internet resources of RF and calculated using the cross-calculation method, 386 deported Ukrainian children were handed over to Russian foster families as of the end of October 2022. These are children taken out of so-called «DPR» and «LPR» and the territories that Russia captured after 24 February. Initially, the form of such displacement was temporary guardianship as the adoption of children without Russian citizenship is not provided for⁷⁰ according to Art. 165 of the Family Code of the Russian Federation. Therefore, during a meeting with Russian President Vladimir Putin on 9 March 2022, children's ombudsman Maria Lvova-Belova complained that children cannot be adopted due to national legislative barriers because they do not have Russian citizenship. Putin promised to eliminate this gap⁷¹. On 25 May 2022, he signed a decree on the expedited Russian citizenship procedure for Ukrainian citizens⁷². On 30 September 2022, following the illegal annexation of the temporarily occupied territories of Donetsk, Luhansk, Zaporizhzhia, and Kherson regions, Putin signed the laws recognising the Ukrainian citizens living in these territories as the citizens of the Russian Federation⁷³. Thus, as a result of the forced imposition of Russian citizenship, RF actually abolished any legislative restrictions related to the special procedure for handing over Ukrainian children to the families of Russian citizens, in particular, the obligation to obtain consent from a competent agency of Ukraine⁷⁴. Maria Lvova-Belova herself already «adopted» a Ukrainian child kidnapped from Mariupol⁷⁵.

To «simplify» the procedure for transporting children with a particular «status» and handing them over for adoption, the Russian authorities apply, among other things, procedures for imposing Russian citizenship. In particular, in June, Kirill Stremousov, Russian-installed head of the administration of the occupied Kherson Region, stated that orphans in Kherson city already received Russian citizenship, while children born in Kherson Region after 24 February would be given Russian citizenship automatically⁷⁶. There were similar cases in Mariupol, where a child was issued a birth certificate of the so-called «DPR». There is evidence that the

70 The Family Code of RF of 29 December 1995 N 223-FZ (revised 04 August 2022) (with revisions and amendments, entered into force on 01 September 2022 [E-resource]. – Available at: http://www.consultant.ru/document/cons_docLAW_8982/6c7251863efcdea3b278974abc135b3719d663c8/

71 <http://kremlin.ru/events/president/news/67949>

72 Decree of the President of RF dated 25 May 2022 No. 304 "On Amendments to Decree of the President of RF dated 24 April 2019 No. 183 "On defining categories of persons who have the right to apply for citizenship of the Russian Federation under simplified procedure for humanitarian purposes" [E-resource]. – Available at: <http://publication.pravo.gov.ru/Document/View/0001202205250004>

73 Official website of the State Duma of the Federal Assembly of the Russian Federation [E-resource]. – Available at: <http://duma.gov.ru/news/55420/>

74 Convention on legal assistance and legal relations in civil, family and criminal cases : https://zakon.rada.gov.ua/laws/show/997_009#Text

75 <https://russian.rt.com/russia/news/1066140-detskii-ombudsmen-mariya-lvova-belova-priemniy>

76 Information on passportization of orphans from Kherson city: <https://mind.ua/news/20243207-dityam-yaki-narodilisya-na-hersonshchini-pislya-24-lyutogo-avtomatichno-dadut-rosijske-gromadyanstvo> <https://tass.ru/mezhdunarodnaya-panorama/14924159>

occupying power in Mariupol deprives children of any citizenship at all to take them to RF without hindrance⁷⁷.

It is known that RF uses forcibly deported Ukrainian children for anti-Ukrainian propaganda⁷⁸.

There is information that «volunteers» already work in the territory of occupied Donetsk to facilitate the «transportation» of children from Ukraine, collecting information for a «register» of parents who would like to adopt a child from Ukraine⁷⁹. Moreover, as of 5 September 2022, there is information about the deportation of children deprived of parental care from Kherson Region (four children aged from 11 months to two years) to Moscow allegedly for treatment purposes. Two children have already been taken away by unidentified people in an unknown direction⁸⁰.

Returning such children from RF to the territory of Ukraine is an extremely difficult and lengthy process. First and foremost, it is actually impossible to establish the information about these children after the so-called «passportisation» and adoption (guardianship) of Ukrainian children (the Russians deliberately change and destroy their personal data so that they cannot be established).

In Ukraine, the National Information Bureau records data on the displacement of children. According to the Bureau, 96 deported children were returned to Ukraine⁸¹.

77 Occupation authorities in Mariupol deprive children of any citizenship to take them to the territory of RF without hindrance: <https://donbas24.news/news/u-mariupoli-ta-xersoni-dityam-vidayut-rosiiske-gromadyanstvo-shho-robiti-batkam>

78 Use of deported Ukrainian children by Russian propaganda: <https://www.kmu.gov.ua/news/irina-vereshchuk-shukayemo-ta-povertayemo-ukrayinskih-ditej-yakih-primusovo-vivezli-okupanti>

79 Information on the creation of "register" of parents in the territory of occupied Donetsk who would like to adopt a child from Ukraine: <https://www.radiosvoboda.org/a/novyny-pryazovya-deportatsiya-ditey-mariupol-rosiya-usynovlennya-putin/31877450.html>

80 Forced deportation of orphans from Kherson Region: <https://www.facebook.com/khersonpolice.official/posts/pfbid02uiZgbzrvmg5a3YKND2xJJ3p5xNG2XyMphM3LqM1jh9GgrK7hai8oiHDCiCVUrZn6l>

81 Number of verified 5,909 children who were forcibly deported to the territory of RF and returned to Ukraine as of September 20: <https://childrenofwar.gov.ua>

2 LEGAL DEFINITION AND POLITICAL ASSESSMENT

2.1. DISTINGUISHING THE CONCEPTS OF «EVACUATION», «FORCIBLE TRANSFER», «DEPORTATION»

Forced displacement of Ukrainian citizens from the occupied territories continues to be referred to as «evacuation» in Russian public communications. However, based on the analysis of Part 2 of Art. 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, evacuation means a total or partial displacement of people from a given area if the security of the population or imperative military reasons so demand. Evacuation is only one of the ways to protect the civilian population, which can be used only in two clearly defined cases:

1. it is necessary to guarantee the security of civilian population
2. or caused by imperative military reasons

Although displacement of persons on humanitarian grounds may be justified in certain situations, the basis for such displacement is not sufficient if the humanitarian crisis that caused the displacement of persons is in itself the result of wrongful acts by the perpetrator⁸².

In addition, evacuation cannot be a forced process, it must be a completely voluntary choice⁸³. Evacuation cannot be used as a strategy of warfare, in particular, to achieve military advantage, and civilians who refuse to evacuate retain their protected status and cannot be subjected to any restrictions or direct attacks⁸⁴.

Evacuation should be distinguished from deportation or forcible transfer of population, i.e., forced displacement of the persons by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law⁸⁵.

Depending on where a person is displaced to, it is necessary to distinguish between **deportation** (forced displacement of civilians from the territory of their residence to the territory of the occupying power or another state) and **forcible transfer** (forced displacement of civilians from the territory of their residence to another territory within the state of their citizenship). Coercion in this case

82 ICTY, The Prosecutor v. Radovan Karadžić, Public Redacted Version of Judgement Issued on 24 March 2016, para. 492.

83 Blagojevic & Jokic Trial Judgment 17 January 2005: https://www.icty.org/x/cases/blagojevic_jokic/tjug/en/bla-050117e.pdf

84 Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Commentary of 1958

85 Rome Statute of the International Criminal Court: [https://www.un.org/ru/law/icc/rome_statute\(r\).pdf](https://www.un.org/ru/law/icc/rome_statute(r).pdf)

involves not only physical influence, but also the threat of violence, persecution, detention, psychological oppression, abuse of power, and deliberate creation of an environment of danger by a party to armed conflict⁸⁶. The forcible nature of displacement is, in fact, determined by the lack of real choice of those affected by the process. Accordingly, a person's consent to displacement, or even a request for such displacement, must be given voluntarily, based on a person's free will, which is evaluated taking into account all the circumstances of each specific case of displacement⁸⁷. That is, the consent of an affected person to be displaced does not make such displacement automatically lawful since the circumstances of such displacement may devalue consent if it was obtained in conditions of terror and violence⁸⁸. Creating conditions in which individuals fear violence, coercion, detention, psychological oppression, destruction of buildings in residential areas⁸⁹ is the creation of an atmosphere in which there is no other choice but to leave the location. Creating such an atmosphere is forced displacement⁹⁰.

Although RF claims that Ukrainians leave for its territory voluntarily and Russia saves Ukrainians by evacuating them to safe places⁹¹, Ukrainian citizens are subjected to psychological oppression, deceived, limited in access to comprehensive information, or are forced to choose a path to other occupied territories or to Russia as a result of other criminal actions. Examples of such criminal actions are listed below:

1. Occupiers stopped people at checkpoints and directed them towards the occupied territories/Russia
2. Occupying power provided evacuation transport only in the direction of Russia, claiming that there was no alternative
3. Occupiers directed evacuation buses, which had to go to the Ukrainian government-controlled territory, towards Russia or other occupied territories, preventing civilians from leaving the vehicles
4. Occupiers convinced Ukrainians under occupation that the fact of being under occupation would be a reason for prosecution by the Ukrainian authorities/armed forces if they did not leave⁹²
5. Occupiers threatened to use physical violence

86 Krstić Trial Judgement 02 August 2001: <https://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf>

87 ICTY, The Prosecutor v. Radovan Karadžić, Public Redacted Version of Judgement Issued on 24 March 2016, para. 488-490

88 ICTY, Prosecutor v. Jadranko Prlić, Case No. IT-04-74-T, Judgement (TC), 29 May 2013, paras. 50-51

89 ICC, Prosecutor v. Muthaura, Kenyatta and Ali, «Decision on confirmation of charges», ICC-01/09-02/11, 23 January 2012, para. 244

90 ICTY, Prosecutor v. Jovica Stanišić and Franko Simatović, Case No. IT-03-69-T, Judgement (TC), 30 May 2013, paras. 992-993

91 «More than 7,500 people evacuated from Ukraine, DPR, LPR to Russia per day»: <https://www.interfax.ru/russia/845948> <https://www.interfax.ru/world/846957>

92 <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

6. Occupiers created conditions under which people had no other choice but to leave for the territory of RF⁹³ (aimed attacks on civilian neighbourhoods and infrastructure; depriving people living in the war zone or in the occupied areas of housing, freedom of movement, access to gas, electricity, water supply; destruction of healthcare infrastructure)
7. Occupiers attack humanitarian corridors towards Ukrainian government-controlled territory⁹⁴
8. Occupiers did not allow civilians to leave for Ukrainian government-controlled territory, created unreasonable queues in which thousands of people wait for days in unsuitable conditions⁹⁵

The actions of RF do not meet the requirements of evacuation both in terms of the reasons and the organisation of the process, while the deliberate substitution of «evacuation» and «deportation» concepts testifies to RF's attempt to relieve itself of the responsibility for the forced deportation of the Ukrainian population.

2.2. DEPORTATION OR FORCIBLE TRANSFER AS INTERNATIONAL CRIME

Art. 49 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and Art. 85 of Additional Protocol I to the Geneva Conventions directly prohibit individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, regardless of the motive.

The only exception is evacuation, which can only be carried out on one of the two grounds provided for in Art. 49, and may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased, and the right of such persons to leave the territory, if the departure is not contrary to the national interests of the state, shall not be restricted⁹⁶.

Therefore, RF violates by its actions a series of norms of international humanitarian law on the voluntariness of evacuation and the areas of such evacuation.

The documented facts also allow the conclusion that the requirements for the conditions of evacuation were violated as evacuees shall be provided with proper conditions. The state is obliged to arrange places of stay with satisfactory conditions of hygiene, nutrition and not to separate members of the same family.

93 Report on violations of international humanitarian and human rights law, war crimes and crimes against humanity, OSCE: https://www.osce.org/files/f/documents/8/b/523811_0.pdf

94 <https://suspilne.media/287047-vranci-rosijski-vijskovi-zavdali-raketnih-udariv-pokolicalah-zaporizza/>

95 <https://zmina.info/articles/doroga-na-vyzhyvannya-yak-ukrayinczi-z-okupovanogo-pivdnya-peretynayut-vasylivku-shhob-vyrvatysya-na-svobodu/>

96 Art. 35 of the Convention relative to the Protection of Civilian Persons in Time of War: https://zakon.rada.gov.ua/laws/show/995_154#Text

The accommodation of Ukrainian citizens forcibly displaced to remote parts of RF also runs counter to one of the main principles of evacuation: evacuation is temporary. When imperative military reasons cease, transferred persons must not be prevented from returning home, and the occupying power that has deported the civilian population to its territory must not restrict a person's right to leave it at any time.

The actions of RF also have signs of deportation and forcible transfer qualified as an international crime under Art. 8(2)(a)(vii) or 8(2)(b)(viii) of the Rome Statute of the International Criminal Court.

Among the contextual elements of the war crime taking place, it is important to consider the following:

- International armed conflict between RF and Ukraine and the occupation of part of the latter's territories, as well as the fact the crime is committed precisely in the conditions of and in connection with the armed conflict.
- Armed forces of RF encroach on the rights of persons protected by international humanitarian law (civilian population of occupied territories, prisoners of war, etc.).
- Perpetrators of the crime are aware of the actual circumstances of the existence of the armed conflict with Ukraine.

If there is an element of widespread or systematic attack directed against civilian population, **deportation and forcible transfer may qualify as a crime against humanity** under Article 7(d) of the Rome Statute.

According to the national criminal legislation of Ukraine, the actions of RF regarding the deportation of Ukrainian citizens can be qualified under Art. 438 of the Criminal Code of Ukraine (violation of the laws and customs of war). Such an international crime as deportation is currently not directly enshrined in the provisions of Art. 438 of the Criminal Code of Ukraine. The qualification of these actions as a violation of the laws and customs of war requires an additional indication of the article of the international treaty ratified by Ukraine, where such a violation is spelled out, as this is required by the blanket nature of this article of the Code.

2.2. LEGAL DEFINITION OF THE DEPORTATION OF CHILDREN FROM THE TERRITORY OF UKRAINE

Particular attention needs to be paid to the evidence regarding the displacement of children, in particular, children deprived of guardianship and parental care, orphans and children who are actually deprived of parental care as their parents were killed after the beginning of the full-scale war on 24 February 2022.

Forcible transfer or deportation of children has signs of violation of the provisions of the UN Convention on the Rights of the Child⁹⁷, in particular, articles 8 and 21, which establish the obligation of states to respect the right of the child to preserve his or her identity, including nationality, name and family relations without unlawful interference, and the duty of the state to ensure that the adoption of a child is authorised only by competent authorities who determine that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that the persons concerned have given their informed consent to the adoption.

International humanitarian law provides for special protection of children, and the occupying power is obliged to ensure this protection. Art. 50 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War prohibits the occupying power under any circumstances from changing the personal status of children or enlisting them in formations or organisations subordinate to it and obliges the occupying power to take all necessary steps to facilitate the identification of children and the registration of their parentage. Art. 78 of Additional Protocol I establishes a direct ban on the transfer of children to a foreign country except for compelling reasons of the health or medical treatment of the children. At the same time, it is emphasised that such an evacuation must be temporary.

In the course of such an evacuation, the state must make every effort to find the child's relatives or guardians and obtain their written consent. If these persons cannot be found, the written consent to such evacuation of the persons who by law or custom are primarily responsible for the care of the children is required.

Given that evacuation must be temporary, the state carrying out such evacuation must do everything possible to facilitate the subsequent return of these children to their families. Displacement of children is generally permitted only with the participation of the child's State of nationality, and to facilitate the return of a child to the State of nationality, a comprehensive information card for each child who was evacuated must be sent to the Central Tracing Agency of the International Committee of the Red Cross. Russia does not fulfill any of these conditions.

It is important to take into account that Art. 78 of Additional Protocol I prohibits any state to displace children, other than its own nationals, without a compelling reason even with the permission of the responsible persons. It is also prohibited to obtain such permission with the use of coercion against persons responsible for children. Any reference to the wishes or consent of the children themselves to such displacement has no impact on the definition in any way, because children, by virtue of their status, are not capable of giving such consent.

The displacement of children carried out by RF violates all requirements established by the norms of international humanitarian law as the only compelling reason for such evacuation is absent and Russia does not fulfill the requirements for obtaining permits from responsible persons, notifying the state of citizenship, and

97 UN Convention on the Rights of the Child: https://zakon.rada.gov.ua/laws/show/995_021#Text

providing information about children necessary for their return. Such actions have the signs of the crime of deportation and forcible transfer.

The actions of RF also have signs of genocide under Article 6 i (e) of the Rome Statute. The elements of this crime include:

1. Forcible transfer of one or more persons
2. Such persons belong to a certain national, ethnic, racial or religious group
3. Purpose is to destroy, in whole or in part, such national, ethnic, racial or religious group
4. Individuals were transferred from one group to another
5. Such persons have not reached the age of 18
6. These actions were committed in the context of the clear practice of similar actions aimed at the destruction of such a group or constituted such destruction by themselves⁹⁸

The Rome Statute and the Convention on the Prevention and Punishment of the Crime of Genocide do not provide for a period of time during which children are transferred from one group to another for such acts to constitute genocide. The main condition is the mental element of the intention to destroy the group in whole or in part through such transfer of children. Taking into account that Ukrainian children are given for adoption to Russian citizens, in particular, even if children have relatives in Ukraine, that the procedure for such adoption by Russian citizens was simplified, Russian citizenship is imposed on such children, and «re-education»⁹⁹ measures are taken to impose Russian language and culture on children, the actions of the Russian authorities are aimed at ultimately transferring such children, destroying their connection with the group, and depriving them of the possibility to return to Ukraine. Such actions are also aimed at stopping the reproduction of a whole generation of representatives of the Ukrainian national group and turning children into enemies of their nation.

Therefore, given its harmful influence and ultimate goal, the deportation of Ukrainian children to RF, as well as to the territory of Crimea temporarily occupied by RF, where the national identity of minors is gradually eradicated through forced Russification, propaganda in mass media, «educational» conversations with representatives of the Russian Orthodox Church of the Moscow Patriarchate, the imposition of cultural patterns and traditions, can be equated to the crime of genocide in the form of the forcible transfer of children from one protected group to another. In 2015, the Truth and Reconciliation Commission of Canada recognised the similar actions of the government and the Catholic Church towards minors who belong to the group of indigenous people, committed from the end of the 19th century to the 1970s of the 20th century, as «cultural genocide».

98 International Criminal Court, Elements of Crimes, 2013

99 https://www.oprf.ru/live_stream/1326

2.4. DUE LEGAL ANALYSIS, INVESTIGATION BY NATIONAL LAW ENFORCEMENT AGENCIES

Taking into account the fact that forcible transfer or deportation of the population by the occupation authorities of RF can be qualified as a crime against humanity and/or a war crime in accordance with the Rome Statute of the International Criminal Court, the law enforcement authorities of Ukraine initiated relevant criminal proceedings over the forced displacement of Ukrainian citizens outside the territory of Ukraine and, together with a number of human rights organisations, document such violations to submit this information to the Prosecutor of the International Criminal Court and subsequently bring the highest political and military leadership of the Russian Federation to justice. At the same time, it is worth taking into account the limitations of the qualification under the national legislation of Ukraine as the Criminal Code does not stipulate crimes against humanity, and the only possible qualification under the national legislation is Art. 438 of the Criminal Code («Violation of the laws and customs of war») and the analysis of the facts as violations of the laws and customs of war.

As of June, more than 20 criminal proceedings over the forced displacement of people to the territory of RF and RB were investigated in Ukraine¹⁰⁰.

In particular, as part of the investigation into criminal proceedings over violation of the laws and customs of war (Part 1 of Art. 438 of the Criminal Code of Ukraine), the Donetsk Regional Prosecutor's Office established that on 16 February 2022, in the context of the current international armed conflict, the criminal leadership of the occupation administration of RF made a decision on the forced displacement of the residents of the territory of Donetsk region temporarily not controlled by the Ukrainian authorities to the aggressor state in the absence of real danger to the population and imperative military reasons¹⁰¹.

According to the data provided by the head of the Donetsk Regional Prosecutor's Office, as of 31 August, a pre-trial investigation was conducted under the procedural guidance of the Donetsk Regional Prosecutor's Office into nine criminal proceedings over the forced displacement of residents from temporarily occupied cities, in particular Mariupol, to the territory of RF and the so-called «DPR». It was possible to establish data on more than 7,000 people who were forcibly transferred and deported both directly to the temporarily occupied territories of Donetsk region and RF. Since the beginning of the aggression, a pre-trial investigation into three criminal proceedings over the forced deportation of 273 children to RF was carried out (submitted to the Prosecutor General's Office)¹⁰².

The criminal proceedings were also opened over the forcible transfer (deportation) under the procedural guidance of the Luhansk and Kherson regional pros-

100 «Ukraine investigating more than 20 criminal proceedings over forced displacement of persons to Russia and Belarus»: <https://www.ukrinform.ua/rubric-ato/3499782-v-ukraini-vidkrili-20-sprav-cerez-deportaciu-ludej-do-rosii-ta-bilorusi-venediktova.html>

101 https://don.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=313101&fp=190

102 «Head of the Donetsk Regional Prosecutor's Office Pavlo Uhrovetzkyi: 'We document invaders' crimes from the very beginning of Russian armed aggression in 2014»: <http://www.golos.com.ua/article/363857>

ecutor's offices. The Prosecutor's Office of the Republic of Crimea and the city of Sevastopol has an extensive practice of documenting and investigating the facts of forced deportation and changes in the demographic composition of the Crimean Peninsula from 2016 to 2022¹⁰³ which could be used as an example of investigative practice.

Currently, the PGO reports taking measures to ensure the documentation of all war crimes committed by RF and the formation of a high-quality evidence base. In addition, a relevant Department in the structure of PGO deals with the issue of forcible transfer (deportation). However, the official resources of PGO release information about 10,570 deported children (as of the beginning of November) with reference to the data of the National Information Bureau. There is concern over the possibility to collect, within the framework of national criminal proceedings, the testimonies of persons subjected to forced deportation who are now outside Ukraine. Another concern is whether the issue of establishing the scale and systemic nature of forced displacement as a criminal policy of the occupying power, not just individual facts based on the testimony of certain displaced persons, is investigated within the framework of the existing proceedings.

2.5. INTERNATIONAL POLITICAL ASSESSMENT

The problem of deportation of Ukrainian citizens has been repeatedly highlighted in the reports of international organisations and statements of Ukraine's international partners.

In particular, *the Interim Report of OSCE Office for Democratic Institutions and Human Rights (ODIHR) on reported violations of international humanitarian law and international human rights law in Ukraine*¹⁰⁴ calls on RF to immediately halt the deportation of civilians from the occupied territories, eliminate the procedure of «filtration», and ensure observance of all rights granted to civilians in the territories it occupies.

In its report dated 30 August, the Institute for the Study of War (ISW) concluded that Russia creates conditions for forced cultural assimilation of displaced Ukrainians in RF to erase their Ukrainian cultural identity¹⁰⁵.

Both forcible transfer (deportation) of Ukrainian citizens and filtration became the subject of a study by Human Rights Watch. Its report «We Had No Choice» «Filtration» and the Crime of Forcibly Transferring Ukrainian Civilians to Russia» provides documentary evidence about the forcible transfer of the local population from

103 Official reports of the Prosecutor's Office of the ARC and the city of Sevastopol on the results of the investigation into the facts of forced deportation: https://ark.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=319706&fp=20

104 ODIHR Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine https://www.osce.org/files/f/documents/c/d/523081_0.pdf

105 ISW report of 30 September 2022: <https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-august-30>

Mariupol city and Kharkiv region to Russia or Russian-occupied regions of Ukraine. Unlike combatants, who, when captured, acquire the status of prisoners of war and can be taken to the territory of the enemy, the civilian population cannot be subjected to forced displacement under international humanitarian law. The report describes how the Russian military, as well as other representatives of the Russian and Russian-linked authorities, put pressure on the local population fleeing the war zones in various ways, forcing them to leave for Russia or the so-called «DPR». In addition, the report describes the difficulties faced by people who did not want to go to Russia and tried to go to Ukrainian government-controlled territory, or those who were deported to Russia and who tried to leave for some third country, and the violations that accompanied these processes¹⁰⁶.

Cases of unlawful deportation and forced displacement of Ukrainians through RB or directly to RF were also recorded by the Independent International Commission of Inquiry on Ukraine¹⁰⁷.

International partners also give an unequivocal assessment of the actions of RF, namely the deportation of Ukrainian citizens to the territory of RF.

In particular, the Seimas of Lithuania recognised the displacement of Ukrainians to RF as the deportation of the Ukrainian people and called on other states to hold the Russian Federation to account for these crimes¹⁰⁸. The parliaments of Estonia, Latvia, Canada, Lithuania, and the Czech Republic recognised the crimes of the Russian Federation (in particular, the forced deportation of the Ukrainian people) as the genocide of the Ukrainian people¹⁰⁹.

On 25 August, the United States pointed out that all the actions of RF regarding the forced deportation and displacement of the Ukrainian population from the temporarily occupied territories are a war crime and a violation of the Fourth Geneva Convention, which provides for the protection of the civilian population

106 «We Had No Choice». «Filtration» and the Crime of Forcibly Transferring Ukrainian Civilians to Russia: <https://www.hrw.org/ru/report/2022/09/01/382706>

107 <https://www.ohchr.org/sites/default/files/2022-10/A-77-533-AUV-UA.pdf>

108 The Seimas of Lithuania recognises the transfer of Ukrainians to Russia as the deportation of the Ukrainian people and calls on other states to hold the Russia to account for these crimes: https://lb.ua/world/2022/06/16/520265_litva_viznala_vivezennya_ukrainsiv.html, <https://www.delfi.lt/ru/news/politics/sejm-litvy-priznal-vyvoz-ukraincev-v-rossiyu-deportaciej-ukrainskogo-naroda.d?id=90505497>

109 The decision of countries to recognise the crimes of the Russian Federation as genocide of the Ukrainian people: <https://www.riigikogu.ee/istungi-ulevaated/riigikogu-vottis-vastu-avalduse-venemaa-sojakuritegudest-ja-genotsiidist-ukrainas/>, <https://www.facebook.com/photo.php?fbid=1233135723889306&set=a.127025254500364&type=3>, https://titania.saeima.lv/LIVS13/saeimalivs_lmp.nsf/0/6D3B896E469E534AC22588240030473C?OpenDocument, <https://www.ukrinform.ua/rubric-uarazom/3469306-parlament-kanadi-viznav-dii-rosii-v-ukraini-genocidom.html>, https://twitter.com/SenatorMarkDaly/status/1532073563435724800?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1532073563435724800%7Ctwgr%5Edb1450830412d92567f53570e634976766d66a52%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fgalinfo.com.ua%2Fnews%2Fsenat_irlanii_vyznav_viyynu_rosii_v_ukrainu_genotsydom_386064.html

in conflict zones. Russia forcibly resettled Ukrainians, creating an excuse for the annexation of new territories¹¹⁰.

On 15 September, the European Parliament adopted the *Resolution on human rights violations in the context of forced deportation of Ukrainian civilians to and forced adoption of Ukrainian children in Russia (2022/2825(RSP))*¹¹¹, in which the European Parliament calls on RF to fully abide by its obligations under international law and immediately cease the forced deportation and forcible transfer of Ukrainian civilians, including children, to Russia and the Russian-occupied territories, as well as any adoptions of children transferred from Ukraine's entire internationally recognised territory; calls on Russia to repeal all legislation facilitating the adoption of Ukrainian children; demands that RF provide information about the whereabouts and well-being of all Ukrainians, including children, detained or deported, and allow and enable their safe return to the territory of Ukraine; emphasises that children separated from their parents during war cannot be assumed to be orphans and must be allowed and enabled to return and be reunited with their parents or legal guardians promptly.

In addition, the EU strongly condemns the decrees of the President of RF which simplify the process of granting Russian citizenship and issuing Russian passports to Ukrainian citizens from Kherson and Zaporizhzhia regions, which are temporarily under the military control of the Russian occupation forces, as well as to Ukrainian children deprived of parental care and disabled persons from Donetsk, Luhansk, Kherson, and Zaporizhzhia regions. The European Union does not recognise the passports issued as part of Russia's war of aggression against Ukraine¹¹².

110 Information regarding the US recognition that all actions of the Russian Federation regarding the forced deportation and transfer of the Ukrainian population from the temporarily occupied territories are a war crime and a violation of the Fourth Geneva Convention, which provides for the protection of the civilian population in conflict zones. Russia forcibly resettled Ukrainians as a pretext for annexing new territories: <https://www.state.gov/accountability-for-war-crimes-and-other-atrocities-in-ukraine-recent-reporting-and-the-commitment-of-additional-funding/>, <https://hub.conflictobservatory.org/portal/apps/sites/#/home/>

111 Resolution of the European Parliament of 15 September 2022 on human rights violations in the context of forced deportation of Ukrainian civilians to and forced adoption of Ukrainian children in Russia (2022/2825(RSP)): https://www.europarl.europa.eu/doceo/document/TA-9-2022-0320_EN.pdf

112 EU strongly condemns the Russian Presidential decrees simplifying the process for granting Russian citizenship and issuing Russian passports to Ukrainian citizens of the Kherson and Zaporizhzhia regions which are temporarily under military control of Russian invading troops, as well as to Ukrainian children: <https://twitter.com/JosepBorrellF/status/1547199930242154504>, <https://www.consilium.europa.eu/de/press/press-releases/2022/06/03/ukraine-declaration-by-the-high-representative-on-behalf-of-the-eu-on-attempts-of-the-russian-federation-to-forcefully-integrate-parts-of-ukrainian-territory/>

3 KEY PROBLEMS FACED BY DEPORTED UKRAINIAN CITIZENS, ACTIONS OF THE STATE OF UKRAINE AND INTERNATIONAL PARTNERS

3.1. KEY PROBLEMS FACED BY UKRAINIAN CITIZENS DISPLACED (DEPORTED) TO RF OR RB

Ukrainian citizens who found themselves in the territory of RF, RB, and the temporarily occupied territory of Crimea face significant difficulties. In particular, this is the lack of means of subsistence, the inability to exchange hryvnias or withdraw funds from bank cards; lack of clothing, hygiene products, medical care and medicines; impossibility to contact relatives, get advice on further stay or departure from the territory of RF (most often). This becomes one of the factors that forces deported Ukrainian citizens to «agree» to go to the deeply depressed regions of RF¹¹³.

From the end of February 2022, RF declares that it pays «refugees» a RUB 10,000 one-time benefit and provides them with food and jobs. However, even Russian sources report that people have not received money for several months¹¹⁴.

On 27 August 2022, the President of RF signed Decree No. 586 «On payments to citizens of Donetsk People's Republic, Luhansk People's Republic, Ukraine and stateless persons who had to leave the territory of Donetsk People's Republic, Luhansk People's Republic, Ukraine and arrived in the territory of the Russian Federation»¹¹⁵. Pursuant to Decree, people who arrived from Ukraine, as well as the territories in Luhansk and Donetsk regions temporarily occupied by RF, are promised to be paid RUB 10,000 a month. Payments were scheduled from July 1 and assigned to citizens who arrived in Russia after 18 February. In addition, the Russian government undertook to pay additional funds to various categories of migrants (for example, RUB 10,000 one-time benefit to pregnant women; RUB 20,000 one-time benefit at the birth of a child; RUB 4,000 benefit per month for each child under the age of 18; RUB 15,000 benefit per month for a child under guardianship, etc.).

113 «Survive and escape: why so few Ukrainians deported to Russia return»: <https://www.bbc.com/ukrainian/features-62316233>

114 Information on non-payment of RUB 10,000 promised by Russian President to Ukrainians forcibly deported to RF: <https://ukrainer.net/rosiia-deportuie/>, <https://novayagazeta.eu/articles/2022/06/20/ropot-vozmeshcheniia>

115 <https://www.garant.ru/hotlaw/federal/1562755/>

In addition, Ukrainian citizens, as well as residents of the so-called «LPR/DPR» are granted the right of temporary stay in the territory of RF without limitation on the duration of the stay defined by law, provided that they undergo mandatory dactyloscopic registration, photography, as well as a medical examination to define if they take narcotic or psychotropic substances or have dangerous infectious diseases. In addition, such citizens have the right to work in RF without a work permit, without requirements regarding the stated purpose of the visit to RF, after the territorial body of the Ministry of Internal Affairs of RF identifies a person by fingerprints (palm prints), or after undergoing dactyloscopic registration, photography, as well as medical examination¹¹⁶.

Despite the fact that more than six months into the full-scale aggression against Ukraine and the mass deportation of Ukrainian citizens to the territory of RF the Russian authorities finally decided to provide financial support to Ukrainian citizens, this did not have a critical impact on the situation of Ukrainians deported to RF.

In particular, a significant problem faced by deported Ukrainian citizens is the lack of documents certifying identity and Ukrainian citizenship, which makes it impossible for Ukrainian citizens to leave for third countries (EU countries, Georgia, and others).

The lack of original documents certifying identity and Ukrainian citizenship is due to the following reasons:

- Losing or having specified documents physically destroyed during resettlement (documents remained under rubble, burned, etc.);
- Not having a Ukrainian passport as it was removed when applying for asylum in the territory of RF or in the occupied territory (such an application can be voluntary, but it can hardly be called well-informed; there is evidence that Ukrainian citizens are forced to apply for asylum due to receiving misleading information that otherwise they will not have the right to stay in the territory of RF);
- Applying for a Ukrainian passport in the government-controlled territory before 24 February 2022 and the impossibility to receive this document and a Ukrainian passport after the start of the full-scale invasion;
- Failing to obtain a Ukrainian passport by persons living in the temporarily occupied territories of Ukraine and who, at the time of the beginning of the war in 2014, did not reach the age of 16;
- Failing to obtain a child's birth certificate (this problem is relevant for children who were born after 24 February 2022, and the parents did not have time to properly register the fact of the child's birth) or failing to obtain a state-standard child's birth certificate (for persons born in temporarily occupied territories of Ukraine after 2014).

116 Decree of the President of RF of 27 August 2022 No. 585 "On temporary measures to regulate the legal status of citizens of the Donetsk People's Republic, Luhansk People's Republic, and Ukraine in the Russian Federation": <http://publication.pravo.gov.ru/Document/View/0001202208270002>

There are no public clarifications from the Russian authorities regarding the list of documents that Ukrainian citizens must have to cross the state border of RF. Persons who do not have original documents proving their identity and Ukrainian citizenship are deprived of the opportunity to leave the territory of RF. Currently, the number of people who have faced this problem is unknown. On 5 March 2022, Decree of the President of RF No. 94¹¹⁷ was adopted, according to which, starting from 5 March 2022, all foreign citizens, stateless persons who entered RF from the territory of Ukraine, the so-called «DPR», «LPR» may enter the territory of RF and leave it for the states of their citizenship by presenting even the documents with an expired validity period.

Moreover, there is information that the border guards at certain checkpoints on the state border of RF allow people to cross the border upon presenting a certificate on lost passport issued in the territory of RF. In particular, there is a practice when representatives of Russian law enforcement agencies draw up a conclusion on the identification of a foreign citizen or a stateless person in accordance with Art. 10.1 of Federal Law No. 115-FZ «On Legal Status of Foreigners in the Russian Federation» dated 25 July 2002. This document makes it possible to move through the territory of Russia, and in some cases it is on the basis of this document that Ukrainian citizens are allowed to leave the territory of RF.

There is evidence that the authorities of RF allow Ukrainian citizens to leave for EU countries (Estonia, Latvia, Lithuania, Poland, Finland), Georgia across the Russian border if they have any document certifying their identity and Ukrainian citizenship (Ukrainian passport, Ukrainian passport for traveling abroad) even if these documents are not formally valid (the validity period has expired, a photo card was not replaced in time after reaching the age of 25 or 45). For children, it is often enough to have the original birth certificate.

However, from the end of September, information began to appear about large queues of Ukrainian citizens at checkpoints across the state border between RF and Estonia or Latvia in Pskov region. According to volunteers who help Ukrainian citizens, most of them are people who were deported from the occupied territories and lived in Russia for several months. However, after partial mobilisation¹¹⁸ was announced, they decided to leave for Europe¹¹⁹. There is information that Russian border guards artificially limit border crossing for Ukrainian citizens.

On 19 October, the President of RF imposed martial law in the Russian-occupied Kherson, Zaporizhzhia, Luhansk, and Donetsk regions of Ukraine¹²⁰. According to Russian legislation, the imposition of martial law involves the restriction of free-

117 Decree of the President of RF of 05 March 2022 No. 94 «On entry into the Russian Federation, stay in the Russian Federation, and exit from the Russian Federation of foreign citizens and stateless persons from the territory of the Luhansk People's Republic, Donetsk People's Republic, and Ukraine»: <http://publication.pravo.gov.ru/Document/View/0001202203050063?index=0&rangeSize=1>

118 Decree of the President of RF of 21 September 2022 No. 647 "On announcement of partial mobilisation in the Russian Federation": <http://publication.pravo.gov.ru/Document/View/0001202209210001>

119 <https://www.currenttime.tv/a/lyudey-nuzhno-otpustit-eto-ne-krepostnye-lev-shlosberg-o-beguschih-iz-rf-ukrainskih-bezhentsah-sozdavshih-probki-na-granitse-pod-pskovom/32068695.html>

120 <http://kremlin.ru/events/president/news/69636>

dom of movement in the territory on which martial law is imposed, the establishment of a special regime for entry and departure from such territory, and even the prohibition of or restriction on the departure of citizens outside RF¹²¹. After martial law was imposed, it became even more difficult to leave both the occupied territory of Ukraine and the territory of RF, especially for Ukrainian citizens who received a Russian passport or have a passport of so-called «LPR/DPR».

3.2. DIPLOMATIC EFFORTS

From the very beginning of the full-scale aggression against Ukraine, the Ukrainian authorities called on the international community to respond to the full-scale deportation of Ukrainian citizens to the territory of RF and RB.

In April, the President of Ukraine called on the EU to find tools that could stop the deportation of Ukrainians to Russia and return the deportees home¹²².

In June, the Verkhovna Rada of Ukraine appealed to the UN Committee on Human Rights, the UN Committee on the Rights of the Child, the UN International Court of Justice in The Hague, the UN High Commissioner for Refugees regarding the violation of international treaties and conventions by RF and the inadmissibility of handing over children – Ukrainian citizens abducted and forcibly displaced to the aggressor state, other countries, or within the occupied territories of Ukraine – to the families of Russian citizens¹²³.

On 30 July, addressing the Asian Leadership Conference in Seoul, the President of Ukraine drew attention to the issue of forced deportation of Ukrainians and filtration camps and also called on the international community to respond to this problem in the strongest possible terms¹²⁴.

In August, the Ministry of Foreign Affairs of Ukraine demanded that the Russian Federation return all children kidnapped from Mariupol to their parents¹²⁵.

On 12 September, the President of Ukraine discussed support for Ukrainians suffering as a result of the war with the Director General of the International Organisation for Migration (IOM). In particular, the illegal mass deportation of Ukrainians

121 Article 7 of the Federal Constitutional Law of 30 January 2002 No. 1-FKZ "On Martial Law" (as amended) : http://www.consultant.ru/document/cons_doc_LAW_35227/

122 President Zelensky's address to the Parliament of Estonia: <https://www.youtube.com/watch?v=gl7nncgWGpc>

123 Resolution of the Verkhovna Rada of 19 June 2022 No. 2306-IX: <https://itd.rada.gov.ua/billInfo/Bills/Card/39774>

124 "Russian tactics must not become norm, world order must be restored: President of Ukraine addresses Asian Leadership Conference in Seoul": <https://www.president.gov.ua/news/rosijska-taktika-ne-maye-stati-normoyu-svitovij-poryadok-may-76453>

125 Ministry of Foreign Affairs of Ukraine demands Russia return all children kidnapped from Mariupol to their parents: https://twitter.com/OlegNikolenko_/status/1562054435139903489?s=20&t=-ePcxSnVEryUOEUGzvtFg

to Russia, in particular women, children, and service members, and the system of filtration camps were discussed¹²⁶.

In parallel with political negotiations, statements, speeches, the Ukrainian authorities tried to agree on the transfer to a third state of the right to perform consular functions on behalf of Ukraine in the territory of RF and to provide appropriate assistance to citizens in the territory of RF in accordance with Art. 8 of the Vienna Convention on Consular Relations. It is worth noting that the embassies and consulates of Ukraine stopped their activities in the territory of RF after the full-scale aggression against Ukraine started. Ukrainian citizens, primarily those deported to the territory of RF, stayed in the territory of the occupying power without the protection of their own state.

Ukraine asked Switzerland to assume the mandate of patronage for it in Russia. The relevant negotiations were completed on 10 August 2022 with the agreement of Switzerland to take over the representation of the interests of Ukraine in RF if Russia agrees¹²⁷. However, the very next day, 11 August, a representative of the Russian Foreign Ministry stated that Switzerland «lost its neutral status by joining the anti-Russian sanctions and, therefore, cannot represent the interests of Ukraine in Russia.»¹²⁸

3.3. EFFORTS MADE BY THE GOVERNMENT TO PROTECT AND RESTORE THE RIGHTS OF CITIZENS

Since the beginning of Russia's full-scale invasion, Ukraine has been constantly taking measures to ensure the protection of deported Ukrainians and their return to Ukraine. The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine plays the leading role in this process.

Since March, the National Information Bureau has been functioning in Ukraine to collect data on the victims of war and record information on deported and missing persons, in particular, children. Since August, the Children of War portal¹²⁹ has been launched, which, among other things, publishes information on the number of deported children officially confirmed by Ukraine¹³⁰.

In the absence of Ukraine's foreign diplomatic missions in Russia, due to the difficulty of providing assistance to Ukrainian citizens who have found themselves in the territory of the aggressor state, the issue of coordinating the efforts of government and non-government bodies to protect and facilitate the departure

126 «President discusses support for war-affected Ukrainians with the Director General of the International Organisation for Migration»: <https://www.president.gov.ua/news/prezident-obgovoriv-z-generalnim-direktorom-mizhnarodnoyi-or-77713>

127 <https://www.eurointegration.com.ua/news/2022/08/10/7144792/>

128 <https://eodaily.com/ru/news/2022/08/11/rossiya-otkazala-shveytcarii-v-posrednichestve-predstavlyat-interesy-ukrainy-mid>

129 <https://childrenofwar.gov.ua>

130 Children of War portal: <https://childrenofwar.gov.ua>

of Ukrainian citizens from the territory of RF to safe third countries, the return of Ukrainian citizens home becomes critically important.

In June 2022, the Cabinet of Ministers of Ukraine set up the Coordination Headquarters for the Protection of the Rights of Deported or Forcibly Transferred Persons Due to Aggression of the Russian Federation against Ukraine¹³¹. Its task is to facilitate the coordination of the activities of all branches of government agencies, military formations, law enforcement agencies and NGOs to protect the rights of persons deported or forcibly transferred amid the aggression of RF against Ukraine, to determine ways and means of solving problematic issues regarding the protection of the rights of deported persons.

On 18 October, the Coordination Headquarters was formed to ensure the departure of Ukrainian citizens from the territory of Ukraine temporarily occupied by RF, in particular the Autonomous Republic of Crimea and the city of Sevastopol, through the territory of other countries to the territory of Ukraine, to assist citizens in returning to Ukraine. The Coordination Headquarters was set up to facilitate the coordination of the activities of central and local executive bodies, other government agencies formed in accordance with the laws of military formations, law enforcement agencies and NGOs to ensure the departure of Ukrainian citizens from the TOT of Ukraine, through the territory of other countries to the territory of Ukraine, to assist citizens in returning to Ukraine¹³².

One of the results of the activities of the coordination headquarters is the development and adoption by the Cabinet of Ministers of Ukraine of Resolution No. 1201 «On the implementation of experimental project on the registration in the territory of Ukraine of identity card for return to Ukraine» dated 21 October 2022 (enters into force on 14 November 2022). The Resolution approved the procedure for issuing Ukrainian citizens, as well as persons recognised by Ukraine as stateless persons, or stateless persons permanently residing in Ukraine, who were forcibly displaced to the territory of a state recognised by Ukraine as an aggressor state or the occupying power, identity cards in the territory of Ukraine for the return to Ukraine. According to the specified Procedure, Ukraine will have the opportunity to issue identity cards for the return of persons from RF despite the absence of Ukrainian consulates in the territory of RF. The issuance of an identity card to a person (without his/her presence) is carried out by the Ministry of Internal Affairs based on an application filed by one of the parents or another legal representative of a person under the age of 18, one of the parents, a spouse, an adult child, a biological (consanguineous, non-consanguineous) brother/sister or an official application filed by the Ministry of Reintegration.

131 Resolution of the Cabinet of Ministers of Ukraine of 17 June 2022 No. 708: <https://www.kmu.gov.ua/npas/pro-utvorennya-koordinacijnogo-shtabu-z-pitan-zahistu-prav-osib-deportovanih-abo-primusovo-peremishchenih-u-zvyazku-iz-zbrojnoyu-agresiyeyu-rosijskoyi-federaciyi-proti-ukrayini-708-170622>

132 Resolution of the Cabinet of Ministers of Ukraine of 18 October 2022 No. 1187: <https://www.kmu.gov.ua/npas/pro-utvorennia-koordynatsiinoho-shtabu-z-pytan-zabezpechennia-vyizdu-hromadian-ukrainy-s1187-181022>

At the same time, short recommendations on what a person should do if he/she was deported (or may be deported), possible options for leaving RF, etc. are constantly published on the official resources of government agencies¹³³.

On 24 September, the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine launched Minre_1548_Help_Bot chatbot¹³⁴. It was created for appeals from Ukrainians who need evacuation or humanitarian assistance. Ukrainian citizens forcibly deported to RF or other countries who want to return to Ukraine will also be able to use the chatbot.

Ukraine officially appeals to the International Committee of the Red Cross with a request to receive from RF the lists of all Ukrainian citizens who were deported from the territory of Ukraine and to provide them with the opportunity to return to Ukraine¹³⁵; the local authorities on the ground inform the population (to the extent possible) about the algorithm of actions during deportation.

The Ukrainian authorities regularly report the forced displacement of Ukrainian citizens by the occupiers. In particular, the Ukrainian Parliament Commissioner for Human Rights sent a communication to the Prosecutor General's Office of Ukraine¹³⁶ requesting to investigate the deportation and transfer of Ukrainian children to the families of Russian citizens (the forced displacement of nine Ukrainian children deprived of parental care to Moscow region from temporarily occupied Donetsk). Moreover, the Government announced the preparation of a programme to support Ukrainians forcibly deported by Russia¹³⁷.

Ukrainian society does not stay aside either. Lawyers, NGOs, and human rights organisations rallied in teams and created/provided rules and recommendations on how a person should act during forced deportation from the territory of Ukraine,

133 «Rules of life for forced deportees»: <https://minre.gov.ua/news/iryna-vereshchuk-ukrayina-borotymetsya-za-kozhnogo-vymushenogo-pereselencya-ta-povertatyme>, «Six reasons not to get Russian passport in TOT»: <https://minjust.gov.ua/m/zupinis-ta-ne-chipay-shist-prichin-ne-otrimuvati-rosiyskiy-pasport-na-tot>, «What to do if loved ones were forcibly displaced to temporarily occupied territory or deported»: <https://www.kmu.gov.ua/news/yak-diyati-yakshcho-blizkih-primusovo-peremistili-na-timchasovo-okupovanu-teritoriyu-chi-deportovali>

134 Ministry of Reintegration launches evacuation and humanitarian aid chatbot: <https://www.minre.gov.ua/news/minreintegraciyi-zapuskaye-chat-bot-z-pytan-evakuaciyi-ta-nadannya-gumdropomogy>

135 Regarding official appeal to ICRC President with the demand to receive from RF lists of all Ukrainian citizens forcibly deported from Mariupol and provide them with opportunity to return to Ukraine: <https://minre.gov.ua/news/vymagayemo-vid-rf-povernennya-deportovanyh-meshkanciv-mariupolya-ta-spodivayemos-na-spryyannya>

136 Official statements of the Ukrainian authorities on deportation of Ukrainians from TOT: <https://www.kmu.gov.ua/news/zayava-mzs-ukrayini-shchodo-primusovoyi-deportaciyi-rosiyeyu-meshkanciv-mariupolya>, https://ombudsman.gov.ua/news_details/upovnovazhenij-rosiya-prodovzhuye-nezakonno-deportovati-ukrayinskih-ditej, https://www.youtube.com/watch?v=t1Pc_oEunms, <https://1plus1.video/tsn-specvypusk/2022/tsn-za-20220411-darya-gerasimchukrozpovilapro-deportovanih-z-ukrayini-ditej>

137 «Government preparing programme to support Ukrainians forcibly deported by Russia»: <https://www.minre.gov.ua/news/uryad-gotuye-programu-pidtrymky-primusovo-deportovanyh-rosiyeyu-ukrayinciv-iryna-vereshchuk?fbclid=IwAR0P8Wf-Jm38ezSV2HGZHV7Tsh6BvAdiwwKDmOavA-10BorOt-WhRzmY0tQ>

including rules of behaviour in «filtration camps», during interrogations by the Russian military; give advice/provide practical assistance in returning deported Ukrainians from RF, etc.¹³⁸

Following a meeting with the Commissioner on Persons Gone Missing under Special Circumstances, the representatives of non-governmental initiatives engaged in the search for Ukrainians forcibly deported to the aggressor state agreed on cooperation, in particular, on the exchange of information and the creation of a single database of forcibly deported persons. Such cooperation with NGOs will allow finding and returning home people forcibly taken to RF more quickly¹³⁹.

138 Information about actions in case of deportation, posted on media resources of NGOs/ volunteer organisations, etc.: <https://everlegal.ua/rekomendatsiyi-ta-shlyakhy-povernennya-v-ukrayinu-u-razi-prymusovoyi-deportatsiyi-gromadyan-ukrayiny-na-terytoriyu-rf>, <https://www.prostir.ua/?news=scho-robyty-u-vypadku-deportatsiji-porady-ta-resursy>, <https://civilvoicesmuseum.org/news/deportaciya:-dovidnik-dlya-ukrayinciv-vivezenih-do-rosiyi>, <https://uatv.ua/uk/pravozahysnyky-zakryti-grupy-garyacha-liniya-kudy-zvertatysya-deportovanyim-do-rosiyi-ukrayintsyam/>, <https://zmina.info/instructions/yak-vyyihaty-z-tymchasovo-okupovanogo-krymu-na-materykovu-ukrayinu-abo-zakordon/> <https://zib.com.ua/ua/152405.html>, <https://www.facebook.com/UkrainianVolunteerService/posts/5345211828929719>, <https://platforma.volunteer.country/posts/shcho-robyty-u-vypadku-deportatsii>, <https://dovidka.info/shho-robyty-yakshho-vas-syloyu-vyvezly-z-ukrayiny/>, <https://www.lexology.com/library/detail.aspx?g=ae76fefb-b83f-4bf2-81bb-eda7d6409045>

139 Ministry of Reintegration: Agreements reached on creation of unified database of forcibly deported people: <https://www.kmu.gov.ua/news/minreintehratsii-dosiahnuto-domovlenostei-pro-stvorennia-iedynoi-bazy-prymusovo-deportovanykh>

CONCLUSIONS AND RECOMMENDATIONS

- 1.** Since the very beginning of the full-scale aggression against Ukraine, RF has been implementing a massive practice of forcible transfer (deportation) of Ukrainian civilians in the territories it temporarily occupies. Coercion occurs both through direct intimidation, abduction of civilians, and through indiscriminate shelling and destruction of buildings in residential areas. In addition, civilians were often deprived of the information and choice necessary for decision-making: the evacuation routes to the Ukrainian government-controlled territory were blocked by representatives of the armed forces of RF.
- 2.** Pursuant to Art. 7 of the Rome Statute of the International Criminal Court, «deportation or forcible transfer of population» means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law. Forced displacement of Ukrainian citizens from the occupied territories continues to be referred to as «evacuation» in Russian public communications. However, evacuation as one of the ways to protect the civilian population can be used in two cases: when it is necessary to guarantee the security of the civilian population, or if imperative military reasons demand so. At the same time, evacuation cannot be used as a strategy of warfare, in particular, to achieve military advantage, and civilians who refuse to evacuate retain their protected status and cannot be subjected to any restrictions or direct attacks. However, numerous testimonies of Ukrainian citizens who were transferred (deported) testify to the fact that the Russian military used psychological oppression, deception or other criminal acts to make Ukrainian citizens choose a path to other occupied territories or RF.
- 3.** The deportation of Ukrainian citizens is massive. According to the UNHCR data, as of 3 October 2022, 2,852 million Ukrainian citizens stayed in the territory of RF, and 15,932 Ukrainian citizens stayed in the territory of RB. At the same time, according to the Russian side data, as of 3 October 2022, more than 4.5 million people, including 685,000 children, arrived in the territory of RF.
- 4.** In the course of deportation and forcible transfer, so-called «filtration» measures are implemented which can be characterised as a series of actions aimed at identifying persons disloyal to RF, in particular, employees of Ukrainian law enforcement agencies who did not have time to leave the occupied territory. The Russian army widely used this practice during both Chechen campaigns where it was extremely violent. As of 31 May, experts of the Ukrainian NGO «Media Initiative for Human Rights» with the help of field missions, interviews with released prisoners, as well as monitoring of open sources, identified 22 locations where Ukrainian cit-

izens were held or are held now. People have been held in the premises of production enterprises, basements, police stations, and administrative buildings, as well as prisons and detention centers.

- 5.** In the territory of RB, forcibly deported Ukrainians, mainly from Kyiv and Chernihiv regions, were accommodated in health resorts near the town of Gomel and in a dormitory in the town of Mozyr. Temporary accommodation points were set up in the territory of RF, the number of which changed according to the needs and the number of accommodation requests. As of June, 559 TAPs were opened. In the summer, their number decreased as Ukrainian citizens returned to their abandoned places of residence. In connection with the beginning of the offensive of the Armed Forces of Ukraine in the south of Ukraine, the number of Ukrainian citizens deported to the territory of RF is increasing. In October the number of TAPs grew to 807.
- 6.** A significant part of the deported persons are children, who are in a particularly vulnerable situation due to their age. The Russian army takes orphans and children deprived of parental care out of the occupied territories. There is information on the transfer into the care and adoption of such children by the families of Russian citizens. Moreover, Maria Lvova-Belova, Russian presidential commissioner for children's rights, «adopted» a child from Mariupol.
- 7.** Forcible transfer or deportation of children has signs of violation of the provisions of the UN Convention on the Rights of the Child, in particular, articles 8 and 21, which establish the obligation of states to respect the right of the child to preserve his or her identity, including nationality, name and family relations without unlawful interference, and the duty of the state to ensure that the adoption of a child is authorised only by competent authorities who determine that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that the persons concerned have given their informed consent to the adoption. Art. 78 of Additional Protocol I establishes a direct ban on the transfer of children to a foreign country except for compelling reasons of the health or medical treatment of the children. At the same time, it is emphasised that such an evacuation must be temporary. Taking into account the adoption of children, the simplification of the procedure for such adoption by citizens of RF, the imposition of Russian citizenship on such children, the actions of RF have signs of genocide under Article 6 i (e) of the Rome Statute.
- 8.** Pursuant to the national criminal legislation of Ukraine, the actions of RF regarding the forced deportation of Ukrainian citizens can be qualified under Art. 438 of the Criminal Code of Ukraine (violation of the laws and customs of war). Such an international crime as deportation is currently not directly enshrined in Art. 438 of the Criminal Code of Ukraine (there is a blanket norm regarding other violations of the laws and customs of war provided for by international treaties, the Parliament of Ukraine gave

consent to their binding nature), so its application requires the investigation to determine the norms of international humanitarian law violated during deportation, forcible transfer.

- 9.** Ukrainian citizens who found themselves in the territory of RF, RB, the temporarily occupied territory of Crimea, face significant difficulties. In particular, these are the lack of means of subsistence, the inability to exchange hryvnias or withdraw funds from bank cards; lack of clothing, hygiene products, medical care and medicines; impossibility to contact relatives, get advice on further stay or departure from the territory of RF (most often). This becomes one of the factors that forces deported Ukrainian citizens to «agree» to go to the deeply depressed regions of RF.
- 10.** From the very beginning of the full-scale aggression against Ukraine, the Ukrainian authorities called on the international community to respond to the massive deportation of Ukrainian citizens to the territory of RF and RB. In parallel with political negotiations, statements, speeches, the Ukrainian authorities tried to agree on the transfer to a third state of the right to perform consular functions on behalf of Ukraine in the territory of RF and to provide appropriate assistance to citizens in the territory of RF in accordance with Art. 8 of the Vienna Convention on Consular Relations. Ukraine asked Switzerland to assume the mandate of patronage for it in Russia. However, the Russian side did not agree with this decision.
- 11.** Since the beginning of the full-scale invasion, Ukraine has been constantly taking measures to ensure the protection of deported Ukrainians and their return to Ukraine. The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine plays the leading role in this process. Civil society organisations, various initiatives that facilitate the evacuation of Ukrainian citizens from the territory of RF play an active role in supporting Ukrainians who were deported to the territory of RF or RB, as well as in facilitating their departure to third countries or their return to the territory of Ukraine.

RECOMMENDATIONS

At international level:

- To continue negotiations to reach agreements with a third country in accordance with Art. 8 of the Vienna Convention on Consular Relations which will allow another country to protect the interests of Ukrainian citizens in the territory of RF
- To prepare and send a request to RF (if possible, establish communication between the human rights commissioners) regarding the provision of information on the number, location, and occupancy of TAPs (on a regular basis), as well as on the number of children – Ukrainian citizens who stay in the territory of RF unaccompanied
- To address the European Network of Ombudspersons for Children with a proposal to form missions to monitor the situation with deported Ukrainian citizens, including children, who stay in the territory of RF or RB
- To facilitate the departure of Ukrainian citizens from the territory of RF or RB to safe countries (EU member states, Georgia, etc.) through interaction with international partners
- To prepare and send appeals to the UNHCR, IOM, ICRC regarding assistance in the return of Ukrainian citizens to the territory of Ukraine and documenting the facts of displacement, the number of persons subjected to displacement, the conditions of their stay in RF, etc.

At national level:

- To ensure high-quality and comprehensive documentation of and effective investigation into crimes of deportation of Ukrainian citizens, including in order to form an investigative practice of proving the systematic and full-scale policy of the occupying power towards the deportation of civilian population, rather than to investigate individual facts of such displacement
- To ensure effective cooperation, exchange of information with the International Criminal Court in matters of the investigation into the crime of forcible transfer and deportation, as well as genocide
- To amend the criminal legislation of Ukraine to provide for separate qualifications for war crimes and crimes against humanity and make it impossible to apply statutes of limitations to such crimes
- To consider the possibility of opening proceedings under Art. 442 of the Criminal Code over the forcible transfer of Ukrainian children to another group
- To ensure systematic training of personnel in the system of law enforcement and justice to increase the professional potential of dealing with international crimes, in particular, crimes of forcible transfer (deportation)

Foreign non-governmental track (NGOs, volunteer initiatives)

Currently, international independent human rights organisations do not work in the territory of RF. Ukrainian national NGOs are also deprived of the opportunity to be present in RF and provide assistance to Ukrainian citizens who have found themselves in the territory of RF. In this situation, it is especially important to establish ties with local volunteer initiatives that not only provide humanitarian aid but can also give adequate and timely information about the current situation, available opportunities for departure, registration of necessary documents, etc. Accordingly, it is necessary to ensure:

- Drafting instructions, informational materials that can be distributed through / together with such initiatives¹⁴⁰
- Establishing coordination of actions and obtaining information from such initiatives by the National Information Bureau
- Giving legal advice to Ukrainian citizens and developing joint legal non-governmental groups (Ukrainian-Russian, in particular); the evidence documented by them can be used, including in the interstate lawsuits filed by Ukraine against RF.

140 For example, <https://zmina.info/ru/instructions-ru/kak-ne-stat-zalozhnikom-rossii-yesli-vy-okazalis-na-yeye-territorii/> чи <https://www.facebook.com/100064921021431/posts/351841903656508/?d=n>

