

# Genocide of Ukrainian Children. The Forcible Transfer of Ukrainian Children by Russia as an Attempt to Erase National Identity

## Abstract

Russian military aggression against Ukraine violates the most fundamental international agreements, while forcible transfer and deportation of Ukrainian children constitutes a form of genocide. Forcible transfer and deportation occur by force in exceptional circumstances created by the aggressor state, in which the child had no other choice than to accept the transfer, or the transfer takes place in the absence of parental consent or the parental consent is forged. This paper aims to analyse the forcible transfer of Ukrainian children in the context of the definition of the crime of genocide. Based on calculations using the STELLA model, it will prove that the forcible transfer of Ukrainian children is an attempt to erase their Ukrainian national identity.

**KEY WORDS:** genocide, forcible transfer of Ukrainian children, deportation of Ukrainian children, Russian aggression, russification process

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# 1 | Introduction

Russian military aggression against Ukraine made it clear that the international legal order introduced on the basis of United Nations Charter is about to fall apart, since a permanent member of the United Nations Security Council has chosen force as an instrument to maintain another sovereign state under its power. Among international crimes that are committed by the soldiers of Russian army within the full-scale military aggression that has commenced on 24 February 2022 there can be identified particular crimes against most vulnerable group – Ukrainian children, who are victims not only of crimes against humanity and war crimes, but also of forcible transfer, that under Article 6 of the Rome Statute of International Criminal Court (hereinafter: ICC) is considered to constitute a crime of genocide.

The procedure of forced transfer of Ukrainian children to Russia (or throughout Ukrainian occupied territories) involves the forcible removal of children or the removal based on forged parental consent. The main stages of that procedure are the following: forced removal of children from occupied territories (Russian troops and officials remove children from orphanages, state institutions, and separate them from their families under the pretext of evacuation, medical care or protection); concealment of identity and adoption (children often have their names, citizenship and even identity documents forged and then they are sent to Russian adoptive families, which makes it difficult or impossible to identify them); indoctrination and russification. These actions have been condemned by the international community and considered a violation of international law, including the Convention on the Rights of the Child and Geneva Conventions.

The aim of the following paper is to analyze the forcible transfer of Ukrainian children in the context of the definition of the crime of genocide and, based on calculations with the using of STELLA model, prove the forcible transfer of Ukrainian children is an attempt to erase their own Ukrainian national identity. Consequently, we put forward the following thesis: (1) Forcible transfer of Ukrainian children is a form of genocide as provided in Article 6 of the Rome Statute; (2) Forcible transfer of Ukrainian children and their further indoctrination along with russification is an attempt to erase their Ukrainian national identity.

## 2 | Forcible transfer of children as a form of genocide under international criminal law

During the Russian military aggression every Ukrainian child has suffered violations of their legally enshrined rights. Even if the child is not physically harmed, the child has not been subjected to exploitation abuse, torture or other cruel, inhuman or degrading treatment or punishment, there is a violation of the child's fundamental rights, enshrined in the Constitution of Ukraine and norms of international law, such as: the right to personal life, the right to health care, the right to education.<sup>[1]</sup> However, what has astonished civilized nations, who strongly condemned this act of military aggression, is the fact that Ukrainian children have become a particular victim of not a random, but rather systematic and planned genocidal action, whose sole aim is to deprive those children of their national (Ukrainian) identity. In its report, the UN Independent International Commission of Inquiry on Ukraine concluded that the transfer and deportation of Ukrainian children to Russia constitute violations of Article 147 of the Geneva Convention IV, Articles 74 and 85(4)(b)-(5) of Additional Protocol to the Geneva Conventions and Article 8(1) of the Convention on the Rights of the Child.<sup>[2]</sup> Forcible transfer of children from one national group to another is undoubtedly a form of genocide provided in Genocide Convention<sup>[3]</sup> and Rome Statute of International Criminal Court.<sup>[4]</sup>

The forcible transfer of children can be considered a form of genocide under international criminal law when it occurs in the context of a broader campaign of violence or atrocities aimed at destroying, in whole or in part, a national, ethnical, racial, or religious group<sup>[5]</sup>. This falls under the

<sup>1</sup> Alyona Dutko, "Protection of children's rights in the conditions of Russia's armed aggression against Ukraine" *Teka Komisji Prawniczej PAN Oddział w Lublinie*, Vol. XVI (2023): 47-48.

<sup>2</sup> UN OHCHR, Report of the Independent International Commission of Inquiry on Ukraine, UN Doc A/HRC/52/62, 15 March 2023, para 102. [https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A\\_HRC\\_52\\_62\\_AUV\\_EN.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf).

<sup>3</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, adopted on 9 December 1948.

<sup>4</sup> The Statute of the International Criminal Court, 2187 U.N.T.S. 3, adopted on 17 July 1998 (hereinafter – Rome Statute).

<sup>5</sup> See also: Iryna Kozak-Balaniuk and Ihor Kozak, "The crime of Genocide as Exemplified by the Holodomor and the Russian Military Aggression Against Ukraine" *Prawo i Więż*, no. 3 (2024): 299-302. <https://doi.org/10.36128/PRIW.VI50.819>.

broader legal framework of genocide, as defined by the Convention on the Prevention and Punishment of the Crime of Genocide, which is the cornerstone of international law regarding genocide. According to Article 2 of the Convention “genocide is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group:

1. Killing members of the group,
2. Causing serious bodily or mental harm to members of the group,
3. Deliberately inflicting conditions calculated to bring about the group’s physical destruction,
4. Imposing measures to prevent births within the group,
5. Forcibly transferring children of the group to another group”.

Forcible transfer of children refers to the act of removing children from one group and placing them in another group, thereby attempting to alter or erase the identity of the group from which they came. Some experts argue that the transfer does not necessarily have to end up with the children being integrated into the other group, but only with them placed under another group’s control.<sup>[6]</sup> However, this can be a strategy used to destroy the cultural or social fabric of a targeted group, particularly in situations of ethnic cleansing or other large-scale atrocities.<sup>[7]</sup>

Under the Rome Statute of the ICC, genocide, including acts of forcibly transferring children, can be prosecuted.<sup>[8]</sup> The ICC has been instrumental in establishing case law on this matter, ensuring that such acts are prosecuted as part of efforts to prevent and punish genocide. Definition of the crime of genocide, included in the Rome Statute, is the same as the one provided in Article 2 of the previously mentioned Convention. However, ICC had to elaborate more detailed definition and as a consequence adopted a document “Elements of Crime”, according to which while examining a possible commitment of genocide in the form of forcible transfer of children the following elements have to be proven:

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<sup>6</sup> Kurt Mundorff, “Other Peoples’ Children: A Textual and Contextual Interpretation of the Genocide Convention, Article 2(e)” *Harvard International Law Journal*, Vol. L (2009): 69-71.

<sup>7</sup> See more: Stearns Broadhead, “The Conventional definition of genocide” *Institutiones Administrationis – Journal of Administrative Sciences*, No. 1 (2024): 90-102. Doi: <https://doi.org/10.54201/iajas.v4i1.117>.

<sup>8</sup> Article 5 of the Rome Statute.

- a. the perpetrator forcibly transferred one or more persons;
- b. such person or persons belonged to a particular national, ethnic, racial or religious group;
- c. the perpetrator intended to destroy, in whole or in part, that national, ethnic, racial or religious group, as such;
- d. the transfer was from that group to another group;
- e. the person or persons were under the age of 18 years;
- f. the perpetrator knew, or should have known, that the person or persons were under the age of 18 years;
- g. the conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.<sup>[9]</sup>

For the forcible transfer of children to be qualified as genocide, there must be clear intent to destroy, in whole or in part, the group to which the children originally belonged. This is a crucial element in determining whether the act constitutes a genocide. Genocide requires *dolus specialis*, which means that the accused must have had the conscious aim or purpose of destroying the protected group. The intent must be to eliminate, at least partially, the group as such, whether through killing, causing harm, or imposing conditions that result in the group's destruction. Judgement that has a pivotal meaning for the interpretation of the "intent to destroy" is the judgement in Akayesu case, where the International Criminal Tribunal for Rwanda (hereinafter: ICTR) provided that "intent to destroy" as a "special intent" (or *dolus specialis*) means "the specific intention, required as a constitutive element of the crime, which demands that the perpetrator clearly seeks to produce the act charged."<sup>[10]</sup> Additionally, it is important to prove

<sup>9</sup> Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002 (United Nations publication, Sales No. E.03.VS.2 and corrigendum), part II.B, p. 3 (hereinafter – Elements of Crimes).

<sup>10</sup> Prosecutor vs. Jean-Paul Akayesu, Trial Judgement, Case No. ICTR-96-4-T, 2 September 1998, para. 498. See also: Prosecutor vs. Athanase Seromba, Trial Judgement, Case No. ICTR-2001-66-I, 13 December 2006, paras. 175, 319; Prosecutor vs. Juvenal Kajelijeli, Trial Judgement, Case No. ICTR-98-44A-T, 1 December 2003, para. 803; Prosecutor vs. Ignace Bagilishema, Trial Judgement, Case No. ICTR-95-1A-T, 7 June 2001, para. 55. International Tribunal for the Former Yugoslavia followed similar approach towards the interpretation of "intent to destroy", "special intent" for instance in the case Prosecutor vs. Goran Jelisić, Prosecutor's Pre-Trial Brief, Case No. IT-95-10-PT, 19 November 1998, para. 3.1.

that the perpetrator with his actions intends to destroy a protected population group.<sup>[11]</sup> Ukrainian scholars argue that Putin's language (for instance denying the existence of Ukrainian state and Ukrainian nation) proves the genocidal intent of every act committed by Russian armed forces on the territory of Ukraine and reflects Russia's aims – "russification" of Ukrainian children previously forcibly transferred.<sup>[12]</sup> What is more, international tribunals have interpreted the transfer of children as encompassing not only actual transfer, but also "acts of threats of or trauma which would lead to the forcible transfer of children from one group to another."<sup>[13]</sup>

International criminal tribunals had issued a couple of significant judgments concerning the forcible transfer of children as a form of the crime of genocide against one of the groups protected by the definition. In Akayesu case, the ICTR found that forcible transfer of children could indeed be part of genocide if it was done with the intent to destroy a group in whole or in part. The Tribunal stated that the act of forcibly transferring children could have the aim of destroying the target group by eradicating its future generations. In this case, the court recognized the act of transferring children as a significant part of genocide, and the crimes committed against the Tutsi population were found to involve such elements.<sup>[14]</sup> The Trial Chamber in the Akayesu case stated that the prohibition on forcible children's transfer does not apply only to a "direct act of forcible physical transfer, but also to [...] acts of threats or trauma which would lead to the forcible transfer of children from one group to another."<sup>[15]</sup> According to the judgment of ICTY in Karadzic case, in which the Tribunal dealt with the forcible removal of children and other individuals from the Bosnian Muslim and Croat populations during the Bosnian War, including the forced separation of children from their families, were part of a genocidal intent. The

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<sup>11</sup> Martin Shaw, "Russia's genocidal war in Ukraine: radicalization and social destruction" *Journal of Genocide Research*, vol. XXV (2023): 5-6.

<sup>12</sup> Denis Azarov, Dmytro Koval, Gaiane Nuridzhanian, Volodymyr Venher, "Genocide Committed by the Russian Federation in Ukraine: Legal Reasoning and Historical Context" *SSN Papers*, (2022): 27.

<sup>13</sup> Prosecutor vs. Jean-Paul Akayesu, Trial Judgement, Case No. ICTR-96-4-T, 2 September 1998, para. 580-586; Prosecutor vs. Rutaganda, Judgment, Case No. ICTR-96-3-T, 6 December 1999, para. 118; Prosecutor vs. Musema, Judgment, Case No. ICTR-96-13-A, 27 January 2000, para. 159.

<sup>14</sup> Prosecutor vs. Jean-Paul Akayesu, Trial Judgement, Case No. ICTR-96-4-T, 2 September 1998, para. 580-586.

<sup>15</sup> Prosecutor vs. Jean-Paul Akayesu, Trial Judgement, Case No. ICTR-96-4-T, 2 September 1998, para. 580-586.

Tribunal ruled that such acts were undertaken with the goal of ethnically cleansing the Bosnian region and that the forced removal of children could contribute to the long-term destruction of the targeted groups, thus fulfilling the requirements for genocide.<sup>[16]</sup> In Lubanga Dyilo case the ICC had to consider the issue of recruitment of child soldiers. While this is a distinct issue from the forcible transfer of children for genocidal purposes, it does touch on the broader theme of the protection of children in conflict situations. According to ICC Lubanga was guilty of using children under the age of 15 as soldiers, who were forcibly removed from their communities.

Additionally, international law recognizes special protection afforded to children in armed conflict under various agreements, such as the Convention on the Rights of the Child,<sup>[17]</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and four Geneva Conventions and their additional protocols.<sup>[18]</sup>

### 3 | Attempt to erase national identity of Ukrainian children by Russian authorities

There have been credible reports of forcible transfer of Ukrainian children, which can be classified in four categories: (a) transfer of children from orphanages, boarding schools, other children's institutions, and hospitals, even when the children have parents or families; (b) forced removal of children to Russia, following the separation of children from their families as part of the so-called "filtration" process; (c) children who travelled

<sup>16</sup> Prosecutor vs. Karadzic, Trial Judgment, Case No. IT-95-5/18, 24 March 2016.

<sup>17</sup> Convention on the Rights of the Child, 1577 U.N.T.S. 3, adopted on 20 November 1989.

<sup>18</sup> Geneva Convention on Protection of the Wounded and Sick in Armed Forces in the Field, 75 U.N.T.S. 31, adopted on 12 August 1949; Geneva Convention on Protection of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, 75 U.N.T.S. 85, adopted on 12 August 1949; Geneva Convention on Treatment of Prisoners of War, 75 U.N.T.S. 135, adopted on 12 August 1949; Geneva Convention on Protection of Civilian Persons in Time of War, 75 U.N.T.S. 287, adopted on 12 August 1949; Additional Protocol on Protection of Victims of International Armed Conflicts, 1125 U.N.T.S. 3, adopted on 8 June 1977; Additional Protocol on Protection of Victims of Non-International Armed Conflicts, 1125 U.N.T.S. 609, adopted on 8 June 1977.

temporarily with or without parental consent to re-education camps in Russia and are unable to return home;<sup>[19]</sup> and (d) forcible evacuation of Ukrainian families with children (accompanied children).<sup>[20]</sup>

Taking into account “Elements of Crimes”, the components of Russia’s forcible transfer of minor Ukrainian children include the following:

- transfer of Ukrainian children across the borders of Ukraine (to Russia and Belarus, and through Belarus to Russia);<sup>[21]</sup>
- this was a forced movement that Russians created by special circumstances in which the person had no other choice;
- deportation took place in the absence of parental consent;
- deportation took place with forged consent (when Russian agents encouraged children to travel or when Russian agents increased the age of the children, so that they did not need parental consent);
- even if consent was given, it was a consent for the transfer of children to Crimea to a children camp for 21 days, where they were kept for much longer, being transported from one re-education camp to another, and ultimately from where they were not returned home, but forcibly deported to Russia;
- there was also no consent for the children to remain in Crimea for longer (more than 21 days), which proves their replacement was forced.

The deportation of Ukrainian children to Belarus and through Belarus to Russia also occurred in the absence of parental consent. Even if there was parental consent, it was given under pressure and various promises.

As of September 2024 19,546 Ukrainian children forcibly transferred (deported) to Russia had been identified. Vulnerable categories of minors, in particular orphans and children deprived of parental care, were most

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<sup>19</sup> Iryna Kozak-Balaniuk, “Acts Committed by Russian Citizens in Ukraine after 24 February 2022 that May Constitute the Crime of Genocide” *Review of European and Comparative Law*, special issue (2023): 114-115.

<sup>20</sup> Yulia Ioffe, “Forcibly Transferring Ukrainian Children to the Russian Federation: A Genocide?” *Journal Of Genocide Research*, Vol. XXV (2023): 325.

<sup>21</sup> The term “transfer” is used since this is the term provided in the Rome Statute and “Elements of Crime”, however large number of Ukrainian children are abducted and deported to Russia, therefore crossing the international border.



affected.<sup>[22]</sup> According to official information of the aggressor state, 183,168 children were transferred from Ukraine to Russia. In the summer of 2022 Russian military command reported that more than 307,000 of Ukrainian children were transferred to Russia. Statistics indicate that 4,177 children from childcare and educational institutions were evacuated outside the territory of Ukraine, including 2,382 orphans or children deprived of parental care.<sup>[23]</sup> For such children, especially orphans, there is a threat of further illegal adoption on the territory of Russia, bypassing the established procedure of international adoption. An undoubted obstacle for Russian authorities was the fact that Russian law officially prohibits the adoption of children, who do not have Russian citizenship. However, Russian President signed a decree facilitating adoption and change of citizenship of foreign children.<sup>[24]</sup> Such legal action is a significant proof of the fact that forcible transfer of Ukrainian children constitutes a well-planned operation. It should also be emphasized that Ukrainian children, who are victims of these acts, are then subjected to a forced process of „russification” in order to erase their Ukrainian identity.<sup>[25]</sup>

As announced in May 2024, 388 children with experience of deportation forced transfer were returned to Ukraine. According to the Minister of Foreign Affairs of Ukraine, Andriy Sybiga, almost 42.000 Ukrainians are considered missing, and almost 20.000 children were deported to Russia. According to him, as of November 2024, 860 Ukrainian children had been returned home.<sup>[26]</sup> That is, in the first half of the year from May to November 2024, another 427 children were returned. Data on returned children is an official information of the Ministry for Reintegration of Temporarily

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<sup>22</sup> M. Kucowa, *U Kiewi prezientuwali unikalnie doslidzennia pro dieportowanich ditiej*, 2024. <https://voices.org.ua/news/u-kyievi-prezentuvaly-unikalne-doslidzhennia-pro-deportovanykh-ditey/>. [accessed: 12.2.2025].

<sup>23</sup> Anatolii Frantsuz, Nataliia Stepanenko, Dmytro Shevchenko, “Abduction of Ukrainian Children during Full-Scale Invasion” *Journal of International Legal Communication*, Vol. IX (2023): 19.

<sup>24</sup> Klaudia Jagusiak, „Deportacje oraz przesiedlenia dzieci podczas wojny rosyjsko-ukraińskiej” *Problemy Techniki Uzbrojenia*, No. 5 (2023): 174.

<sup>25</sup> Lily Muelrath, “Never Again’ Yet Another Genocide: Russia’s Unlawful Forced Transfer and Adoption of Ukrainian Children”, *Wisconsin International Law Journal*, Vol. XLI (2024): 221.

<sup>26</sup> Miżnarodni standarti ta switowij doswid jewakuacii ditiej u zbrojnomu konflikti u Monrieali, 30-31 October 2024. (Ministerial Conference on the human dimension, Montreal, 2024). <https://www.holosameryky.com/a/montreal-conference/7847611.html>. [accessed: 15.2.2025].

Occupied Territories of Ukraine. At the same time, according to information from open sources, among the returned children there were orphans and children deprived of parental care.

Deportation and forcible transfer of orphans and children deprived of parental care is prohibited.<sup>[27]</sup> Instead, parties to the conflict should facilitate the adoption of these children conducted by a neutral country in order to guarantee their safety and assure that children do not become a “tool” to destroy a national group by erasing children’s national identity. International standards contain an absolute prohibition on the adoption of “displaced” (forcibly transferred) children in times of war, not to mention the fact that adoption was conducted by a State, whose authorities are responsible for starting an armed aggression on another sovereign State. At the same time, it is required that no child is left without the support and protection of a legal guardian, in particular during armed conflict.<sup>[28]</sup>

In addition to the very fact of forced transfer, Ukrainian children face a number of forced assimilation procedure measures. They are forbidden to speak their native language and study according to Ukrainian programs, their names are changed, and they are forced to participate in „military-patriotic” events. According to reports from people who managed to escape from occupied territory, Russian army is running so-called filtration centers, where it verifies the patriotic views and activity of Ukrainian citizens. The primary purpose of the centers appears to be political re-education. The aim is to force Ukrainian children to attend pro-Russian indoctrination meetings and systematic exposure to Russian cultural and patriotic education.<sup>[29]</sup> Centers are a part of the “larger plan” of re-educating the overall Ukrainian population and to “suppress” Ukrainians’ sense of history, language and nation.<sup>[30]</sup> What is more, occupation forces carry out deportations and forced transfers of Ukrainian children of every age – for the

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<sup>27</sup> Art. 49 of the Geneva Convention on Protection of Civilian Persons in Time of War.

<sup>28</sup> United Nations General Assembly Resolution, A/RES/64/142, adopted on 24 February 2010.

<sup>29</sup> Khoshnood Kaveh, Nathaniel Raymond, Caitlin Howarth, “Russia’s Systematic Program for the Re-education and Adoption of Ukraine’s Children” *Humanitarian Research Lab at Yale School of Public Health*, (2023): 21.

<sup>30</sup> Ioffe, “Forcibly Transferring Ukrainian Children to the Russian Federation: A Genocide”, 325.

youngest aggressor State issues completely new birth certificates with a new name, surname, date of birth, thus erasing any Ukrainian trace.<sup>[31]</sup>

In temporarily occupied Ukrainian cities and in Russia itself, there are more than 5,500 military-patriotic education camps and 98 “re-education camps”:<sup>[32]</sup>

- 67 in Russia;
- 13 in the occupied Crimean peninsula, Zaporizhzhia and Luhansk regions;
- 18 in Belarus.

Since no independent body has been granted access to the “filtration” camps the exact number of Ukrainian children, who have been separated from their families and forcibly transferred to Russia, remains unknown.<sup>[33]</sup> It is likely that the actual number exceeds the reported cases, where parents or relatives were able to bring the matter to the attention of Ukrainian authorities through official channels.

All camps can be conditionally divided into several categories. The first category is summer camps, in which patriotic education is carried out. The second category are military camps (gray barracks or tent camps), where Ukrainian children carry weapons, learn to shoot, and salute Russian commanders. For example, in one of these camps called Predtechensky Gorodok, which also operates with the support of the Russian Orthodox Church, Ukrainian children are indoctrinated, introduced to weapons, and forced to choose a career in the Russian army in order to later use them as soldiers in military aggression against Ukraine. Both the adoption system and the re-education camps are supported by the initiative to destroy the children’s Ukrainian identity and replace it with Russian one. The adoption system also intends to remove permanently the children from Ukraine and, if broadened, could serve as a plan to jeopardize the Ukrainian people’s continuity.<sup>[34]</sup>

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<sup>31</sup> An analytical commentary available at: <https://disinfodigest.pl/2024/10/18/rosyjska-indoktrynacja-w-szkolach-okupowanej-ukrainy-proba-wymazania-ukrainskiej-tozsamosci/>. [accessed: 27.10.2024].

<sup>32</sup> Khoshnood, Raymond, Howarth, “Russia’s Systematic Program for the Re-education and Adoption of Ukraine’s Children”, 21.

<sup>33</sup> UN Security Council, “Reports of Russian Federation Forces Putting Ukrainian Civilians in ‘Filtration’ Camps,” Statement by Ferit Hoxha (Albania).

<sup>34</sup> Hilly Moodrick-Even Khen, “The Forcible Transfer of Children from Ukraine as Genocide – Awakening the Dormant Prohibition of the Genocide Convention” *The International Journal of Children’s Rights*, Vol. XXXII (2024): 99.

Ukrainian and international experts working on the return and repatriation of forcibly transferred Ukrainian children has elaborated procedures for their return. Regional Center for Human Rights and Ukraine Resilience Partnership Fund have developed an appropriate algorithm (so-called “practice of returns”) for the return of Ukrainian children.<sup>[35]</sup> The conclusions of this algorithm indicate that: the return of Ukrainian children who have been deported or forcibly transferred to Russian-controlled territories is an obligation of both Russia and Ukraine under international law. Russia has consistently obstructed the return of Ukrainian children. It manipulates gaps in international law, in particular the lack of a return mechanism, as well as the vulnerability of children and their legal representatives, effectively appropriating children and making their repatriation impossible.

It has to be noted that the return should take place without delay, as the urgency of this process is confirmed by information about thousands of identified Ukrainian children orphans and children deprived of parental care. They were forced to obtain Russian citizenship and were forcibly transferred to Russia where authorities undertake attempts to eradicate their Ukrainian identity. The limited time frame for developing and implementing an algorithm for the repatriation, rehabilitation, and reintegration of Ukrainian children is also due to the high risk of changing their personal data, the threat of forced mobilization upon reaching adulthood, and the child’s forced assimilation with Russian society, which may increase the risk of significant traumatization during the return process.

The main elements of the mechanism for repatriation, rehabilitation and reintegration should be developed based on individual trajectories for each child, taking into account his or her best interests, in particular regarding upbringing in a family environment. In this context, it is important to carry out a deinstitutionalization reform, develop and implement a programme for the rehabilitation and reintegration of returned children.<sup>[36]</sup>

Experts emphasize that there are particular factors, which prove that “evacuation” of Ukrainian children by Russian authorities does not comply with the principle of the best interests of the child, such as:

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<sup>35</sup> Regional Center for Human Rights and Ukraine Resilience Partnership Fund, *Алгоритм повернення deportованих дітей-сирит та дітей, позбавлених батьківського піклування*, 2024, p. 5-7.

<sup>36</sup> Ibidem.

1. the trauma from the rupture of family ties is greater than the trauma received as a result of being in the zone of military activities;
2. the initiative for the evacuation comes from the organizers of this process, and not from the child's parents, who maintain stable psychological health;
3. the evacuation is organized without developing an individual trajectory for each child and is only a set of logistical points;
4. there is a high threat of child trafficking, loss of children, and the impossibility of their return to the family. Evacuation involves prolonged separation, which can lead to the loss of ethnic and cultural identity;
5. the purpose of the evacuation is displacement, ethnic cleansing, and the process itself is organized by the hostile party to the conflict;
6. there is a high risk of unforeseen political complications that may affect the course and results of the evacuation;
7. an unaccompanied child is placed for adoption without his/her consent/consent of his/her parents for a period of less than 2 years, which is not preceded by a search for the child's relatives.<sup>[37]</sup>

## 4 | Projection of future potential rate on return of forcibly transferred Ukrainian children

Throughout our history forcible transfers and deportations were used as a tool of political measures that were to change the demography in particular country or region. However, the issue of returning victims of such acts is highly complicated and occurs many years after the committed acts and sometimes constitutes an important legal challenge. For instance, Tatars deported from Crimea by Stalin's regime were allowed to return 50 years after deportation occurred. In case of transferring and deporting Ukrainian minors future return to their home may be even more complicated,

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<sup>37</sup> Mižnarodni standarti ta switowij doswid jewakuacii ditiej u zbrojnomu konflikti. <https://www.hsa.org.ua/lectors/rasevska-katerina/articles/miznarodni-standarti-ta-svitovii-dosvid-evakuaciyi-ditei-u-zbroinomu-konflikti-katerina-rasevska>. [accessed: 19.2.2025].

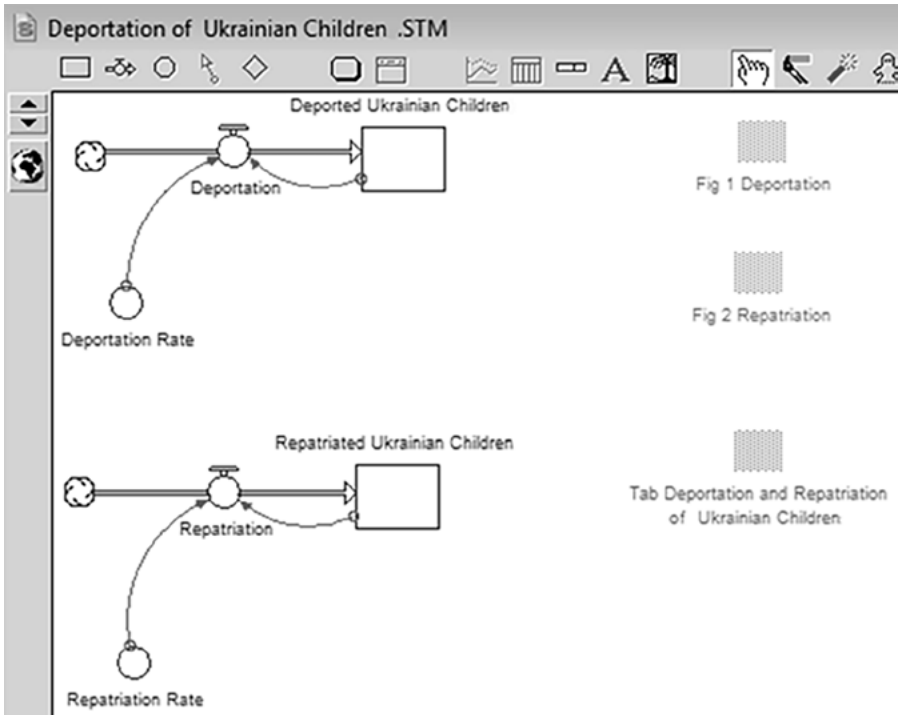
if possible at all, since being subjected to the process of “russification” from the early years erases all Ukrainian roots and characteristics, causing a child’s assimilation with Russian society without full awareness of that fact. When a family is subject to forcible transfer or deportation it is easier for them to maintain, within their family, their national identity, language and some traditions. Nevertheless, for a child without anyone’s support, it is completely impossible to maintain his Ukrainian identity, especially in Russian society, where sole existence of Ukraine as a nation is constantly being denied at every possible level. For this reason, the return of Ukrainian children to Ukraine must be as fast as possible.

The structure of the model that we developed in the STELLA program consists of four main elements: stocks – Deported Ukrainian Children and Repatriated Ukrainian Children; flows – Deportation and Repatriation; converters – Deportation Rate and Repatriation Rate; connectors as arrows representing the relationships between the created elements (Figure 1). The developed model is useful in the analysis of dynamic phenomena such as deportation and repatriation (return). However, it is worth noting that the model has some limitations, especially in the context of armed conflict and political phenomena (it is difficult to take into account unofficial or hidden deportations, changes of *de facto* authorities, new sanctions or peace agreements). The possible margin of error results from inaccurate input data (e.g. the number of children in occupied territories). The forecast error in our model was 5-10%, depending on the length of the forecast.

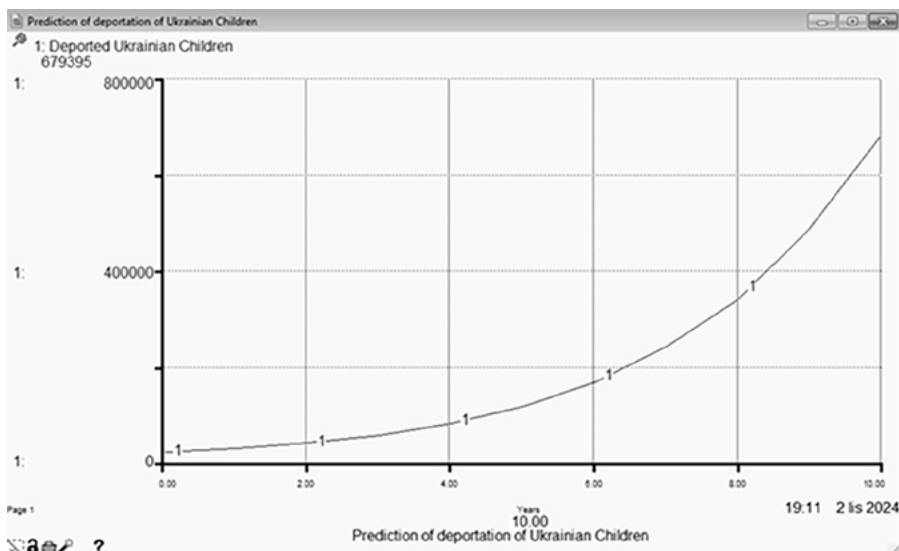
According to our prognosis (Figure 1), developed using the System Dynamic Modeling approach<sup>[38]</sup>, with such high and continuous numbers of Ukrainian children being forcibly transferred and deported, along with such low numbers of children returned, the return of all Ukrainian children deported as of today (according to official data it is 19,546 children) may take decades.

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<sup>38</sup> Ihor Kozak, Vasyl Parpan, *Ecological modelling with STELLA Software* (Ivano-Frankivsk, 2009), 98.

**Figure 1. Interface of the model in STELLA program**

In the 1 scenario of the prognosis (unfortunately with the continuation of Russian military aggression and occupation) we assumed that forcible transfer and deportation of Ukrainian children will continue, and the return of children (at the same rate as today) will be constantly hindered by the Russians. In such a scenario, over the next 10 years (from 2024 to 2034) the number of “kidnapped” children may increase from 19,546 in 2024 to 679,395 in 2034. STELLA model allows not only to prognose the number of deported children over the next 10 years (until 2034), but also to display in the upper left corner of the graph the number of possible deported children in the 10<sup>th</sup> year of the prognosis.

**Figure 2. Prediction of deportation of Ukrainian children**

In the 2<sup>nd</sup> scenario, we assumed that the deportation of children would stop (due to the end of Russian aggression and liberation of Ukrainian territories from Russian occupation). As it is clearly visible from the model, the repatriation of all 19,546 children already deported was based on today's repatriation rates. If, by May 2024, 388 children were returned and by November 2024, 860 Ukrainian children were returned to Ukraine, then we calculate that from May 2024 to November 2024 427 children were returned, respectively, which gives us a number of 854 children per year. Dividing this annual amount of repatriated children by the number of deported 19,546 gives a coefficient of the repatriation rate, which is 0.4 and which was inserted into the model. According to the prognosis, with such repatriation rate, it will take at least ten years for all deported Ukrainian children to be returned to Ukraine (Figure 3). Throughout that period of time, Ukrainian children, who are victims of forced indoctrination and Russification process, will be completely Russified and probably will not feel as a member of Ukrainian society.

The model also generated numerical values in the form of a table (Table 1). The table shows the numbers of predicted deportation from scenario 1 and repatriation from scenario 2. The numerical values presented in the table were separated by a special symbol separating thousands values. The model



predicts (Figure 3, Table 1), that the repatriation of all identified as of today, 19,546 Ukrainian children deported to Russia can be completed in the long term (almost 10 years). As it is presented in the graph in the upper left part, in the 10<sup>th</sup> year of prognosis, the value of 20.702 is displayed. The model has a random character, for this reason the RANDOM (RND) function was used in the model. As a result, the standard deviation ( $\pm 1156$  people) was chosen. However, such long term repatriation (almost 10 years) is unacceptable for both Ukraine and the international community, since too much psychological damage will be done to Ukrainian children, not to mention losing their Ukrainian national identity.

**Figure 3.** Prediction on repatriation of Ukrainian children

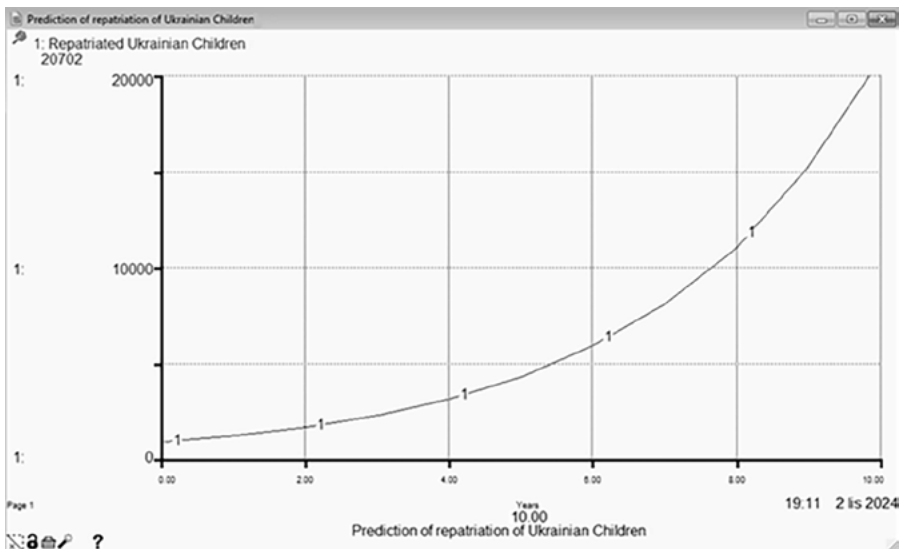


Table 1. Prediction on deportation and repatriation of Ukrainian children



Years	Deported Ukrainian Children	Repatriated Ukrainian Children
0	19†546.00	880.00
1	27†344.18	1†171.67
2	39†463.52	1†595.26
3	56†171.74	2†232.85
4	80†554.92	3†115.76
5	116†180.69	4†270.03
6	166†298.64	5†892.04
7	238†968.13	8†066.10
8	339†296.58	10†992.50
9	485†602.16	15†166.09
Final	679†395.49	20†702.08

## 5 | Conclusions

The transfer of Ukrainian children to Russia has profound and long-term social consequences, both for the children themselves and for Ukrainian society. The most important of them are: trauma and identity disorders (mental suffering associated with forced separation from family, culture and homeland); loss of national and linguistic identity (all children are subjected to indoctrination and Russification process); adaptation problems (problems with building bonds in the new society and environment, including in adoptive families); risk of mental disorders, including post-traumatic stress disorder, depression, anxiety and emotional difficulties. All this leads to the breakdown of family and social ties. Thousands of families in Ukraine live in uncertainty about the fate of their children. Destruction of family structures also weakens the social cohesion and social capital of Ukraine.

As for the first thesis put forward in the introduction, therefore that forcible transfer of Ukrainian children is a form of genocide as provided in Article 6 of the Rome Statute, it has been proven that actions of Russian authorities towards Ukrainian children meet the elements of crime for the crime of genocide in the form of forcible transfer of children. What concerns the second thesis, therefore that forcible transfer of Ukrainian

children along with their further indoctrination and russification is an attempt to erase their Ukrainian national identity, it has been shown that Ukrainian children are not only victims of forcible transfer, but also of actions that continue after Ukrainian children are subjected to the forcible removal from Ukraine or Ukrainian territories currently under occupation of the aggressor state. Those actions consist of indoctrination, russification, denial of everything what is “Ukrainian”. Taking into account the age of Ukrainian children and the fact that there is no one to defend them in a hostile country, children are very prone to any of such actions and their Ukrainian national identity is easily erased. Consequently, and as it has been presented in STELLA model, a 10 years period for their return will definitely increase the probability that those, who may return to Ukraine, will not feel any connection to Ukrainian nation, society and culture. Their feeling of Ukrainian national identity will be erased, as it has been erased from their identity documents. Additionally, within ten years period, a child can completely forget Ukrainian language if he has an obligation to speak Russian, knowing that he can be punished for using his native language.

The actions of the Russian authorities and Russian army show an unprecedented scale of cruelty on European soil. The forcible transfer and deportation of Ukrainian children has nothing to do with their best interests or safety. The only reason for such actions is depriving them of their Ukrainian national identity. Not only Russian authorities are actually kidnapping minors in violation of the most fundamental international agreements, but also robbing those children of their national identity in every meaning of the word. Apparently the lack of proper and effective international accountability mechanisms only helps the perpetrators to conduct the one of the most severe international crimes.<sup>[39]</sup>

Unfortunately, the return of Ukrainian children has proven to be highly sophisticated in both – legal and logistics aspects. The results of the model in STELLA program showed that returning the number of Ukrainian children that is officially known will take at least 10 years. However, the greatest issue is the fact, that actual number of Ukrainian children “kidnapped” by Russian authorities as a part of genocide is much higher and sadly great majority of those children will never be return to their homes and living in Russia will make it impossible for them to maintain their Ukrainian national identity.

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<sup>39</sup> See more: Yulia Ioffe, *Accountability measures for the forcible transfer and deportation of Ukrainian children*, 13 December 2023.

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