



Наукові перспективи
Видавнича група



ЖУРНАЛ
Національні інтереси

України



*Створимо переможне
майбутнє України разом*

6(23)
2026

Військова академія (м. Одеса)

Видавнича група «Наукові перспективи»

*Всеукраїнська асамблея докторів наук з державного
управління*

«Національні інтереси України»

№ 6(23) 2026

СПЕЦВИПУСК

2026

Military Academy (Odesa)

Scientific Perspectives Publishing Group

*All-Ukrainian Assembly of Doctors of Science in Public
Administration*

«National interests of Ukraine»

№ 6(23) 2026

SPECIAL EDITION

2026

- Черниш В.О., Чикалюк М.В.** 671
*КООРДИНАЦІЯ ДІЯЛЬНОСТІ РОЗВІДУВАЛЬНИХ ОРГАНІВ ЯК
ФАКТОР ЇХНЬОЇ ЕФЕКТИВНОСТІ*
- Яворський В.В.** 693
*ТРАНСФОРМАЦІЯ СИСТЕМИ ЖИТЛОВОГО ЗАБЕЗПЕЧЕННЯ ВІЙСЬ-
КОВОСЛУЖБОВЦІВ ЗБРОЙНИХ СИЛ УКРАЇНИ: ВІД МОДЕЛІ ЧЕРГ
ДО ІНВЕСТИЦІЙНО-КРЕДИТНОЇ ПАРАДИГМИ*
- Янковський О.Г., Куліуш Д.О.** 714
*ІННОВАЦІЙНІ ПІДХОДИ ДО РОЗРОБЛЕННЯ ТА ВДОСКОНАЛЕННЯ
ЕКІПІРУВАННЯ ВІЙСЬКОВОСЛУЖБОВЦІВ СПЕЦІАЛЬНИХ ПІДРОЗ-
ДІЛІВ: МІЖНАРОДНИЙ ДОСВІД І ТЕНДЕНЦІЇ РОЗВИТКУ*
- Ясько В.А., Вітвіцька К.Е., Фещенко Р.Д., Перкатий І.Р.** 728
*ОРГАНІЗАЦІЙНО-ПРАВОВІ ТА ТЕХНІКО-ТАКТИЧНІ ЗАСАДИ
ЗАСТОСУВАННЯ БЕЗПЛОТНИХ АВІАЦІЙНИХ СИСТЕМ В ОХОРОНІ
ДЕРЖАВНОГО КОРДОНУ УКРАЇНИ*

РОЗДІЛ «Право»

- Bodunova O.M., Baranivskiy D.O.** 739
*LANGUAGE MANIPULATION IN NORMATIVE LEGAL ACTS AND ITS
IMPACT ON LAW ENFORCEMENT*
- Ostapenko O.G., Sushch O.P., Rohova O.G.** 753
*DEPORTATION, FORCED DISPLACEMENT OR EVACUATION:
INTERNATIONAL LEGAL CRITERIA FOR IDENTIFYING CRIMES
AGAINST CHILDREN*
- Бідняк Г.С., Пиріг І.В., Радченко В.В.** 768
*ПОРІВНЯЛЬНА ХАРАКТЕРИСТИКА АМЕРИКАНСЬКИХ ТА
УКРАЇНСЬКИХ ТУРНІКЕТІВ, ЩО ВИКОРИСТОВУЮТЬСЯ ПІД ЧАС
БОЙОВИХ ДІЙ РОСІЙСЬКО-УКРАЇНСЬКОЇ ВІЙНИ*
- Божик В.І.** 777
*ВИКОРИСТАННЯ СПЕЦІАЛЬНИХ ЗНАНЬ ПІД ЧАС РОЗСЛІДУВАННЯ
КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ У СФЕРІ ПІДПРИЄМНИЦЬКОЇ
ДІЯЛЬНОСТІ*



UDC 341.43

[https://doi.org/10.52058/3041-1793-2026-6\(23\)-753-767](https://doi.org/10.52058/3041-1793-2026-6(23)-753-767)

Ostapenko O.G. PhD in Law, Associate Professor, Simon Kuznets Kharkiv National University of Economics, Kharkiv, <https://orcid.org/0000-0001-5795-4276>

Sushch O.P. PhD in Law, Associate Professor, Visiting Researcher at the University of Lapland (Rovaniemi, Finland), Visiting Researcher at the University of Helsinki (Helsinki, Finland), <https://orcid.org/0000-0002-8619-8964>

Rohova O.G. PhD in Law, Associate Professor, Kharkiv National Medical University, <https://orcid.org/0000-0003-4482-0847>

DEPORTATION, FORCED DISPLACEMENT OR EVACUATION: INTERNATIONAL LEGAL CRITERIA FOR IDENTIFYING CRIMES AGAINST CHILDREN

Abstract. This article presents a comprehensive theoretical and legal analysis of the Russian Federation's actions relating to the removal and detention of Ukrainian children within the territory of the aggressor state and deep within the temporarily occupied territories. Based on evidence from leading international institutions (the UN, PACE, Yale HRL), the official Russian narrative regarding the alleged 'humanitarian evacuation' is deconstructed. Clear criteria under international law have been identified to distinguish legitimate security measures from unlawful acts during an armed conflict. It has been demonstrated that systemic changes in the Russian Federation's federal legislation regarding the simplification of guardianship procedures, compulsory passportisation and ideological indoctrination indicate the existence of a clearly planned, vertically integrated state policy. In accordance with the norms of international humanitarian and criminal law (the Fourth Geneva Convention and the Rome Statute), the acts under investigation are cumulatively classified in three categories: as war crimes, crimes against humanity and elements of the crime of genocide. Given the documented evidence of gross and systematic disregard for the fundamental rights of the child and international standards, the Russian Federation's actions cannot be justified by any military or humanitarian necessity. Since the aggressor state itself artificially created the crisis situation and deliberately violated the provisions of the Geneva Conventions and Additional Protocols, these measures are legally classified not as evacuation missions, but as a large-scale unlawful displacement of the civilian population and the forced deportation of children, bearing clear signs of the most

serious international crimes. Accordingly, the creation of such a comprehensive system of institutional violence requires the international community not merely to issue declarative condemnations, but a consolidation of efforts to deploy effective judicial and procedural mechanisms that will ensure the inevitability of severe punishment for the entire hierarchy of organizers of this crime.

Keywords: international criminal law, war crimes, deportation of children, forcible transfer, humanitarian evacuation, Rome Statute, genocide, indoctrination.

Остапенко О.Г. кандидат юридичних наук, доцент, Харківський національний економічний університет імені Семена Кузнеця, Харків, <https://orcid.org/0000-0001-5795-4276>

Суц О. П. кандидат юридичних наук, доцент, запрошений дослідник у Лапландському університеті (Рованіємі, Фінляндія), запрошений дослідник у Гельсінському університеті (Гельсінкі, Фінляндія), <https://orcid.org/0000-0002-8619-8964>

Рогова О.Г. кандидат юридичних наук, доцент, Харківський національний медичний університет (Харків, Україна), <https://orcid.org/0000-0003-4482-0847>

ДЕПОРТАЦІЯ, ПРИМУСОВЕ ПЕРЕМІЩЕННЯ ЧИ ЕВАКУАЦІЯ: МІЖНАРОДНО-ПРАВОВІ КРИТЕРІЇ ІДЕНТИФІКАЦІЇ ЗЛОЧИНІВ ПРОТИ ДІТЕЙ

Анотація. У статті здійснено комплексний теоретико-правовий аналіз дій Російської Федерації, пов'язаних із вивезенням та утриманням українських дітей на території країни-агресора та вглиб тимчасово окупованих територій. На основі доказової бази провідних міжнародних інституцій (ООН, ПАРЄ, Yale HRL) проведено деконструкцію офіційного російського нарративу про нібито здійснення «гуманітарної евакуації». Визначено чіткі міжнародно-правові критерії, що розмежовують законні заходи безпеки від протиправних діянь під час збройного конфлікту. Доведено, що системні зміни у федеральному законодавстві РФ щодо спрощення процедури опіки, примусової паспортизації та ідеологічної індоктринації свідчать про наявність чітко спланованої, вертикально інтегрованої державної політики. Відповідно до норм міжнародного гуманітарного та кримінального права (Четвертої Женевської конвенції та Римського статуту) досліджувані діяння кваліфіковано кумулятивно за трьома напрямками: як воєнні злочини, злочини проти людяності та елементи злочину геноциду. З огляду на зафіксовані факти



грубого та системного нехтування фундаментальними правами дитини та міжнародні стандарти, діяльність РФ не може бути виправдана жодною воєнною чи гуманітарною необхідністю. Оскільки країна-агресор сама штучно змодельовала кризове середовище та свідомо порушила норми Женевських конвенцій і Додаткових протоколів, ці заходи де-юре кваліфікуються не як евакуаційні місії, а як масштабне протиправне переміщення цивільного населення та примусова депортація дітей, що має чіткі ознаки найважчих міжнародних злочинів. Відповідно, створення такої всеосяжної системи інституційного насильства вимагає від міжнародного співтовариства не просто декларативних засуджень, а консолідації зусиль для розгортання дієвих судово-процесуальних механізмів, які забезпечать невідворотність суворого покарання для всієї вертикалі організаторів цього злочину — від ідеологів у Кремлі до безпосередніх виконавців на місцях.

Ключові слова: міжнародне кримінальне право, воєнні злочини, депортація дітей, примусове переміщення, гуманітарна евакуація, Римський статут, геноцид, індоктринація.

Introduction. The issue of the forced displacement and deportation of Ukrainian children to the Russian Federation (hereinafter – RF) is now of particular relevance in the context of the investigation into the crimes committed by the RF. The Independent International Commission of Inquiry on Ukraine, in its latest report to the UN Human Rights Council, noted that the Russian authorities have committed crimes against humanity, including the deportation and forced displacement of children, as well as their enforced disappearances [1]. Under Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court [2], unlawful deportation or transfer is classified as a war crime, and where there are indications of large-scale and systematic conduct, it constitutes a crime against humanity under Article 7(1)(d). If the forcible transfer of children from one group to another is carried out with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, such actions may be classified as the crime of genocide [3; 4]. It was precisely this factor that formed the basis for the Parliamentary Assembly of the Council of Europe’s classification of the Russian Federation’s actions as genocide in Resolution 2495 (2023) “Deportations and forced displacement of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: creating conditions for their safe return, stopping these crimes and punishing those responsible” [3].

An analysis of recent studies and publications. Issues relating to deportation, forced displacement and the abduction of children are being studied by Ukrainian scholars from historical (Semenov S., Adamovskyi V. [5]), criminal and criminological (Makarova O., Kirika D. [6], Fedorov M., Strusinska D. [7]), and

general social (Galiv M., Karpenko O. [8], Sinyuk O. [9], Sushch O., Ostapenko O., Rohova O.[10; 11]) perspectives. However, the research into this issue is primarily based on analytical materials and data from official state bodies and non-governmental institutions whose remit includes addressing such matters. Despite the significant number of academic and analytical studies on this subject, the issue of the legal assessment of the Russian Federation's actions regarding the deportation and forced displacement of Ukrainian children requires further comprehensive and in-depth academic research.

The aim of this article is to examine the relationship between the categories of “deportation”, “forced displacement” and “evacuation” based on an analysis of legislative acts and analytical and statistical sources, and to identify possible approaches to classifying the Russian Federation's actions in this area for the purpose of further legal classification of such actions and holding those responsible to account, including under international law.

Main text. The forcible removal of children who are citizens of Ukraine constitutes a direct violation of the Universal Declaration of Human Rights [12], Article 49 of the Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention) [13], Article 21 of the UN Convention on the Rights of the Child [14], Article 283 of the Family Code of Ukraine [15] and the Law of Ukraine “On the Protection of Children” [16]. Article 11 of the 1989 Convention on the Rights of the Child states that States Parties shall take measures to combat the unlawful removal and non-return of children from abroad. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accede to existing agreements [17]. It is worth noting that the Russian Federation is also a party to the Convention on the Rights of the Child, but does not comply with any of the provisions of the international treaty.

The information and analytical data gathered during the investigation into crimes committed by the Russian Federation during the full-scale invasion, and now also international instruments (in particular, resolutions of the Parliamentary Assembly of the Council of Europe) indicate that the unlawful deportation of Ukrainians to the Russian Federation from the temporarily occupied territories took place even before the full-scale invasion in February 2022. In fact, it began in 2014, when parts of the Donetsk and Luhansk regions and the Autonomous Republic of Crimea were occupied. In fact, it began with the deportation to the Russian Federation of children from children's homes and children with disabilities from specialized institutions. After being moved to the Russian Federation, these children were placed under temporary guardianship and were subsequently put up for adoption.

One of the first systematic studies of the issues surrounding the forced adoption and guardianship of Ukrainian children within the Russian Federation was carried



out by experts from the Yale Human Rights Laboratory (Yale HRL) [18], who demonstrated that the deportation of Ukrainian children was carried out as part of a planned and organised state policy. This practice not only continued to develop following the large-scale invasion, but also intensified. ‘In the first months of the full-scale invasion, Russia focused on four different categories of children: 1) from the occupied territories, sent to re-education camps; 2) separated from their families in a network of filtration facilities set up during the siege of Mariupol in early 2022; 3) taken into the care of Russian military and security forces on the battlefield in Mariupol, Kharkiv, Kherson and elsewhere; 4) from state institutions and facilities in Ukraine [18].

In a report published in 2026, the Independent International Commission of Inquiry on Ukraine, in its findings regarding crimes and violations committed during the Russian Federation’s full-scale invasion of Ukraine, reliably established the deportation and displacement of a total of 1,205 children from five regions of Ukraine, which led it to conclude that these actions constituted crimes against humanity, as well as war crimes of deportation and the forcible displacement of children. Indeed, the Russian authorities systematically failed to inform parents or legal guardians of the children’s whereabouts and held them in an environment of coercion, thereby preventing their return. Instead of establishing a system that would facilitate the return of the children, the Russian authorities sought to ensure their long-term placement in families or institutions within the Russian Federation. Throughout 2022, the Russian authorities stated that adoption was their preferred option for placing these children in families. The Commission therefore also concluded that the Russian authorities had committed a crime against humanity in the form of the enforced disappearance of children deported or displaced from Ukraine, as well as a war crime in the form of an unjustified delay in their repatriation [19].

The existence of a state policy on the forced relocation and deportation of Ukrainian children has been confirmed, inter alia, by amendments to the relevant federal laws, which simplified the procedure for transferring children from Ukraine to Russia for adoption and guardianship, and subsequently for their naturalization. Legislative changes also introduced a procedure for renouncing Ukrainian citizenship (by submitting an application to the Russian Ministry of Internal Affairs stating a desire to renounce Ukrainian citizenship), which served as grounds for the automatic termination of Ukrainian citizenship. This practice is condemned by the international community, as it is used for the purpose of forced passportisation and Russification of minors. Resolution 2495 (2023) concludes that the aforementioned state policy “encompasses all levels of political decision-making, from the top down to its implementation by administrative bodies and state institutions of the Russian Federation, particularly with regard to the forced displacement, deportation and

indoctrination of Ukrainian children” [20]. Similar conclusions are contained in the report of the Independent International Commission of Inquiry on Ukraine: the implementation of state policy was led by the President of the Russian Federation, V. Putin and the Presidential Commissioner for Children’s Rights, M. Lvova-Belova, and was carried out by bodies and institutions of various branches of government at central and regional levels in the Russian Federation and in the occupied territories of Ukraine [19]. In Resolution 2495 (2023), PACE “condemns the violation of the rights of deported Ukrainian children to preserve their identity, as defined by the United Nations Convention on the Rights of the Child (Article 8), through the practice of forcibly granting Russian citizenship and placing children in the care of families of Russian citizens” [20].

In the context of forced displacement and deportation, the PACE cites the following practices in relation to children: 1) the forced displacement of children to the Russian Federation and to the temporarily occupied territories of Ukraine for placement in foster families, Russian children’s homes or residential institutions, including ‘summer camps’, and the facilitation of the adoption of such children by Russian families. Among the categories of children affected by this practice are orphans and children with disabilities, as well as children who were displaced with or without their parents, and children whose parents agreed to allow the occupying authorities to transport them to “holiday camps”, from which they never returned; 2) the practice of “re-educating” children, who are thus removed from their homes and families, both in residential care facilities and in foster families. This practice is known as “Russification”, which involves a ban on speaking Ukrainian or expressing one’s Ukrainian identity and culture in any way, the forced introduction to the Russian language and culture through lessons, widespread exposure to state propaganda via the media, the teaching of a Russian version of history, visits to ‘patriotic’ sites, military drills, and the denigration of the Ukrainian language, culture and history. In some cases, children were told (often falsely) that their parents had died; most have no way of finding out where they are, how to contact their families or obtain any assistance, and many suffer from bullying and psychological harassment [20].

Given the organized and systematic nature of the perpetrators’ actions, and the similarities in the characteristics of such operations – both geographically (across various temporarily occupied regions) and chronologically (including the period prior to the full-scale aggression in February 2022) – PACE concludes that these crimes are not random but planned, and demonstrate an intention to destroy Ukraine, Ukrainian identity, and the cultural and linguistic characteristics of its people. Such conclusions allow the actions of the Russian Federation to be classified as war crimes, crimes against humanity and, as the Assembly notes in its Resolution 2482 (2023) “Legal and human rights aspects of the Russian Federation’s aggression



against Ukraine”, may be recognized as genocide, since actions such as “the killing and forcible transfer of children from one group to another with the aim of Russification through adoption by Russian families and/or transfer to Russian children’s homes or residential institutions, such as summer camps”, may fall under Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [20]. As noted by the Independent International Commission of Inquiry on Ukraine, four years on, most families are still searching for their children, leading to prolonged separation, suffering and emotional distress. This constitutes a war crime in the form of unjustified delay in the repatriation of civilians [19].

Leaving aside the question of how to classify the Russian Federation’s crimes – a matter beyond the scope of this study – we propose to examine the meaning and relationship between the categories of “deportation” and “forced displacement”.

International legal norms do not contain legal definitions of the concepts of “deportation” and “forced displacement of persons” or of the relationship between them. They share common characteristics, such as the involuntary and unlawful nature of the relocation of civilians beyond the territory of their habitual residence. At the same time, the decisions of the International Tribunal for the Former Yugoslavia (hereinafter – ICTY) in the cases “Prosecutor v. Krstić” (2001) and “Prosecutor v. S. Milošević” (2004) emphasize the distinction between these categories, which relates to the fact of crossing a state border. Deportation is the transfer of one or more persons from the territory of one state to the territory of another, involving the crossing of a state border, whereas forcible displacement occurs within the territory of the same state. In other words, the movement of the civilian population within the territory of Ukraine is legally correctly characterized by the term “forced displacement of persons”, whereas if it occurs beyond the territory of Ukraine, the term “deportation” should be used [21]. National legislation also establishes a similar distinction between these categories, recognizing the difference between the concepts of “deportation” and “forced displacement of persons” in the presence or absence of the fact of crossing a country’s state border.

It should also be noted that, in the context of the Russian Federation’s narratives and statements, deportation or forced displacement to Russian territory often takes place under the guise of evacuation. For instance, the Independent International Commission of Inquiry on Ukraine noted that, shortly before the full-scale invasion, the Russian authorities carried out large-scale transfers of children, which they justified as ‘evacuation’ due to the risks associated with the armed conflict. However, the Commission found that, four years on, 80% of children in documented cases have still not returned, which contravenes international humanitarian law, under which evacuation may only be temporary and carried out exclusively for urgent reasons related to health, medical treatment or safety [19].

The Russian Federation, in particular, under the guise of providing children with health care in free summer camps, allegedly temporarily evacuates them from

the territory of Ukraine, but in reality, subsequently prevents the children from returning to their parents or legal guardians, attempting to “ideologically re-educate” them and turn them into pro-Russian supporters.

The Geneva Convention relative to the Protection of Civilian Persons in Time of War [13] sets out guarantees against forced deportation. Thus, Article 49 prohibits, regardless of the motives, the forced individual or mass transfer or deportation of protected persons from the occupied territory to the territory of the occupying Power or to the territory of any other State, whether occupied or not.

Evacuation is a duty incumbent upon the state to ensure that civilians under its control enjoy fundamental rights and freedoms, including the right to life. In this context, K. Rashevskaya raises the question of the nature of control – whether it is general or effective. Based on an analysis of the Fourth Geneva Convention and Additional Protocol I, particularly regarding nationality, and taking into account the application of international human rights law (*lex generalis*) during armed conflict, the author argues that it is precisely effective control that is at issue. Therefore, without establishing such control, a party to an armed conflict may under no circumstances arbitrarily displace the population.

Evacuation is of an exceptional nature (a measure of last resort), and the burden of proving its necessity rests with the state invoking such a condition. The commentaries on the Fourth Geneva Convention [13] and Additional Protocol I [22] caution against treating evacuation as a strategy of warfare, given its effectiveness in achieving military advantage. In this context, evacuation is lawful only when there is no other alternative. As such alternatives, K. Rashevskaya proposes “at least four options that must precede or replace evacuation: protection through presence, the provision of humanitarian aid, mediation, and the creation of a demilitarized zone” [23].

In the case law of the ICTY, in particular in the Judgment of the Trial Chamber in the case of “Prosecutor v. Blagojević and Jokić” [24], it is clearly established that the key feature of a legitimate evacuation is that it must be entirely voluntary for the affected persons (paras. 127–128). Legal doctrine interprets the concept of ‘coercion’ much more broadly than simply the use of physical force. According to the judgment in the case of “Prosecutor v. Krstić” (para. 529) [25], the coercive nature of a movement may be ensured through intimidation, psychological pressure, persecution, unlawful deprivation of liberty, abuse of authority, or the artificial creation of life-threatening conditions.

Parties to an armed conflict are obliged to prevent displacement caused by their own actions. In this context, a clear distinction must be drawn between the concepts of *jus in bello* (the law of war) and *jus ad bellum* (the right to wage war), as the legal assessment concerns specifically the failure to comply with humanitarian norms, rather than the act of aggression itself. If civilians are forced to flee due to indiscriminate attacks or intimidation by combatants, such “evacuation” is legally



classified as forced displacement. The main difference between humanitarian evacuation and unlawful deportation lies in the presence of a protective function aimed at preserving human life.

The Russian military campaign demonstrates a systematic disregard for these norms. Targeted strikes on civilian infrastructure (in particular medical and educational facilities), the use of cluster munitions and indiscriminate weapons within cities, nuclear blackmail and repression in occupied territories, deprive the local population of any real alternative, forcing them to leave their homes. The most vulnerable groups are those with limited mobility – the elderly, people with disabilities and children – whom the Russian Federation forcibly removed without offering any alternative, under the guise of evacuation measures, right at the initial stage of the invasion.

International practice has clear protocols for such crises. In February 2014, following the removal of civilians from the Syrian city of Homs, the UNHCR developed the Minimum Standards for Participation in Inter-Agency Humanitarian Evacuations [26]. This set of ten rules is based on the principles of international humanitarian law and fundamental humanitarian principles: neutrality, humanity, independence and impartiality. The standards require the organization of safe transit in appropriate conditions, the involvement of specialized international institutions to ensure access to the evacuation process, humane treatment, the immediate provision of medical care to the wounded and sick, the preservation of family unity, the protection of humanitarian convoys, and the special protection of children.

The movement of minors is subject to particularly strict regulation, as governed by the Fourth Geneva Convention [13] and Additional Protocol I [22]. The key point here is Article 78 of Additional Protocol I [22], which imposes a categorical prohibition on the removal of children to a foreign state. The only exceptions are extreme circumstances (such as health reasons), but even then, the transfer must be strictly temporary. The country implementing such measures is obliged to take all steps to locate the child's relatives or guardians and obtain their written consent, and the entire process must be carried out with the involvement of the child's country of nationality. The occupying authorities must also organize the educational process in accordance with the religious and cultural beliefs of the child's parents, and must forward information sheets for each evacuee to the ICRC's Central Tracing Agency for subsequent repatriation.

The Russian Federation's conduct is entirely at odds with these criteria. The removal of over two thousand Ukrainian orphaned children since the start of the aggression does not meet any of the legal criteria that would allow this process to be termed an evacuation. Attempts to rapidly grant Russian citizenship to the children, placing them in the care of or for adoption by Russian citizens, developing programs of forced assimilation (Russification), and blocking any cooperation with Ukraine

regarding their return constitute a direct and gross violation of both the letter and the spirit of Article 78 of Additional Protocol I [22].

Even where there are indisputable military reasons making the evacuation of the population the only means of saving them, the occupying power is strictly limited in its choice of the final destination. According to the ICJ's precedent in the case of "Prosecutor v. Stakić" [27], evacuation cannot be used as a tool for demographic cleansing or the elimination of ethnic and social communities in their historical places of residence (para. 681). This follows from the principle of respect for state sovereignty, which recognizes the population as an integral element of statehood.

IHL (in particular Article 49 of the Fourth Geneva Convention [13]) sets out an exhaustive list of permitted locations for the accommodation of displaced persons: safe zones and areas, as well as demilitarized zones established by agreement between the parties to the armed conflict in accordance with Article 14 of the Fourth Geneva Convention; the territory of the State of nationality or habitual residence (usually a country that is wholly or partly occupied); another territory occupied by the same State; a third neutral country or a protecting State by agreement between the parties to the armed conflict; the territory of the occupying State, if this cannot be avoided for practical reasons [13].

An important legal point is repatriation: as soon as the imperative reasons of a military nature cease to exist, displaced persons must be ensured unimpeded return home. Furthermore, if civilians are temporarily present in the territory of the occupying power, the latter has no right to restrict their right to leave for any other country at any time (Article 35 of the Fourth Geneva Convention) [13].

Given that the Russian Federation forcibly redirected Ukrainians' logistics routes exclusively to its own regions or deeper into the occupied territories, regularly shelled the agreed-upon humanitarian corridors, and considering that Ukraine controls most of its sovereign territory, the aggressor's actions have nothing to do with a humanitarian mission. Since the Russian Federation itself artificially created a threat to the lives of civilians, its actions should be classified not as an evacuation, but as an illegal forced displacement, which bears clear signs of war crimes and crimes against humanity.

Conclusions. To summarize the above, it can be stated that the Russian Federation's actions regarding the removal of Ukrainian citizens do not meet the criteria for a legitimate protective measure. As clearly stated in PACE resolutions, the forced routing of evacuation routes exclusively into the depths of territories controlled by the aggressor or directly into regions of the Russian Federation constitutes a direct violation of international humanitarian law. Systematic shelling of agreed-upon humanitarian corridors proves that the aggressor state deliberately destroyed safe routes for civilians to exit to territory controlled by the Government of Ukraine.



The Assembly is particularly concerned about the fate of deported Ukrainian children, especially orphans, who, due to the lack of legal representation, find themselves in a state of complete legal and physical vulnerability. PACE emphasizes that the prolonged stay of minors under the control of the occupying authorities threatens to make their situation irreversible, as the chances of locating and repatriating them rapidly diminish over time. Russian authorities are deliberately seeking to destroy the national identity of Ukrainian children through the forced change of their names, personal data, and citizenship, the practice of illegal adoption, as well as harsh ideological indoctrination involving the imposition of a foreign language and culture. Many of them are currently deprived of any means of communication with their homeland or relatives, and are subjected to psychological and physical pressure, which has a devastating effect on their health and well-being.

Such actions constitute a gross and systematic disregard for the child's fundamental rights to preserve their identity, name, family ties, freedom of belief, education, and cultural identity, which are imperatively guaranteed by the UN Convention on the Rights of the Child.

In light of these documented facts and international standards, the Russian Federation's actions cannot be justified by any military or humanitarian necessity. Since the aggressor state itself artificially created the crisis environment and deliberately violated the provisions of the Geneva Conventions and Additional Protocols, these actions are legally classified not as evacuation missions, but as a large-scale unlawful displacement of the civilian population and the forced deportation of children, which bear clear signs of the most serious international crimes.

References:

1. Report of the Independent International Commission of Inquiry on Ukraine. Human Rights Council. Sixty-first session. 23 February – 2 April 2026. Agenda item 4. Human rights situations that require the Council's attention. Retrieved from <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session61/advance-version/a-hrc-61-61-auf.pdf>
2. Rome Statute of the International Criminal Court, 17 July 1998. Retrieved from <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>
3. Resolution 2495 (2023) "Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators". Retrieved from <https://pace.coe.int/en/files/31776/html>
4. Convention on the Prevention and Punishment of the Crime of Genocide, adopted 09 December 1948 by General Assembly resolution 260 A (III). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>
5. Semenov S. V., Adamovskyi, V. I. (2025). Deportatsiya ditey yak okremyy fenomen [Child deportation as a distinct phenomenon]. *Vcheni zapysky TNU imeni V.I. Vernadskoho. Seriya: Istorychni nauky. Tom 36 (75) № 3*. 158 – 164. DOI <https://doi.org/10.32782/2663-5984.2025/3.23>. Retrieved from: https://www.hist.vernadskyjournals.in.ua/journals/2025/3_2025/25.pdf [in Ukrainian]

6. Makarova, O. P., Kirika, D. V. (2025). Kryminalistychni ta pravovi aspekty dokumentuvannya zlochynu deportatsiyi ukrayinskykh ditey yak formy henotsydu v umovakh zbroynoyi ahresiyi rosiyskoyi federatsiyi [Criminalistic and Legal Aspects of Documenting the Crime of Deportation of Ukrainian Children as a Form of Genocide in the Context of Armed Aggression by the Russian Federation]. *Bulletin of KhNUA. № 4 (111). 395–394. DOI: <https://doi.org/10.32631/v.2025.4.31> [in Ukrainian].*

7. Fedorov M. P., Strusinska D. R. (2025). Problemy kvalifikatsii nezakonnoi deportatsii ukraïnskykh ditei do Rossii [Problems of qualification of illegal deportation of Ukrainian children to Russia]. *Visnyk LTEU. Yurydychni nauky, № 17, 25–30*. Retrieved from <https://www.journals-lute.lviv.ua/index.php/visnyk-law/article/view/1936/1820> [in Ukrainian]

8. Haliv, M. & Karpenko, O. (2024). Vykradennia ukraïnskykh ditei rosiiskymy okupantamy (2022–2024): za materialamy vitchyznianskykh mas-media [Kidnapping of Ukrainian children by Russian occupants (2022–2024): according to the materials of the Ukrainian media]. *Problemy humanitarnykh nauk: zbirnyk naukovykh prats Drohobyskoho derzhavnoho pedahohichnoho universytetu imeni Ivana Franka. Seriya Istorii – Problems of Humanities. History Series: a collection of scientific articles of the Drohobych Ivan Franko State Pedagogical University, Special issue, 62–76*. Retrieved from <https://doi.org/10.24919/2312-2595.spec.5> [in Ukrainian]

9. Sinyuk, O. (2025). Problema deportatsii ukraïnskykh ditei ta tsyvilnykh osib: mekhanizmy povnennia ta pravovi naslidky dlia RF [The Problem of Deportation of Ukrainian Children and Civilians: Return Mechanisms and Legal Consequences for the Russian Federation]. *Predstavnytstvo Fondu Konrada Adenauera v Ukraini (Kyiv)*. Retrieved from https://www.kas.de/documents/d/ukraine/syniuk_deportation-of-ukrainian-children-and-civilians_ukr [in Ukrainian]

10. Rohova, O. H., Ostapenko, O. H., Sushch, O. P. Problemni pytannia vyznachennia yurysdyktsii derzhavy shchodo vidpovidalnosti za voïenni zlochyny proty ditei [Problematic issues in determining state jurisdiction regarding responsibility for war crimes against children]. *Modern engineering and innovative technologies. Issue 42. Part 4. 314–336. DOI: 10.30890/2567-5273.2025-42-04-057* Retrieved from <https://repository.hneu.edu.ua/handle/123456789/39639> [in Ukrainian]

11. Ostapenko, O.G., Sushch, O. P., Rohova, O.G. (2025). The problem of identifying and determining the real number of Ukrainian children who were deported from the occupied territories of Ukraine. *World scientific and technical trends. Series «SW-Ger conference proceedings», № 42, 173 – 181*. Retrieved from <https://repository.hneu.edu.ua/handle/123456789/39638>

12. Universal Declaration of Human Rights: UN General Assembly Resolution 217 A (III), adopted on December 10, 1948. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

13. Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949. Retrieved from https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

14. Convention on the Rights of the Child, adopted 20 November 1989 by General Assembly resolution 44/25. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

15. Simeinyi kodeks Ukrainy [Family Code of Ukraine] (2002, January 10) № 2947-III. Retrieved from <https://zakon.rada.gov.ua/laws/show/2947-14#n1446> [in Ukrainian]

16. Pro okhoronu dytynstva [On the protection of childhood] (2001, April 26). Vidomosti Verkhovnoi Rady Ukrainy – Bulletin of Verkhovna Rada of Ukraine. № 2402-III. Retrieved from <https://zakon.rada.gov.ua/laws/show/2402-14#Text> [in Ukrainian]



17. Convention on the Rights of the Child, adopted 20 November 1989 by General Assembly resolution 44/25. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
18. RUSSIA'S SYSTEMATIC PROGRAM of COERCED ADOPTION and FOSTERING of UKRAINE'S CHILDREN: A CONFLICT OBSERVATORY REPORT. Yale School of Public Health, Humanitarian Research Lab. https://www.justsecurity.org/wp-content/uploads/2024/12/Russias_Systematic_Program_of_Coerced_Adoption_and_Fostering_of_Ukraines_Children.pdf
19. Report of the Independent International Commission of Inquiry on Ukraine. Human Rights Council. Sixty-first session. 23 February–2 April 2026. Agenda item 4. Human rights situations that require the Council's attention. <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session61/advance-version/a-hrc-61-61-auv.pdf>
20. Resolution 2495 (2023) "Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators". <https://pace.coe.int/en/files/31776/html>
21. Usmanov, Yu. (29.11.2022). Chomu prymusove peremishchennia ukrainsiv do rosiy ye porushenniam? [Why is the forced transfer of Ukrainians to Russia a violation?]. *Ofitsiyni sait Tsentru Mizhnarodnoho Humanitarnoho Prava i Perekhidnoho Pravosuddia*. Retrieved from <https://ihlaw.org/prymusove-peremishhennya-ukrayincziv-do-rosiyi/> [in Ukrainian]
22. Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>
23. Rashevsk K. Operation "evacuation": how not to commit three international crimes at once? JUSTTALK. Retrieved from <https://justtalk.com.ua/post/operatsiya-evakuatsiya-yak-ne-skoiti-vidrazu-tri-mizhnarodni-zlochiny>
24. Prosecutor v. Blagojevic and Jokic (Trial Judgment). Case № IT-02-60. <https://www.refworld.org/jurisprudence/caselaw/icty/2005/91971>
25. The Prosecutor v. Radislav Krstić. Case № IT-98-33. Retrieved from <https://www.refworld.org/jurisprudence/caselaw/icty/2001/40159>
26. Humanitarian evacuations in violence and armed conflict: internal note. Retrieved from <https://emergency.unhcr.org/sites/default/files/2025-09/Humanitarian%20Evacuations%20in%20Violence%20and%20Armed%20Conflict.pdf>
27. *Prosecutor v Stakić* (Judgment) ICTY-97-24-T (31 July 2003) Retrieved from <https://www.icty.org/x/cases/stakic/tjug/en/stak-tj030731e.pdf>

Література:

1. Report of the Independent International Commission of Inquiry on Ukraine. Human Rights Council. Sixty-first session. 23 February – 2 April 2026. Agenda item 4. Human rights situations that require the Council's attention. <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session61/advance-version/a-hrc-61-61-auv.pdf>
2. Rome Statute of the International Criminal Court, 17 July 1998. URL: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>
3. Resolution 2495 (2023) "Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators". <https://pace.coe.int/en/files/31776/html>

4. Convention on the Prevention and Punishment of the Crime of Genocide, adopted 09 December 1948 by General Assembly resolution 260 A (III). URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>
5. Семенов С. В., Адамовський В. І. ДЕПОРТАЦІЯ ДІТЕЙ ЯК ОКРЕМИЙ ФЕНОМЕН. Вчені записки ТНУ імені В.І. Вернадського. Серія: Історичні науки. Том 36 (75) № 3 2025. С. 158–164. DOI <https://doi.org/10.32782/2663-5984.2025/3.23>. URL: https://www.hist.vernadskyjournals.in.ua/journals/2025/3_2025/25.pdf
6. Макарова О. П., Кіріка Д. В. Криміналістичні та правові аспекти документування злочину депортації українських дітей як форми геноциду в умовах збройної агресії російської федерації. Вісник ХНУВС – Bulletin of KhNUA. 2025. № 4 (111). С. 395–394. DOI: <https://doi.org/10.32631/v.2025.4.31>
7. Федоров М. П., Струсінська Д. Р. Проблеми кваліфікації незаконної депортації українських дітей до росії. Вісник ЛТЕУ. Юридичні науки, № 17 (2025). 25 – 30. DOI: <https://doi.org/10.32782/2616-7611-2025-17-04>.
8. Галів, М., & Карпенко, О. (2024). Викрадення українських дітей російськими окупантами (2022–2024): за матеріалами вітчизняних мас-медіа. Проблеми гуманітарних наук: збірник наукових праць Дрогобицького державного педагогічного університету імені Івана Франка. Серія Історія, Спецвипуск, 62–76. doi: <https://doi.org/10.24919/2312-2595>. https://www.researchgate.net/publication/381021914_VIKRADENNA_UKRAINSKIH_DITEJ_ROSIJSKIMI_OKUPANTAMI_2022-2024_ZA_MATERIALAMI_VITCIZNANIH_MAS-MEDIA
9. Синюк О. Проблема депортації українських дітей та цивільних осіб: механізми повернення та правові наслідки для РФ. Представництво Фонду Конрада Аденауера в Україні (Київ), 2025. 12 с. https://www.kas.de/documents/d/ukraine/syniuk_deportation-of-ukrainian-children-and-civilians_ukr
10. Рогова О. Г., Остапенко О. Г., Суц О. П. Проблемні питання визначення юрисдикції держави щодо відповідальності за воєнні злочини проти дітей (Problematic issues in determining state jurisdiction regarding responsibility for war crimes against children). Modern engineering and innovative technologies. Issue 42. Part 4 С. 314-336. <http://www.moderntechno.de/index.php/meit/article/view/meit42-04-057> DOI: 10.30890/2567-5273.2025-42-04-057 <https://repository.hneu.edu.ua/handle/123456789/39639>
11. Ostapenko O.G., Sushch O. P., Rohova O.G. The problem of identifying and determining the real number of Ukrainian children who were deported from the occupied territories of Ukraine. World scientific and technical trends. Series «SW-Ger conference proceedings». № 42 on December 20, 2025. Pp. 173 – 181. <https://proconference.org/index.php/gec/issue/view/gec42-00/gec42-00> DOI: 10.30890/2709-1783.2025-42-00-025 <https://repository.hneu.edu.ua/handle/123456789/39638>
12. Universal Declaration of Human Rights: UN General Assembly Resolution 217 A (III), adopted on December 10, 1948. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
13. Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949. URL: https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf
14. Convention on the Rights of the Child, adopted 20 November 1989 by General Assembly resolution 44/25. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
15. Сімейний кодекс України : Кодекс України від 10.01.2002 № 2947-III. <https://zakon.rada.gov.ua/laws/show/2947-14#n1446> (in Ukrainian)

Науково-практичний журнал

«Національні інтереси України»

№ 6(23) 2026

СПЕЦВИПУСК

*Формат 60х90/8. Папір офсетний.
Гарнітура Times New Roman.
Ум. друк. арк. 8,2.*

*Видавець:
ФОП «Жукова Ірина Віталіївна», Свідоцтво серія ДК № 7425 від 09.08.2021 р.*