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A DOKTORANDOV
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Eubica Saktorová
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Recenzenti (Reviewers) : doc. JUDr. Ivana Šošková, PhD., MBA
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DEPORTATION OF THE CHILDREN IN THE CONTEXT OF THE RUSSIA-UKRAINIAN WAR

OXSANA KIRIIAK * - KARYNA HODOVSKA **

Abstract

In an era of rapid technological advancement and increasing global interdependence, war is often regarded as an obsolete means of resolving international disputes. Nevertheless, the Russian-Ukrainian war, which escalated into a full-scale invasion in 2022, has precipitated a profound humanitarian crisis, with children among its most vulnerable victims. This paper examines the unlawful deportation and forcible transfer of Ukrainian children to Russia and Russian-occupied territories, a practice that had affected approximately 20,000 minors as of March 2026. Through an analysis of the relevant provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, the paper argues that Russia has systematically circumvented international humanitarian law by replacing legitimate parental consent with authorization from occupation-appointed authorities, conferring Russian citizenship upon deported children, and placing them in Russian families and state institutions without any realistic prospect of repatriation.

Key words: *deportation of children, forcible transfer, child protection, children's right, crimes against humanity, war crimes, Russian-Ukrainian war, evacuation, international humanitarian law.*

Introduction

In the context of the Russian-Ukrainian war, which began in 2014 and escalated into a full-scale invasion in 2022, the protection of children's rights, freedoms, and fundamental human dignity has emerged as one of the most pressing humanitarian and legal challenges facing the international community. Children have become particularly vulnerable victims of the armed conflict, suffering from displacement, family separation, disruption of education, psychological trauma, injuries, and loss of life. As a result, ensuring the effective protection of their rights under both international humanitarian law and international human rights law has become a matter of urgent concern.

Despite the existence of numerous international bilateral and multilateral treaties, conventions, and legal mechanisms designed to prevent and punish grave international crimes – including war crimes, crimes against humanity, the crime of aggression, and genocide – the Russian Federation continues to employ military force against Ukraine on a daily basis. Numerous reports and investigations conducted by international organizations, governmental bodies, and independent monitoring mechanisms have documented systematic violations of international

* Kiriak Oksana, Associate Professor, Private Law Department of Yuriy Fedkovych Chernivtsi National University, e-mail: o.kiriyak@chnu.edu.ua

** Karyna Hodovska, 3rd of study, Bachelor's student, full-time study, Faculty of Law, e-mail: hodovska.karyna@chnu.edu.ua

law committed during the course of the conflict. These violations have had particularly severe consequences for children, whose rights to life, security, education, family unity, and protection from violence have been repeatedly endangered.

The ongoing hostilities demonstrate the limitations of existing international safeguards and highlight the necessity of strengthening accountability mechanisms to ensure the protection of civilians, especially children. In this regard, the russian federation's actions on the territory of Ukraine raise serious concerns regarding compliance with its obligations under international law and underscore the importance of coordinated international efforts aimed at preventing further violations, ensuring justice for victims, and safeguarding the rights and freedoms of future generations.

During all wars, the most vulnerable, unprotected part of society is children, who do not have a mechanism to protect their rights by themselves. According to the statistics that are regularly published on the website "Children of war" (1), as of March 2026, approximately twenty thousand children were deported or transferred by russian authorities to the russian federation or to areas they occupied in Ukraine. In the present day, Ukrainian diplomats, in collaboration with the International Coalition for the Return of Ukrainian Children, were able to return 2047 children.

Generally, the Geneva Convention relative to the Protection of Civilian Persons in Time of War prohibits individual or mass forcible transfers, deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, regardless of their motive (2). However, it allows total or partial evacuation of a given area if the security of the population or imperative military reasons so demand, as russia actively uses it to justify unlawful deportation.

In the initial phase of the relocation process, Ukrainian children were transferred by russian authorities to temporary transit facilities located either within the territory of the russian federation or in areas of Ukraine currently under russian occupation. These transit centres appear to function as intermediary holding sites prior to subsequent dispersal, rather than as short-term humanitarian reception points oriented toward family reunification or return.

Following this initial stage, children are reportedly redistributed to a wide network of destinations across multiple administrative regions of the russian federation, encompassing at least twenty-one distinct territorial units. Within these regions, the children are placed either within private foster households or in institutional care settings, where their residence is often indefinite in duration. This multi-stage relocation framework results in prolonged separation

from their families and places the children within a dispersed system of care arrangements, significantly complicating efforts aimed at tracing, legal recovery, and eventual repatriation. Based on international humanitarian law, evacuations must be temporary and provided for essential reasons such as health, medical treatment, or safety. Nowadays, according to the evidence collected by the Independent International Commission of Inquiry on Ukraine (3), after four years of full-scale invasion, eighty percent of the children deported or transferred have no return. It can be concluded that the relocation of children has generally not been temporary, and russian authorities have not facilitated the return of the children to their families or country.

Moreover, they have been given russian citizenship and appeared on adoption databases (3) that have been encouraged at the highest level of the russian federation state apparatus.

In June 2023, the president of the russian federation declared, “We evacuated entire orphanages, and it was done legally because the directors of those orphanages were legal guardians of the children”. Based on the Geneva law, for a legally approved temporary evacuation of children from occupied territory, written consent of the parents, legal guardians, or, 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(4). In fact, russian authorities did not have to attend to obtain the consent of directors appointed by the Ukrainian Government. Instead, they relied on the consent of local loyal authorities, in cases of Luhansk and Donetsk regions, appointed by them, or, for instance, in the Kherson region, occupation authorities dismissed the current director and replaced him with a new director who was ready to cooperate and to consent to deportation and transfer.

Chapter 1. Transfers of children after separation from parents or legal guardians due to hostilities

The transfer of Ukrainian children by the russian federation into russian-controlled territory has occurred under several distinguishable categories of purported “prerequisites,” which, when examined through the prism of international humanitarian law, reveal a pattern of systematic disregard for established legal protections afforded to children in armed conflict. In the initial and most frequently documented category, the transferred minors include those who became separated from their parents, legal guardians, or primary caregivers as a direct consequence of active hostilities, displacement, and the breakdown of civilian protective structures within the conflict zone. Such circumstances, under international humanitarian law – particularly the

Geneva Conventions and their Additional Protocols – impose heightened obligations on all parties to the conflict to ensure the protection, tracing, and reunification of separated family members, especially children, who are recognized as a particularly vulnerable protected group. Notwithstanding these binding legal obligations, available evidence indicates that the Russian Federation has not undertaken adequate, transparent, or good-faith measures to facilitate the safe evacuation of such children to Ukrainian government-controlled territory, nor has it consistently fulfilled its duty to notify competent Ukrainian authorities regarding the identity, location, or condition of transferred minors. Instead, patterns documented by international monitoring bodies and corroborated by witness testimonies suggest the absence of a functional or systematic notification mechanism, resulting in prolonged informational deprivation for families and Ukrainian state institutions alike.

This failure to cooperate with established humanitarian procedures has contributed to a situation in which the whereabouts and legal status of numerous children remain uncertain, thereby obstructing efforts aimed at family reunification and lawful repatriation. From a legal perspective, such omissions are not merely administrative deficiencies but may constitute violations of core principles of international humanitarian law, including the obligation to facilitate family contact, prevent enforced disappearance, and ensure the protection of civilians in occupied territories. Collectively, these practices reflect a broader pattern of non-compliance with international norms governing the treatment of separated and unaccompanied children in situations of armed conflict.

For instance, in February 2022, as the fighting broke out in Mariupol city, 17 children up to 17 years old who were on vacation in a health resort there lost contact with their families and the opportunity to leave the Ukraine-controlled region. Eventually, the children ended up in a hospital in Donetsk city.

In the words of a mother of six children, during their state at the hospital, her children had been pushed, slapped, insulted, screamed at, and given bad food. Pro-Russian persons constantly told her children that they would be given to other families and forget their own parents, which became enormous pressure on a child's unformed consciousness. Besides, three of them who have disabilities did not receive appropriate care and medicine.

In this case, the Russian side did not take any measures aimed at reuniting children and their parents or legal guardians. In June 2022, thanks to the efforts of volunteers, the return of twelve of these children was possible. However, according to the report of the International Commission of Inquiry on Ukraine, at least one of the 17 children was subsequently deported to the Russian Federation and placed in a foster family (3).

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Children transferred following the arrest of the parent at a filtration point

The second category of documented incidents concerns cases in which russian authorities transferred Ukrainian children to russian-controlled areas within the Donetsk region following the detention of one or both parents at so-called filtration points. In such circumstances, children were subsequently placed in institutional care facilities or medical establishments, rather than being immediately processed for family reunification or transfer to Ukrainian competent authorities.

Critically, in these cases, there is no evidence that russian authorities established timely contact with Ukrainian institutions or undertook meaningful efforts to notify the Ukrainian state regarding the detention of parents or the concurrent relocation of their children. The absence of an effective notification mechanism, particularly during periods of parental detention, resulted in a complete breakdown of communication between the affected families and relevant authorities. This informational vacuum significantly exacerbated the vulnerability of the children involved.

Documented instance violations in this field are the deportation of three children in Mariupol who were trying to leave in an evacuation convoy with their father, the legal guardians of three minors. At a filtration point, the father was detained and transferred to the Olenivka penal colony. At this time, children were removed by social services of the so-called Donetsk People's Republic and relocated to a children's home and then a hospital in the Donetsk region. After that, the children had a long trip to the russian federation, together with almost 30 other children, and were accommodated in a camp near moscow. As soon as his father was released from detention, he found out about the whereabouts of his children. The trip to return the children was challenging, with multiple security and logistical constraints. In this camp, the family saw plenty of Ukrainian children who were waiting for accommodation in russian families.

Transfers of children in institutions

The third category of incidents concerns children transferred from institutions in Kharkiv, Kherson, and Mykolaiv regions to Crimea, Luhansk region, or the russian Federation. In all documented cases, neither parents, legal guardians, nor institution staff consented to the transfers. Children themselves also expressed strong objections. The official justification provided by russian authorities was temporary rest, treatment, or rehabilitation.

In practice, russian authorities replaced uncooperative institution directors with loyalists and used threatening language toward staff who resisted. Parents who managed to establish contact

with their children were required to undertake long and complicated travel through multiple countries to retrieve them, with no cooperation or assistance from russian authorities. As a result, family separations lasted up to three months.

Three documented incidents illustrate this pattern. In the Mykolaiv region, fifteen children under institutional guardianship were forcibly transferred to Crimea despite repeated objections from their legal guardian, who had consistently communicated that the children had relatives in Ukrainian-controlled territory. In the Kherson region, approximately eighty children and young adults with disabilities were transferred in three groups to Crimea and other russian-controlled locations, in several cases without parental consent being obtained at all. In the Kharkiv region, thirteen children with disabilities were removed by the russian armed forces without notifying their families. One mother learned of her son's whereabouts only through a media video.

Witnesses consistently reported that numerous other children remained in similar situations, without family contact and without a viable path to return.

Chapter 2. Mechanism of returning Ukrainian children

In major cases, the success of returning Ukrainian children is the merit of the Ukrainian party and parents or legal guardians. Russian authorities did not establish any system to facilitate the return of the children to their families or country, and consistently refuse to cooperate in this field. Moreover, russian authorities have required individual family members to pick up their children in person, which caused a long and complicated road, up to one week one way, sometimes requiring transit through several countries. Also, some family members faced a lack of finances, inadequate travel documents, a dire security situation, and logistical difficulties. These factors prolonged the duration of family separation; in some cases, it took weeks or up to several months.

Referring to International Humanitarian Law, the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts (5). In addition, unjustifiable delay in the repatriation of prisoners of war or civilians regarded as war crimes (6). Convention on the Rights of the Child states that in all actions concerning children, the best interests of the child shall be a primary consideration (7). The child has the right to be cared for by his or her parents (8). States Parties shall ensure that a child shall not be separated from his or her parents against their will (9).

Children, parents, and extended family members have encountered profound and sustained impediments in their efforts to establish, maintain, or restore contact following the deportation or forcible transfer of minors. Owing to the persistent non-cooperation of the Russian Federation with Ukrainian competent authorities, there exists no transparent, verifiable, or procedurally adequate mechanism for the systematic disclosure of information regarding the whereabouts, legal status, custodial arrangements, or welfare conditions of affected children. In numerous documented instances, parents have been deprived of direct notification and instead acquire fragmented or indirect information concerning their children through media reporting, investigative disclosures, or third-party intermediaries, thereby exacerbating informational asymmetry and deepening the psychological burden borne by affected families.

Empirical testimonies provided by children and family members indicate that, in multiple cases, representatives of social service institutions operating within temporarily occupied territories or the territory of the Russian Federation have communicated to minors that they would be placed into foster care, prospective adoption arrangements, or institutional guardianship structures. Such disclosures, often delivered in conditions lacking procedural transparency or familial consultation, contribute to heightened affective destabilisation and uncertainty among children, particularly in contexts where prospects for family reunification remain obscured or actively obstructed. Furthermore, corroborated accounts consistently indicate substandard material and caregiving conditions, including inadequate nutritional provision, deficient access to hygienic infrastructure, and insufficient accommodation standards. In cases involving children with disabilities, there are recurrent reports of systemic deficiencies in access to essential medical treatment, rehabilitative services, and pharmacological support, thereby producing deleterious consequences for both somatic health outcomes and developmental trajectories.

Beyond material deprivation, the psychosocial and psychotraumatological impact of these experiences is substantial and multifaceted. Affected children frequently exhibit sustained states of anticipatory anxiety, uncertainty regarding familial reunification, and an impaired capacity to construct stable future-oriented expectations. This condition of chronic informational deprivation and existential ambiguity constitutes a significant source of psychological trauma, compounded by reported instances of coercive communication practices and intimidation within certain institutional environments. Collectively, these factors contribute to a complex trauma profile characterized by prolonged stress exposure, disrupted attachment systems, and adverse impacts on emotional regulation, cognitive development, and long-term psychosocial functioning.

In this regard, children in institutions, the youngest or those with disabilities, have almost no chance to return. This is an enormous violation determined by Additional Protocol I to the Geneva Conventions (5) where the authorities of the Party arranging for the evacuation must facilitate returning children to their families and country and provide for each child a card with photographs and main information as a name and surname, place and date of birth, nationality, native language, family address of the child's family ect (10).

Long-term placement of children: foster placements or adoptions

Despite Russia's attempts to convince the world that the deportation is temporary and committed first of all for safety and welfare of children, the evidence collected by the Independent International Commission of Inquiry on Ukraine refutes these statements.

From the first day of "evacuation," Russian authorities declared that the preferred option for deported and transferred children from Ukraine would be adoption, and plenty of Russian citizens express a strong willingness to adopt these children. For this aim, already two days before the full-scale invasion of the Russian Federation, the occupying country started considering a practical mechanism of legal adoption and coordinated action in administrative challenges. Based on the update on the website of the Presidential Commissioner for Children's Rights of the Russian Federation, particular attention was paid to parental carelessness of children who were deported or forcibly transferred from institutions in the Donetsk and Luhansk region to the Russian Federation(11). Besides, the Commissioner under the President of the Russian Federation for Children's Rights, Ms. Lvova-Belova, said: *"We, in turn, together with colleagues from other departments, will work out the issue of how this can be done legally"*(11), that underline outrageous intentions of the Occupying Part to seek a legally appropriate way to formalize child abduction.

Within the legal framework governing the adoption of a child who is a foreign national, the consent of the competent authorities of the child's state of citizenship is a fundamental prerequisite under both domestic adoption regimes and international legal standards. This requirement is designed to safeguard the sovereignty of the child's country of origin and to ensure that intercountry adoption procedures comply with established principles of international law, including the best interests of the child and protections against unlawful transfer or exploitation.

In an effort to circumvent these legal safeguards, Russian authorities have systematically facilitated the expedited conferral of Russian citizenship upon deported Ukrainian children

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originating from occupied territories and other regions of Ukraine affected by the ongoing armed conflict. This practice has been widely reported in official public statements, corroborated by investigative documentation, and further substantiated through testimonies provided by parents and children who have been returned or escaped. The granting of russian citizenship in such contexts appears to function as a legal mechanism intended to retroactively regularize unlawful transfers and to eliminate the requirement for consent from Ukrainian state authorities, thereby undermining established norms of intercountry adoption and child protection.

A particularly concerning dimension of this process is the extent to which these actions appear to be institutionalized and endorsed at the highest levels of state authority. Reports indicate that russian officials have actively promoted, incentivized, and publicly celebrated foster placements and adoptions of Ukrainian children. Such practices have included formal ceremonies in which children are presented with certificates of gratitude, symbolic awards, and material benefits, including financial incentives directed toward adoptive or foster families. These state-sponsored initiatives not only normalize the integration of displaced Ukrainian minors into russian families but also raise serious legal and ethical concerns regarding coercion, consent, and the broader violation of international norms governing the protection of children in armed conflict.

However, the practice of adoption or placement in russian families of children deported from Ukraine's areas is not new for the russian federation. From the first days of the invasion in 2014, russia started illegal actions of forcible transfer that were officially approved by the European Court for Human Rights (12). In its opinion is noted that there is no doubt that committed continuous sequence of acts aimed at removing Ukrainian children from occupying territory and their further placement in russian families occurred between 2014 and 2022.

After warrants of arrest issuance by the International Criminal Court against Mr. Putin and Ms. Lvova-Belova (13) for the war crime of unlawful deportation and transfer of children from Ukraine, the rhetoric of the occupying state has changed dramatically. From March 2023, the Russian part started denying any cases of adoption of Ukrainian children and generally stopped referring to "adoption".

Despite these statements, according to the (14) evidence of the Independent International Commission of Inquiry on Ukraine, russian authorities never stopped placing deported children from Ukrainian regions in russian families, including long-term types of arrangements such as adoption. Moreover, since 2022, a russian online adoption database has been uploading profiles of deported children, indicating that they can be adopted or placed in foster families.

The pattern of conduct described above leaves no room for ambiguity. Russia's systematic effort to place deported Ukrainian children into Russian families through adoption and foster care arrangements is not a spontaneous humanitarian response – it is a deliberate, state-orchestrated policy that has been pursued continuously since 2014 and accelerated following the full-scale invasion of 2022.

These acts constitute a grave violation of international humanitarian law and represent one of the most serious ongoing crimes committed against the Ukrainian people – the systematic erasure of the identity and future of an entire generation of children.

Conclusion

The deportation and forcible transfer of Ukrainian children by the Russian Federation constitute one of the most serious and systematic violations of international humanitarian law and international human rights law arising from the ongoing armed conflict against Ukraine. These practices not only infringe upon the fundamental rights of children as protected under the Geneva Conventions, the Convention on the Rights of the Child, and other international legal instruments, but also undermine the core principles of civilian protection during armed conflict. The removal of children from their families, communities, and national environment exposes them to profound psychological, social, cultural, and legal harms, the consequences of which may extend across generations.

The process of locating and securing the return of deported children presents extraordinary challenges for Ukrainian parents, guardians, and state authorities. Families seeking information about missing children frequently encounter significant obstacles, including the detention and interrogation of civilians at Russian filtration checkpoints, restrictions on freedom of movement, limited access to reliable information regarding the whereabouts of deported minors, and substantial administrative barriers associated with cross-border travel. These difficulties are further exacerbated by policies aimed at the forced integration of Ukrainian children into Russian social, educational, and legal systems. Reports indicate that many Ukrainian minors have been subjected to the imposition of Russian citizenship, changes to personal documentation, and placement within Russian foster care or adoption frameworks, thereby complicating identification procedures and creating additional legal impediments to their eventual repatriation.

The gravity of these actions has received increasing recognition within the international legal community. On 12 March 2026, the Independent International Commission of Inquiry on

Ukraine, established on 4 March 2022 with a mandate to investigate violations of international law committed in the context of the conflict, formally concluded that the deportation and forcible transfer of Ukrainian children constitute both war crimes and crimes against humanity. This determination represents a significant development in the ongoing effort to establish individual criminal responsibility for serious violations of international law. Moreover, it reinforces the principle that those responsible for planning, ordering, facilitating, or implementing such acts must be held accountable through appropriate national and international legal mechanisms.

The Commission's findings also underscore the broader obligations of the international community under international law. States, international organizations, and relevant institutions bear a collective responsibility to prevent the continuation of such practices, to support investigations and accountability processes, and to assist in restoring the rights of affected children and their families. Effective responses require sustained cooperation among governments, international judicial bodies, humanitarian organizations, and civil society actors to ensure that evidence is preserved, victims are identified, and avenues for legal redress remain accessible.

In light of these developments, the international community must intensify diplomatic, political, and legal efforts aimed at compelling the Russian Federation to comply with its international obligations. Such efforts should include the strengthening of sanctions and accountability measures, the expansion of mandates for international monitoring and investigative mechanisms, enhanced support for documentation and tracing initiatives, and increased coordination among states and international organizations engaged in child protection activities. Particular attention should be devoted to supporting Ukrainian initiatives dedicated to the identification, recovery, and reintegration of deported children, including the Bring Kids Back UA platform and related humanitarian mechanisms.

Ultimately, the safe, voluntary, and dignified return of every unlawfully transferred or deported Ukrainian child must remain a central and non-negotiable objective of international humanitarian action and international justice efforts. Achieving this goal is not only essential for restoring the rights and well-being of individual children and their families but also for upholding the integrity of the international legal order and reaffirming the fundamental principle that grave violations of children's rights during armed conflict cannot be tolerated with impunity. Continued international engagement, effective accountability mechanisms, and unwavering support for victim-centred recovery processes will remain indispensable until all abducted children are returned and full justice is achieved.

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