

**JOINT STATEMENT ON THE REPORT BY THE RAPPORTEURS UNDER THE OSCE MOSCOW
MECHANISM ON THE FORCIBLE TRANSFER AND/OR DEPORTATION OF UKRAINIAN
CHILDREN**

**As delivered by Ambassador Vesa Häkkinen,
Permanent Representative of Finland to the OSCE,
to the Permanent Council**

Vienna, 4 May 2023

I am delivering this statement on behalf of 45 participating States: Albania, Andorra, Bosnia and Herzegovina, Canada, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia, Switzerland, Türkiye, the United Kingdom, the United States, and the European Union Member States.

Being gravely concerned by the continuing impacts of Russia's ongoing aggression against Ukraine in particular on the civilian population, including children, our delegations invoked the Moscow Mechanism March 30th 2023. We requested ODIHR to inquire of Ukraine whether it would invite a mission of experts to establish the facts and circumstances surrounding:

- possible contraventions of relevant OSCE commitments,
- violations and abuses of human rights, and violations of international humanitarian law and international human rights law,
- as well as possible cases of war crimes and crimes against humanity, associated with or resulting from the forcible transfer of children within parts of Ukraine's territory temporarily controlled or occupied by Russia and/ or their deportation to the Russian Federation.

We are very grateful to the Moscow Mechanism rapporteurs, Professor Bilkova, Dr. Hellestveit and Dr. Šteinerte, for producing such a thorough and professional report. While we are still reviewing the report in detail, it is clear that the mission's findings confirmed our serious cause for concern.

The report states that while the Mission has not been able to establish the exact number of deported or transferred children, " it is clear that these numbers are measured

in several thousands.” The total number may be much higher still, as “both the Russian Federation and Ukraine indicate figures amounting to hundreds of thousands of children.”

Further, the report states “non-consensual evacuations, transfers and prolonged displacement of Ukrainian children constitute violations of IHL, and in certain cases amount to grave breaches of the Geneva Convention IV and war crimes”. The rapporteurs are of the understanding that “it is common procedure to separate parents and children at filtration points that have been “established by the Russian occupational authorities”, a practice that we are particularly appalled by.

The Mission states that it “has been able to establish with certainty that by and large the deportation of children cannot be qualified as voluntary”. Worryingly, the rapporteurs concluded that “the practice of the forcible transfer and/ or deportation of Ukrainian children to the temporarily occupied territories and to the territory of the Russian Federation may amount to a crime against humanity.”

What is more, the Mission found that “numerous and overlapping violations of the rights of the children deported to the Russian Federation have taken place”, including denying “their right to identity, their right to family, their right to unite with their family”. The rapporteurs conclude that Russia has “manifestly violated the best interests of these children repeatedly.”

Finally, the Mission states that far from adhering to its obligation under IHL to facilitate the return of children, Russia “creates various obstacles for families seeking to get their children back”. This constitutes “a violation of the Geneva Conventions that exacerbates the gravity of other violations”.

Mr Chairperson,

OSCE participating States have committed “to actively promote children’s rights and interests, especially in conflict and post-conflict situations” (Istanbul 1999). Children are among the most vulnerable in times of war and require special attention and safeguarding.

It is clear from the report that Ukrainian children have been left without this safeguarding.

To the Russian Federation, we would like to highlight the following recommendations from the report:

- To immediately cease the practices of forcible transfer of Ukraine's children within temporarily occupied territories of Ukraine and/ or their forcible deportation to the Russian Federation.
- Without delay provide comprehensive lists of the names and whereabouts of all children who have been forcibly transferred or deported
- Establish appropriate procedures for and actively assist family reunifications of all children who have been forcibly transferred or deported from Ukraine
- Immediately cease the current practice of expedited admission into the Russian citizenship of Ukrainians, especially children

We, the invoking states, take note of the Mission's recommendation to other states and the international community and encourage all other participating States to do the same. Recommendations include supporting Ukraine to locate children who have been forcibly transferred or deported, with a view to enable their return.

Mr Chairperson, This report is clear.

Russia must return the children of Ukraine, to Ukraine, now. We recognize that, as a matter of good governance within our organization, one of the best ways to understand the impact of the work of OSCE Field Operations is to hear directly from the partners and beneficiaries on the ground. Therefore, it is essential to have contact among participating States and stakeholders, partners, and interlocutors who are co-operating with the OSCE Mission in Kosovo. We welcome this practice and encourage it to be continued in the future.