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Unmasking Forcible Displacement of Childhood: A Multidimensional Analysis of Ukrainian Children

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Since Vladimir Putin announced a “special military operation” to be undertaken on February 24th, 2022, in the Donetsk and Luhansk territories, the War in Ukraine has been on high alert by the international community, especially given the escalation of violence and multiple civilian vulnerabilities entailed. According to the United Nations (UN) – which classifies the situation as an international armed conflict under the 1949 Geneva Convention – the conflict has resulted in the displacement of around eight million Ukrainian refugees around Europe and more than five million internally displaced individuals within Ukraine. These numbers constitute the largest displacement of human populations in Europe since World War II (UN 2023).

Especially regarding the intense forced displacement context embedded in the offensive and its complexities, international public opinion has attached importance to the arrest warrant requests made by the International Criminal Court (ICC) against both the Russian President, Vladimir Putin, and the Russian Commissioner for Children’s Rights, Maria Lvova-Belova, on March 2023. They have been formally accused of “[...] criminal responsibilities for the illegal deportation and transference of Ukrainian children to Russian-occupied territories and to Russian Federation”, which, according to the 8th Article of the Court’s institutionality, configures as a “war crime”:

8a. VII) The illegal deportation or transfer, or the illegal privation of liberty”; and “8b. VIII) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory to within or outside this territory (Rome Statute 1998).

The ICC also argues that, throughout the conflict, the Russian Federation has developed mechanisms that stretch and challenge the boundaries of Russian Law to allow Ukrainian children deported from orphanages, residential schools, hospitals and other care institutions to be adopted by Russian families. The Court highlights that the deportations are part of a series of practices and acts of aggression taken by Russia against the sovereignty and integrity of Ukrainian territory since 2014 (ICC 2023) and inflict serious and multidimensional harm on children.

Complaints have been made by Ukraine since May 2022 and vocalized by the Ukrainian Commissioner of Human Rights, Lyudmyla Denisova, who claims the forced deportation of 1.2 million Ukrainians, including 210,000 children (Deutsch and Van der Berg 2022). Besides, the Ukrainian Presidency Spokeswoman for the Rights and Rehabilitation of Children claimed, in August 2022, that these children are in the situation of “waiting for adoption” by Russian families (Krechetova 2022).

International organizations, both governmental and non-governmental, have been accusing such an exploration of children’s vulnerability as a serious breach of international children’s rights (European Parliament 2022; International Amnesty 2022; UN 2023; UNICEF 2022; Human Rights Watch 2023; Yale Humanitarian Research Lab 2023), as well as advancing the classification of such violent acts and practices as a war crime and, consequently, as a violation of the Rome Statute of 1998, the legal baseline of the ICC.

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Besides, the Organization for Security and Co-Operation in Europe (OSCE) has announced a wide investigation into the forcible transfer of children in Ukrainian territories which are temporarily controlled by Russia and into the cases of deportation to Russia, which also encompass a practice of enforced disappearance:

Ukrainian authorities have collected nearly 20,000 complaints of missing children, but no system exists to verify and consolidate these cases. Human Rights Watch and dozens of civil society groups have called on the United Nations to ramp up efforts to locate missing children and ensure their return (Esveld 2023, our emphasis).

In other analyses, it is also mentioned the crime against humanity and genocide, in violation of the protection of civilians in wartimes guaranteed by the Fourth Geneva Convention of 1949 (International Amnesty 2022; Getmanova and Matviyenko 2022; Yale Humanitarian Research Lab 2023), the Convention on the Rights of the Child of 1989 (Colvin and Orchard 2023, International Amnesty 2022; UN 2023; Yale Humanitarian Research Lab 2023) and the Convention of Prevention and Punishment against the Crime of Genocide of 1948 (Colvin and Orchard 2023; Deutsch and Van der Berg 2022; Getmanova and Matviyenko 2022).

This article discusses the practices and policies undertaken by Russia in the War in Ukraine regarding the forcible transfer of Ukrainian children to Russia and suggests some possible meanings of these actions that purposefully make Ukrainian children vulnerable. Taking contributions from the Childhood Studies field and the lens of the justice cascade, this article raises some of the meanings and problems underlying Russia's forcible transfer practices of Ukrainian children. The paper consists of four sections in addition to this contextualized introduction: (i) an attempt to read these children's forcible transfer through an international criminal justice lens, (ii) the mapping of policies and practices implemented by Russia towards Ukrainian children, (iii) an understanding of the instrumentalized treatment given to these children during the war resulting in a marginalized agency of them, and (iv) some normative considerations on the children's resilience as both a counterforce and pathway to rearticulate their multiple traumas.

Reading children's forcible transfer through the justice cascade lens

It is worth emphasizing that since the very beginning of the entreprenuring of an individual criminal accountability norm (Sikkink 2011), and based on the cascading effects of a human rights international norm life cycle, the practice of forcibly transferring children from one group to another was strongly condemned and conceived as an international heinous crime:

This specific crime against children is recognized under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which refers to 'Forcibly transferring children of the group to another group' as one of the five underlying crimes which may constitute genocide if committed with the intent to destroy, in whole or in part, an ethnic, national, racial or religious group (Aptel 2023, 24).

Even though the analyzed case here is not similar to those researched by Grover (2013), who explicitly focuses on child soldiers recruitment, some elements around the idea of a "genocidal forcible transfer of children" seems appropriate to frame Russian practices towards Ukrainian children, since,

[...] the intent [...] is to appropriate the children indefinitely and not just for the duration of the [...] conflict, to permanently alienate the children from their families and home communities, and to obliterate the personal and cultural identity of the children and substitute the perpetrator identity and credo [...] leading to the 'social death' of the children transferred (Grover 2013, 411-412).

An instrumentalized treatment of children's bodies, minds, and emotions during war triggers a series of children's rights violations and exposes them to insecure contexts. Moreover, it expresses a violation of their rights to identity and personal self-determination to the extent that military, political, educational, and social mechanisms all converge to the process of naturalizing these children as "Russian citizens", consequently orchestrating the deconstruction and unbelonging to their own Ukrainian identity. Marlise Simons was essential in denouncing these crimes in the New York Times on 13 March,

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She revealed that the prosecutor of the International Criminal Court (ICC) intends to seek arrest warrants for Russian officials for war crimes in Ukraine and specified the nature of the first two cases that Karim Khan [the ICC prosecutor] intends to present to ICC judges (Cruvellier 2023).

In terms of international criminal justice actively protecting children from atrocities, and by assuming the ICC as its institutional cornerstone, two precedents are here emphasized. Firstly, the investigation *The Prosecutor v. Thomas Lubanga Dyilo*, in which the Congolese rebel leader was found guilty “[...] of the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities” (ICC-01/04-01/06): The International Criminal Court (ICC) opened its first trial in January 2009 for war crimes against children. The prosecutor’s decision to hold the Court’s very first trial on charges pertaining to the recruitment and use of child soldiers highlights the growing significance of children in international criminal justice. The trial against the Congolese rebel leader, Thomas Lubanga Dyilo, sends the message that those responsible for crimes against children can be held responsible before international tribunals (Aptel 2023).

Another important elaboration of the ICC around children’s role in international criminal justice has to do with what Aradau and Hill (2013) have conceived as ‘politics of drawing’ to give way for appropriate international responses to the South Sudanese potential genocidal situation. The conceptual idea revolves around the collection of five hundred children’s drawings by a British non-governmental organization called Waging Peace. Such drawings were “[...] accepted as [contextual] evidence by the International Criminal Court (ICC) in the war trials for Ahmad Harun, the Humanitarian Affairs Minister in the Sudanese government, and Ali Kushayb, a Janjaweed militia leader” (Aradau and Hill 2013, 368) and afterward mobilized in *The Prosecutor v. Omar Hassan Ahmad Al Bashir* case. The drawings seem to have revealed a cohesive reality, and they were helpful in constructing a narrative of genocide victimhood that had been traumatizing Sudanese children.

Policies and Practices implemented by Russia toward Ukrainian children

The Ukrainian and Russian governments claim that thousands of Ukrainian children were transferred from Ukraine to the Russian Federation since the beginning of the war. Nonetheless, due to difficulties in collecting data during a war, and also because of transparency problems and the contrasting narratives framed by both sides of the conflict regarding the reasons for the children’s transfer and their destinations, it has been hard to establish a verified number. Ukraine’s government affirmed, in May 2022, that beyond 210,000 children had been “forcibly deported” to Russia, while Russia estimates that beyond 254,000 children were either “humanitarianly evacuated” or just “crossed the border of the Russian Federation” in that period (Deutsch and Van der Berg 2022; Getmanova and Matviyenko 2022). The US State Department reported, by its account, that 260,000 children were forcibly deported (Blinken 2022; Colvin and Orchard 2023).

In January 2023, the Ukrainian government said that 14,700 children were officially classified as “deported” to Russia (Yale Humanitarian Research Lab 2023). In February, the number had just increased to 16,221 children (UN 2023), and in April, Ukraine affirmed that this number already corresponded to almost 20,000 children, according to the Ukraine Platform *Children in War* (2023). Despite the uncertainty of numbers, it is important to focus the analysis on the children’s identity precarization and which Russian policies and practices have been implemented towards them in the war context.

Based on the UN and UNICEF (2023), International Amnesty (2022), and Yale Humanitarian Research Lab (2023) reports, it is possible to draw a cartography of those Ukrainian children deported to Russia or Russian-occupied territories and categorize them as belonging to one of the following backgrounds:

1. Children under the care of Ukrainian institutions, orphanages or not, before February 2022, being or not children with disabilities or counting on state’s assistance needs
2. Children who were in hospitals, schools or other care institutions during the Russian attacks and due to the complications of the attacks got separated from parents/family
3. Children unaccompanied and with an unclear or uncertain guardianship during war, supposedly because of having lost their parents during the conflict or even not being able to communicate with them

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4. Children separated from parents/family during the process of the “filtration camps” (camps with the objective of interrogating and/or detaining Ukrainian citizens for collecting personal data), established by Russia in the occupied territories
5. Children accompanied by parents or with clear guardianship, but that were transferred to Russian “recreational temporary camps” during the war and that could not return home or are not able to reestablish contact with the family in order to return.

In most cases related to the first, second and third typologies, corresponding to children's situations where they are unaccompanied, the Russian Federation displaced them under political reasons of taking them temporarily to hospitals or other care centers which were allegedly located in safe zones, capable of providing health, safety and other assistance necessary for them. Nonetheless, reports claim that a significant amount of these children were forcibly displaced and transferred to Russian institutions with the purpose to be hosted in care institutions temporarily or merely introduced into the Russian adoption system process. The Ukrainian government, on the other hand, insists that not all these children in orphanages before and during the war were orphans or children with disabilities, but were under the State's assistance due to difficult circumstances the families had been facing (Yale Humanitarian Lab 2023).

Moreover, even when they were accompanied or had their guardianship proved, the Russian authorities did not follow the authorization procedures required by the International Humanitarian Law for the temporary displacement of civilians, and none of the actions were justified either by safety or health reasons (UN 2023). In both categories, it was possible to observe four practices:

1. Transferences that partially or totally disrespected the temporary permanence character of this practice regarding both care institutions and “recreational camps”.
2. Systematic neglect by Russian authorities to search for or establish family reunification contact on behalf of Ukrainian children.
3. Neglect of Russian's entities to design returning strategies of the children to safe areas controlled by the Ukrainian State.
4. Absence of logistical and assistance facilities to guide the families in their displacement processes to seek their children in Russian institutions (UN 2023; International Amnesty 2022; Yale Humanitarian Research Lab 2023).

Furthermore, there is evidence that Russia has undertaken actions to simplify the Russian Law for the adoption of these “orphans” Ukrainian children and to facilitate their Russian naturalization process (Colvin and Orchard 2023; Deutsch and Van der Berg 2022; European Parliament 2022; International Amnesty 2022; Krechetova 2022; Yale Humanitarian Research Lab 2023). Some sources indicate that 350 “orphans” have already been adopted within the Donetsk and Luhansk independent territories and thousands are “waiting for adoption” (Yale Humanitarian Research Lab 2023). In the Krasnodar's Krai region, to where forced transferred children from Mariupol were taken, more than 1,000 children were already adopted and more than 300 would be “waiting for adoption” (Krechetova 2022).

Regarding the fourth typology, there were reported cases in which Ukrainian children were separated from their parents/families during the process of filtration camps in the occupied territories, from where they were taken to Russian care institutions or “recreational camps” (Colvin and Orchard 2022; International Amnesty 2022; Getmanova and Matviyenko 2022; Yale Humanitarian Research Lab 2023). In the fifth typology, under the justification of protection against the war, access to nutrition, medical care, and recreation activities, local-Russian-authorities were seen offering educational programs and opportunities for Ukrainian children and families, trying to convince them to send their children to “temporary recreational camps”. (International Amnesty 2022; Yale Humanitarian Lab 2023). In addition, the existence of 43 “recreational camps” in the Russian and Crimea territories was documented, and 78% of them have already been implementing Russian-oriented educational activities, including military training (Yale Humanitarian Research Lab 2023).

Double Unbelonging: Ukrainian children forcibly transferred during the war

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Article 8 of the Convention on the Rights of the Child (1989) states that “[...] states shall respect children’s right to preserve their identity, including their nationality” and “[...] when illegally deprived of it, states shall provide assistance to promptly establish their identity [...]”. However, concerning the policies and practices towards Ukrainian children forcibly transferred, the violation of their rights is evident, as well as the multiple levels of violence and vulnerability attached to (and created within) the context of war, such as precarious healthcare, education, assistance, family care, and other basic rights (European Parliament 2022; Amnesty International 2022, et al.).

Moreover, this vulnerable group is subjected to instrumentalization, where their identity is objectified, and there is a forced and violent process of reshaping their sense of belonging. We refer to this case as a revictimization process. In other words, it represents a systematized violence against their rights, driven by larger political interests recognized through and within the context of the Ukrainian war. As Markowska-Manista and Koshulko (2021, 198) state, “They experience childhood in an uncertain and unstable peace. Every childhood in such a place and space is a constant negotiation of the ‘here and now’ within the ever-changing context”.

Approaches that depoliticize childhoods, particularly in war contexts, have been severely criticized in Childhood Studies (Boyden 1990; Beier and Tabak 2015; Brocklehurst 2015; Spyrou 2018; Wells 2007, et al.). These approaches are used, for example, to implement humanitarian assistance practices and care-based programs for children affected by forced displacement during wartimes (Dona and Veale 2011) especially because they insist on portraying childhood as a realm of innocence and vulnerability. Such criticism suggests that these approaches are sometimes strategically employed to justify military interventions under the guise of “protecting childhood” (Wells 2007), as well as to contribute to abusive security practices towards children (Brocklehurst 2015). Regarding the actions taken by the Russian Federation, the predominant discourse revolves around “protecting children from the horrors of Kiev’s regime and providing them with all the necessary assistance in safe places, including new families for the orphans” (See Meeting with Commissioner for Children’s Rights Maria Lvova-Belova and Meeting with families awarded the Order of Parental Glory).

Nevertheless, the unaccompanied, separated and “orphaned” children in care institutions and the children allocated in “temporary recreational camps” can all be turned into symbolic instruments to deviate people from the State’s interests and goals (Wells 2007) and make them focus on these stratified childhoods, leaving room for rebuilding and reshaping these childhoods to be in service of their specific political priorities (Brocklehurst 2015). Wells (2007, 60) argues that “the child symbolizes the possibilities of redemption and progress [...], also its figures are potent in periods of political upheaval when it may symbolize the birth of a new nation”.

In the Ukrainian War case, it is possible to observe the reframing process of these childhoods turned into a nation-building project (Dona and Veale 2011) based on the militarization of these childhoods through educational, pedagogical, and military instruments which are not only observed in the Russian Federation (International Amnesty 2022 et al.) but also as a practice implemented since the early 2000’s by the Ukrainian Government with the Strategy for the National-Patriotic Education of Children and Youth, which do not exempt Ukraine from being part of the instrumentalization process of these Ukrainian children and the discussion of violation of their rights, furthermore based on the facilitation of the illegal nationalization processes of these children through the Russian adoption system (Yakovlyeva 2021).

In this sense, these Ukrainian children and childhoods face a double unbelonging: on the one hand, they are experiencing multiple violations of their basic rights due to the war, where the Ukrainian State — and somehow international justice institutions — fails with them. On the other hand, they are forced into an identity disembodied process, either directly (illegal submission to the Russian adoption system) or indirectly (being kept in assistance institutions and recreational camps with uncertain temporality and doubtful reasons). What Mijić (2022) refers to as “incomplete belongingness” for children in refugee situations, we describe as a “double unbelonging” process, because these Ukrainian childhoods have not only been co-opted under the burden of witnessing their home state collapsing but also have their identity put into question or marginalized by an outsider: the Russian authorities. In this sense, we shall ask how these childhoods have been neglected and subtracted and, as a consequence of that, how are children themselves responding to these severe violations of various rights?

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Resilience as a way of responding to the best interest of the child?

As demonstrated by this article, in multiple dimensions – especially in armed conflicts situations – childhoods are embedded in the “innocent victim maximum” and linked to an instrumentalization of humanitarian narratives and interventions justified on behalf of their “protection” and their “best interest” (Aradau and Hill 2013; Beier 2020; Brocklehurst 2015; Wells 2007 et al.), being this last one a core principle of the Convention on the Rights of the Child (1989). Hence, resilience comes as a potential instrument of resistance to childhoods and as a critical turning point in Childhood Studies to endorse images of the child as a “competent subject”, reinforcing their agency and counteracting the subjectification and instrumentalization view that the child may be forcibly facing.

However, the politics of resilience comes with some risks, insinuating a prone scene for children’s autonomous response to adverse circumstances (Beier 2020). In terms of power,

resilience becomes a technology of response to the problem of surprise. [...] Resilience answers this not as a shifting of responsibility for the provision of security to affected subjects but in responsabilizing those subjects to abide insecurity (Aradau apud Beier 2020, 226-227).

Hence, resilience could or not, depending on each circumstance the children find themselves in, be a positive and authentic response to the harms they are facing, following the view that childhoods are socially constructed. In that sense, even with all embedded and exogenous complexities, Childhoods Studies shall keep focusing on child’s agency representations in hostilities and violation of their rights (Markowska-Manista and Koshulko 2021), and the international criminal justice institutions shall consider the children’s role in the way they formulate their critical responses to grave breaches of human rights law.

Further investigations on Ukrainian children following this theoretical path are important and would also give substance to international criminal justice institutions. For instance, to develop policies, practices, and monitoring tools concerning children’s bodies and voices in armed conflicts and in the – still limited – international institutional answers to it. The visibility of Ukrainian children’s vulnerability – without uncritically depoliticizing them – could be helpful to re-frame if and how international politics are able to recognize active-political childhoods and avoid abiding insecurity for these same childhoods. In this sense, resilience shall not be used as a romanticized narrative or taken for granted by the international community to respond to the double unbelonging and to justify a passive and sidelined presence of children in international justice institutions.

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