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Brief

Brick by Brick:
Building Justice for Ukrainian Children

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The severity and systematic nature of the forced removal of Ukrainian children have led the UN Independent International Commission of Inquiry to conclude that Russia's actions amount to crimes against humanity and war crimes – deportation and forcible transfer of children, as well as enforced disappearance and unjustifiable delay in their repatriation.[1] The UN General Assembly resolution on the Return of Ukrainian Children condemned family separation, the forced change of children's personal status and citizenship, adoption or placement in foster families, and efforts to indoctrinate them, urging Russia to stop these practices without delay.[2]

International Track

Beyond resolutions, the biggest success remains the International Criminal Court (ICC) arrest warrants against President Vladimir Putin and his Commissioner for Children's Rights, Maria Lvova-Belova – for war crimes committed in the temporarily occupied territories of Ukraine (TOT) from at least 24 February 2022.[3] This date is notable, given the occupation of Crimea, where some 4 000 children in institutions were effectively seized along with the peninsula and declared Russian citizens in 2014, and the 'evacuation' from the so-called Luhansk and Donetsk People's Republics (LDNR) ahead of the full-scale invasion.[4]

The biggest success remains the ICC arrest warrants

The ICC cannot try in absentia, so the warrants have been on hold for over 3 years now. If anything, they have been flouted: Mongolia, an ICC state party, gave Putin a state welcome, which the Court itself found to be a failure to cooperate.[5] Yet the effect is more than symbolic: Ukraine's human rights commissioner said returning children became easier after the warrants were issued, while Lvova-Belova, conversely, complained her job became harder.[6]

Now, the Court finds itself under intense US pressure. Besides vowing to dismantle it, the State Department promised "increased scrutiny of nations that refuse to reject the ICC's false authority while relying on US assistance," which spells more trouble for Kyiv.[7] Earlier, the blanket amnesty floated in the US-led peace talks threatened the ICC track.[8] The prosecutors, though, explained that only the UN Security Council could suspend the warrants and defer the investigation; Ukraine's ambassador to the Netherlands, a former prosecutor general leading the case, dismissed the idea as well.

Separately, a precedent may be set before the post-2022 cases reach a courtroom. In September 2026, the European Court of Human Rights (ECtHR) heard a landmark case of ten minors from Crimea who, the applicants state, were forcibly made Russian citizens and handed over for adoption, their whereabouts unknown.[9] In July 2025, its Grand Chamber ruled in *Ukraine and the Netherlands v. Russia*, covering events since 2014, finding extensive evidence of regulatory measures, among others, for the forced transfer of children.[10] Although Moscow left the ECtHR jurisdiction in 2022, cases concerning earlier events proceed, and their judgments will matter in both their own right and in political and diplomatic contexts. Any success will be owed to Ukraine's efforts – state and civil society alike – to pursue justice.

Case	Latest reported steps, as of Oct 2026	Legal track	Suspects
Two infants; the Kherson regional children's home to Moscow	Kyiv case 1, on trial, in absentia, behind closed doors	Deportation / forcible transfer	2 RU
46 children; the Kherson regional children's home to Crimea	Kyiv case 2, on trial, in absentia, behind closed doors	Deportation / forcible transfer	1 RU 4 UA
15 orphans; a special school in Mykolaiv Oblast to Anapa	Kyiv case 3, on trial, in absentia, behind closed doors	Deportation / forcible transfer	1 RU 2 UA
31 children; Donetsk Oblast to Moscow region	Suspicions Sep 2024 and Sep 2026	Deportation / forcible transfer	3 UA 2 N/S
Teenagers; Kherson vocational school to Crimea	One detained Feb 2025, in custody, indicted, Feb 2026; Two suspicions in absentia	Deportation / forcible transfer	3 UA
367 children from boarding schools in Donetsk Oblast to Kursk and Rostov regions	Suspicion in absentia, Nov 2025	Deportation / forcible transfer	1 RU 4 N/S
213 boarding-school students from Donetsk Oblast to Russia	Suspicion, Mar 2026	Deportation / forcible transfer	3 N/S
35 children from a children's home in Donetsk to Rostov region	Suspicion, Apr 2026	Deportation / forcible transfer	3 N/S
53 children from Donetsk and Makiivka care homes to Moscow region	Suspicion in absentia, Aug 2026	Deportation / forcible transfer	1 RU 2 N/S
Students at the Kherson professional shipbuilding school to Crimea	Suspicion in absentia, Oct 2026	Deportation / forcible transfer	3 N/S
11 infants, medical transport to Crimea	Case in Kherson, in custody, on trial	Collaboration	1 UA
Children bused to Crimea	Case in Kherson, in custody, conviction, 11 years; appeal pending	Collaboration	1 UA
Head of a Kherson lyceum and her husband	N/S	N/S	2 UA (inferred)
Unnamed fifth Russian suspect	Suspect	Deportation / forcible transfer	1 RU
Total: 7 RU; 16 UA; 17 N/S			**40**

The last official PGO totals, as of Feb 2026: 22 suspects and 4 indictments covering 11 people, no reported verdicts.[11] At least 10 more were notified of suspicion, March–Oct 2026.[12]

Table 1. Domestic prosecution. *Source:* The Author.

Domestic Prosecution

The domestic caseload looks very different. Ukraine's courts have jurisdiction over every perpetrator, but physically hold only a handful. Law enforcers, however, are reaching well beyond Russia's top leadership, down to local collaborators.

Ukraine's courts have jurisdiction over every perpetrator, but physically hold only a handful

This overview draws on official notices and media reports. Consequently: (1) the figures are not official; (2) absence of reporting is not proof of absence of proceedings; (3) the public domain identifies suspects by post but may not name individuals; and (4) the same person may appear in separate episodes. Due to these source limitations, the compilation may overstate the total. Conversely, a single notice can cover hundreds of children, so the case count understates the scale.

Of those charged under Art. 438(1) of Ukraine's Criminal Code with deporting or forcibly transferring children, only one is reportedly in Ukrainian custody; every other case with a reported procedural stage on the relevant war-crime track is proceeding in absentia. The two other detainees are accused of collaboration.

The most prominent Russians are two then State Duma deputies. The first is Yana Lantratova

of A Just Russia, now Russia's Commissioner for Human Rights, who travelled to occupied Kherson in 2022 with Inna Varlamova, wife of party leader Sergei Mironov. The two took a girl under one and her almost 2-year-old half-brother from the Kherson Regional Children's Home to Moscow, ostensibly for treatment Kyiv says they did not need; Varlamova and Mironov adopted the girl and changed her personal data. The second deputy, Igor Kastyukevich, an occupation official in Kherson Oblast, is charged over the two infants and the transfer of 46 children from the same home to Crimea. Two more Russians, Mikhail Kushakov and Dmitry Gartsev, both 'officials' of the so-called DPR, are suspected of deporting children to Russia in 2022.[13]

The case count understates the scale

Among the highest-profile suspects are Denis Pushylin, a puppet head of the so-called DPR, together with his children's rights adviser and the director of the pseudo-republic's 'state service' for family and children, Svetlana Maiboroda, herself a suspect in two cases, and Vladimir Saldo, Moscow-installed 'governor' of occupied Kherson.[14] They reportedly also hold Russian passports.

Among lower-level local accomplices, Mykola Dzhyhanskyi stands out as the only reported conviction. His Kherson bus company kept operating under the occupation and used to take children to Crimea. In January 2025, a Kherson court found him guilty of collaboration and sentenced the 71-year-old man to 11 years, rejecting his defence's claim that he acted under duress, threatened with the loss of his business. Unlike the Russians tried in absentia, Dzhyhanskyi has spent years in detention, awaiting an appeal that cites his age, his health, and his past as a Chornobyl clean-up worker. His case also shows how forcible removal of children is prosecuted when the offence is not a war crime. Ukrainian law sets 8 to 12 years for a war crime, while collaboration can carry up to 15, so an accomplice may face a heavier sentence.

Lawyers attribute the low number of trials to high standards of proof so that evidence can stand up in international courts. Primary evidence, as well as the accused, most victims, parents, and witnesses, remain in TOT or Russia, which cripples both investigation and trial. So, prosecutors bring the charges they can sustain. Digital traces – perpetrators' own social media, Kremlin propaganda channels, and official web resources – may be plentiful. But open-source material gathered with OSINT tools by journalists, independent investigators, volunteers, or even intelligence data are not automatically admissible. Each Telegram post, VK video, and Russian TV news report must first pass a formal source-inspection protocol, which slows the pipeline.

Meanwhile, 266 000 war crimes have been registered since the full-scale invasion began.[15] No domestic system can process such a workload, forcing prosecutors to prioritise – going after organisers to strengthen their case for the crime of aggression or the people in Ukrainian custody, as the Table suggests. Two Kherson teenage girls were taken to Crimea for a supposed holiday and then held in TOT until journalists found them through social media, asked them to document their captivity on camera and organised their escape.[16] The Prosecutor General's Office (PGO) says this episode will be part of a large-scale genocide case, while the girls will be able to seek both justice and compensation.

Compensation

For that, an international mechanism already exists. The Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine has been set up as a first step. In September 2025, it opened a new claim category: "forcible transfer or deportation of children."[17] Via the Diia e-governance ecosystem, parents can submit on behalf of minors, without requiring them to evidence a compensation amount and admissible regardless of whether the child has returned. Adjudication will fall to the International Claims Commission.[18] By December 2025, the Register had received only 11 such claims out of more than 84 000, which human rights advocates call a gap in the system, bearing in mind the order of magnitude.[19] By February 2026, more than 4 000 claims had been filed on behalf of children across all categories, though no updated figure for deportation claims has been published.[20]

Cautious Conclusion

Unlike the ICC, Ukraine's courts can try defendants in absentia, but they can enforce verdicts only against those they hold, while the 'leadership crime' will be tried internationally only once the Special Tribunal becomes operational. The main value now is preserving evidence to support future international hearings and inform sanctions.

The asymmetry across every accountability channel – prosecutions, sanctions, and compensation – shows the same arithmetic shortfall between documented crime and applied consequence, for the time being. Although there are no final verdicts on deportation yet, 317 war-crimes convictions give hope that justice will be served.

Endnotes

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