

International Legal Aspects of the Deportation of Children from Ukraine in the Context of Russian Aggression

Abstract

This thesis examines the question of whether the deportation of children from Ukrainian territory in the context of the current armed conflict is unlawful.

The first part of the thesis focuses on the nature of deportations of children from Ukrainian territory. It provides a definition of deportation from the perspective of the Rome Statute of the International Criminal Court, analyses the situation preceding the onset of the armed conflict with a focus on the evacuation of people from the eastern regions of Ukraine, and enumerates the ways and circumstances in which child deportations occur. This part also addresses filtration camps, where children often get separated from their families. Additionally, this part analyses changes to Russian citizenship law and presidential decrees facilitating expedited Russian citizenship for specific groups, including Ukrainian children.

The second part of the thesis contextualizes these events within the realm of international law. It provides an overview of international legal instruments such as the Geneva Conventions, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, and, notably, the Rome Statute. It examines how these laws might be transgressed and delves into the complex issue of genocide allegations within the conflict, alongside exploring the stances taken by the global community.

The third part of the thesis examines the legal avenues available and the jurisdiction of the ICC. It analyses the jurisdictional conditions of the ICC and the ratification process of the Rome Statute in both Ukraine and Russia. It also examines international arrest warrants issued by the ICC in matters of war crimes and the process of their issuance. Additionally, it discusses alternative methods of investigating and prosecuting crimes that could potentially be activated.

Lastly, attention is refocused on Ukraine, exploring its societal and political metamorphosis in recent years within the context of the armed conflict. This section also devotes attention to amendments to Ukrainian criminal law to accommodate collaboration with the International Criminal Court and the process of Ukraine's accession to the European Union.

The findings of this thesis indicate that the deportation of children from Ukrainian territory violates international law. According to international legal standards, such deportations can be considered as war crimes, crimes against humanity, and in certain situations, may amount to genocide. However, there is currently no definitive judgment that unequivocally labels these actions as such.

Keywords

Child deportation – international law – armed conflict – war crimes – genocide