

Warsaw Human Dimension Conference

Plenary Session 4: Humanitarian Issues II

Olena Stadnik

expert of Association of Reintegration of Crimea

02.10.2024

Distinguished Chairman and Honourable Participants!

Let me stress that Russian aggression against Ukraine, attempted annexation of Crimea and four Ukrainian mainland regions include illegal deportation in the occupied territories, which have features as international crime, so of trafficking.

We informed UN bodies in October 2021 that criminal groups, involved in the child sexual abuse and child trafficking in the Crimea, are closely connected to Russia's special services and to the so-called "Crimean republican authorities". So there is no surprise that, when Russian broad scale aggression started, Crimea become the key region for illegal deportation of Ukrainian children.

When International Criminal Court, issued warrants of arrest for Vladimir Putin and Maria Lvova-Belova, responsible for the war crime of unlawful deportation of children and that of unlawful transfer of children from occupied areas of Ukraine, it was a good step, but it was not enough.

The main challenge for access to justice and remedies for Ukrainian children, that are still under the Russian control, is in common contradiction of any practical negotiation efforts to free children from Russian control, and in potential start of any proceedings against Russian officials who kidnapped and deported those children: any legal steps in such area de-facto block negotiations as Russia uses those children as hostages.

Also the big challenge is in forms of recognition of certain Ukrainian child as victims in criminal proceedings, connected with such common crimes, as Russian propagandists' and officials' calls to genocide against Ukrainian youth, or propaganda of racial discrimination of such youth in common, or hate speech against them.

Also the issue of correct qualification of such international crime as enforced deportations of Ukrainian children by Russia-controlled persons is crucial, as there is some difference in such recognition as genocide crimes, or as war crimes or as crimes against humanity.

Also the big challenge is the perspectives of cases, initiated by victims in Ukrainian civil jurisdiction against Russia as state for moral and material damage compensation; some experts declared on alleged material and procedurals immunities of Russia as state.

But Russia itself denied Ukrainian immunities for civil claims before in so-called "Crimea blockade cases" and the issues of moral and material damage compensation for international crimes committed are not covered by immunities. The real challenges are in absence of officially approved methodics of calculation of such moral damage in Ukraine, and in non participation of Ukrainian officials in those cases as third party.

In case 166 International Court of Justice established at January, 2024 racial discrimination of ethnic Ukrainians in the Crimean schools since 2014, in framework of absence of education for pupils on Ukrainian. But Court did not establish compensation mechanisms in that case.

European Court of Human Rights, established in its Decision on June 25, 2024 of Ukraine against Russia regarding Crimea, the existence of Russia's systemic practice regarding violation of children rights, but as Russia's membership in Council of Europe was banned, next European Court decisions in that case regarding compensation issues for victims will not be executed by Russia voluntarily.

Thank You for Your attention!