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Statement on human trafficking risks for Ukrainian children subjected to unlawful deportation or forcible transfer

The Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) affirms that the unlawful deportation and forcible transfer of children of Ukraine in the context of Russia's war of aggression create risks of human trafficking and may fall within the definition of trafficking in human beings under Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings.

Tens of thousands of Ukrainian children have been forcibly transferred within the temporarily occupied territory of Ukraine by the Russian Federation or unlawfully deported to Russia. Confined to institutions or placed in families, these children have been prevented from communicating with their relatives or care givers. Despite persistent efforts to facilitate their return, only a few of them have managed to return home. Documented testimonies of children who have been repatriated include accounts of ill-treatment, psychological pressure, military training and indoctrination. The unlawful deportation and forcible transfer of children of Ukraine have been condemned as grave violations of international human rights law and international humanitarian law by, amongst others, the European Court of Human Rights, the Parliamentary Assembly of the Council of Europe and the United Nations Independent International Commission of Inquiry on Ukraine.

Deeply concerned by these reports, GRETA initiated the preparation of an analytical report which highlights a number of recurring patterns placing unlawfully deported and forcibly transferred Ukrainian children in situations of acute vulnerability and significantly increasing the risk of further abuse. They include the transfer of children to closed camps and institutions under the guise of evacuation or recreational activities, their involvement in forced labour and domestic work, placement of medically or socially vulnerable children in conditions of full dependency, confiscation of identity documents, changes in the children's legal status, guardianship and citizenship, and illegal adoptions. The unlawful deportation and forcible transfer of Ukrainian children is not limited to the temporarily occupied territory of Ukraine and the territory of the Russian Federation but has also included their relocation to Belarus.

In several cases, children who were repatriated to Ukraine have been identified as victims of human trafficking by the Ukrainian authorities where the requisite elements, including exploitative purpose, were established. At the same time, the majority of cases of unlawful deportation and forcible transfer are primarily qualified as grave violations of international humanitarian law or war crimes, due to the evidentiary standard applied in determining victim status in trafficking in human beings cases.

GRETA notes that the establishment of exploitative purpose is often constrained by the lack of access to children, the absence of monitoring, and the fragmentation of information across jurisdictions. As a result, exploitative outcomes may remain concealed, particularly in

closed environments. Regardless of that, unlawfully deported and forcibly transferred children are in a situation of heightened vulnerability and face risks of exploitation due to separation from their families, isolation in closed environments, change of legal status and absence of independent monitoring.

Because exploitation may remain concealed, GRETA stresses that the provisions of the Council of Europe Anti-Trafficking Convention must be applied proactively in order to ensure the effective protection of children. This involves prevention, risk assessment, early identification of potential victims, activation of protection and assistance mechanisms, information exchange and co-operation between war crimes investigations, child protection actors and anti-trafficking mechanisms, and documentation of cases for future legal proceedings.

Furthermore, GRETA calls on Belarus, as a State Party to the Council of Europe Anti-Trafficking Convention, to prevent risks of trafficking of Ukrainian children, identify potential victims, provide them with assistance and punish those responsible, in compliance with the provisions of the Convention.