

# Trafficking in human beings risks in the context of the displacement and deportation of Ukrainian children in the conditions of an international armed conflict



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Expert in the field of counter-trafficking  
and child protection



COUNCIL OF EUROPE



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## ABBREVIATIONS

- GRETA - Group of Experts on Action against Trafficking in Human Beings of the Council of Europe
- CCU - Criminal Code of Ukraine
- CRSV - conflict-related sexual violence
- NSSS - National Social Service of Ukraine
- TOT - temporarily occupied territories
- THB - trafficking in human beings
- VoT - victim of trafficking
- OPG - Office of the Prosecutor General

## I. EXECUTIVE SUMMARY

This analytical document was prepared for GRETA to assess whether certain cases of the forced displacement and deportation of Ukrainian children in the context of the Russian Federation's war against Ukraine may, under specific circumstances, fall within the scope of trafficking in human beings under Article 4 of the Council of Europe Convention. The analysis was conducted applying the "Act – Means – Purpose" framework, which allows for distinguishing risk assessment from formal criminal qualification.

The analysis demonstrates that elements of "Act" — including transfer, transportation, harbouring, and retention — are consistently present, often accompanied by indicators of control such as isolation, restriction of communication, confiscation of documents, and control over children's legal status and placement. These patterns indicate situations of heightened vulnerability and dependency.

Concerns regarding the scale and nature of these practices have been reflected at the international level. The Special Envoy of the Council of Europe (20 November 2025) noted that "tens of thousands of children have been stolen..."<sup>1</sup>, while the European Court of Human Rights found violations related to unlawful deportation and subsequent adoption<sup>2</sup>. On 12 March 2026, the UN Independent International Commission of Inquiry concluded that the deportation and forcible transfer of Ukrainian children by Russian authorities, as well as enforced disappearances, constitute war crimes and may amount to crimes against humanity, having been carried out in a widespread and systematic manner<sup>3</sup>. The Commission further emphasised that these practices place children in situations of acute vulnerability and significantly increase the risk of further abuse. This position has been echoed by the European Union, which characterised such practices as serious violations of international human rights law and international humanitarian law in Ukraine<sup>4</sup>, reinforcing the assessment that the transfer of children occurs in conditions incompatible with fundamental guarantees of protection.

At the same time, the element of "Purpose" - exploitative intent - has not been established in all cases. As a result, most cases are currently qualified as war crimes rather than trafficking in human beings. The distinction lies in the requirement to prove exploitation for benefit in trafficking cases, as opposed to broader state-driven objectives.

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<sup>1</sup> Council of Europe, Special Envoy of the Secretary General on the situation of children of Ukraine, "World Children's Day: Statement of the Special Envoy on the situation of children of Ukraine", Strasbourg, 20 November 2025, available at: <https://www.coe.int/en/web/children/-/world-children-s-day-statement-of-the-special-envoy-on-the-situation-of-children-of-ukraine>

<sup>2</sup> *European Court of Human Rights (Grand Chamber), Ukraine and the Netherlands v. Russia*, Applications nos. 8019/16, 43800/14, 28525/20 and 11055/22, Judgment of 9 July 2025, HUDOC, available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-14493%22%7D>

<sup>3</sup> United Nations Independent International Commission of Inquiry on Ukraine, statement of 12 March 2026, available at: <https://ukraine.un.org/en/311741-un-commission-concludes-deportation-and-forcible-transfer-ukrainian-children-russian>

<sup>4</sup> European Union, Statement at the 61st session of the Human Rights Council, Interactive Dialogue on the Commission of Inquiry on Ukraine, 12 March 2026, available at: [https://www.eeas.europa.eu/delegations/un-geneva/hrc61-eu-statement-interactive-dialogue-commission-inquiry-ukraine\\_en](https://www.eeas.europa.eu/delegations/un-geneva/hrc61-eu-statement-interactive-dialogue-commission-inquiry-ukraine_en)

Nevertheless, the analysis identifies structural configurations that create environments in which the risk of exploitation is embedded and difficult to detect. These include transfer into closed environments, absence of independent monitoring, fragmentation of legal status, cross-border movement (including via Belarus), and placement of medically or socially vulnerable children in conditions of full dependency. In such contexts, the absence of confirmed exploitation may reflect evidentiary constraints rather than its absence.

Additional risks include cases involving children with disabilities, complex cross-border transfer systems, and emerging patterns of digital recruitment of children for involvement in criminal or sabotage activities.

The findings indicate that while not all cases meet the legal threshold of trafficking, they may fall within a spectrum of practices generating trafficking-related risks. Accordingly, the Convention should be applied not only for criminal qualification but also as a framework for risk assessment, early identification, prevention, and protection in complex conflict-related contexts.

## II. INTRODUCTION

### Purpose

GRETA initiated consideration of whether the forced displacement of Ukrainian children in the context of Russia's war of aggression against Ukraine may, under certain circumstances, fall within the definition of trafficking in human beings.

For this purpose, an analytical mapping document has been prepared to provide an evidence-based, proportionate, and legally sound assessment of the available facts and patterns. The document aims to establish a structured analytical foundation for informed further steps within the framework of the Convention.

Within the mapping exercise, relevant sources are systematised, potential indicators of trafficking in human beings in situations of forced displacement of children are identified, and legal and protection gaps are analysed, including the possible intersection between forced displacement and trafficking in human beings.

### Analytical logic

The analysis is based on Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings, whose definition and structural elements ("Act – Means – Purpose") serve as the core analytical framework for identifying potential intersections between documented facts and the logic of trafficking in human beings. Exploitation includes, inter alia, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs. In the case of children, the element of "means" (coercion, deception, etc.) is not required, and the transportation or transfer of a child for the purpose of exploitation may in itself constitute trafficking in human beings.

The subsequent analysis follows the logic reflected in the consecutive sections of this report:

RISKS → INDICATORS → LEGAL ASSESSMENT → POSSIBLE QUALIFICATION.

First, risk trajectories associated with the forced displacement of children are mapped; second, the presence of trafficking indicators is assessed; third, a legal assessment is conducted in light of the Convention and Ukrainian legislation, including the Criminal Code. This step-by-step approach ensures legal coherence and allows for a reasoned determination of whether specific documented patterns may meet the criteria of trafficking in human beings.

### III. METHODOLOGY

The research was conducted in the format of a desk-based analytical mapping, consisting of a structured analysis of existing data without undertaking field collection of primary testimonies. This approach ensures the safety of children, proportionality of the assessment, and consistency with the mandate of GRETA. The study adheres to the principles of “do no harm”, legal neutrality, and a clear conceptual distinction between deportation, forced transfer, war crimes and trafficking in human beings.

The analytical framework comprises three interconnected components:

1. Mapping of facts and patterns to identify typical trajectories of child transfer, degrees of vulnerability, mechanisms of control, and points of heightened risk.
2. Assessment of trafficking indicators in line with the “Act – Means – Purpose” framework. For each identified pattern, the presence or absence of indicators related to movement, control and exploitative purpose is evaluated and classified as confirmed, probable, or unconfirmed.
3. Analysis of legal and protection gaps in light of obligations under the Council of Europe Convention on Action against Trafficking in Human Beings, taking into account international humanitarian law and child protection standards. This includes qualification, procedural and institutional dimensions, such as identification mechanisms, child representation, international cooperation and long-term reintegration.

#### Information and evidentiary basis

The analysis is primarily based on documented testimonies of children collected by civil society organisations directly engaged in their return from temporarily occupied territories and from the Russian Federation, as well as analytical materials and research prepared by these organisations and specialised experts. Official information from Ukrainian state authorities was also used, in particular data from the National Social Service of Ukraine concerning the determination of victim status in trafficking cases.

Criminal case files, most of which are qualified as war crimes, are not publicly accessible, which limits the possibility of direct review. In order to verify factual elements and strengthen the reliability of conclusions, consultations were conducted with representatives of the Office of the Prosecutor General.

A triangulation principle was applied: key findings are corroborated by multiple independent sources. The report does not contain personal data of children and does not disclose information that could compromise their safety or ongoing investigations.

Table: Source grading used in the analysis

GRADE	CATEGORY	DESCRIPTION	USE IN ANALYSIS
A	Official and judicial sources	<ul style="list-style-type: none"> <li>• Decisions of national authorities (e.g. NSSU)</li> <li>• Official statements and communications by competent authorities</li> <li>• Formal information provided by state representatives (e.g. OPG)</li> </ul>	Primary basis for contextual legal assessment, where information allows identification of elements under Article 4 of the Convention
B	International and intergovernmental sources	<ul style="list-style-type: none"> <li>• Reports of UN bodies</li> <li>• Council of Europe</li> <li>• Verified international monitoring mechanisms</li> </ul>	Contextual legal and policy framework; corroboration of patterns
C	Civil society and expert sources	<ul style="list-style-type: none"> <li>• Reports of NGOs directly involved in case documentation</li> <li>• Expert analytical reports</li> <li>• Verified testimonies collected by practitioners</li> </ul>	Supporting evidence; identification of patterns and risk configurations
D	Open sources and unverified information	<ul style="list-style-type: none"> <li>• Media reports</li> <li>• Indirect testimonies</li> <li>• Information requiring further verification</li> </ul>	Used exclusively for risk identification; not for legal qualification

Note: Lower-grade evidence is used exclusively for risk identification, not for legal qualification.

## IV. TYPICAL PATTERNS AND RISK TRAJECTORIES

### 1. NORMATIVE FRAMEWORK OF ANALYSIS

In accordance with the research methodology, the further analysis is conducted on the basis of Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings<sup>5</sup>

Pursuant to paragraph (a) of Article 4, *“trafficking in human beings” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*

Pursuant to paragraph (b), the consent of a victim shall be irrelevant where any of the means set forth have been used. Under paragraph (c), the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in human beings even if none of the means have been used.

The structural elements of the definition forming the basis of the further analysis are summarised in the table below.

ACT	MEANS	PURPOSE
<ul style="list-style-type: none"> <li>Recruitment</li> <li>Transportation</li> <li>Transfer</li> <li>Harbouring</li> <li>or receipt of a person</li> </ul>	<ul style="list-style-type: none"> <li>Threat or use of force</li> <li>other forms of coercion</li> <li>abduction</li> <li>fraud</li> <li>deception</li> <li>abuse of power or of a position of vulnerability</li> <li>giving or receiving of benefits to establish control</li> </ul>	<p>Exploitation</p> <p>Including:</p> <ul style="list-style-type: none"> <li>sexual exploitation</li> <li>forced labour or services</li> <li>slavery or practices similar to slavery</li> <li>servitude</li> <li>removal of organs</li> </ul>

With regard to children, the element of “means” is not required

At this stage, no legal qualification is undertaken; the task is to map recurring patterns and identify risk trajectories that may potentially intersect with the logic of trafficking in human beings.

<sup>5</sup> Council of Europe Convention on Action against Trafficking in Human Beings. Warsaw, 16.V.2005 <https://rm.coe.int/168008371d>

The analysis is based on:

- documented stories of returned children collected by Save Ukraine<sup>6</sup>,
- materials from the report *Return Every Child*<sup>7</sup> (War Child UK and Save Ukraine), based on interviews with 200 children and documenting transfer, isolation, indoctrination, change of legal status and individual cases of exploitation,
- consultations with human rights organisations and law enforcement authorities.

## 2. KEY RISK PATTERNS

### 2.1. Transfer through camps and closed environments

A typical initial link is the transfer of children from temporarily occupied territories under the pretext of “evacuation”, “recreation,” or “temporary stay”. Subsequently, children were held in closed institutions with restricted contact with family, monitored communication, psychological pressure and prohibition of Ukrainian identity.

Illustrative case (anonymised):

A 15-year-old adolescent was forcibly taken from an area of active hostilities, together with other children, and transported to a boarding institution surrounded by barbed wire. For several months, he remained under constant supervision by military personnel, without the possibility of free contact with his mother. No information was provided regarding the time of return, and access to medical assistance was limited.

Risk: creation of full dependency and a controlled environment.

### 2.2. Change of legal status, guardianship and citizenship

Following transfer, in some cases documents were changed, citizenship was granted, guardianship was established or simplified adoption procedures were applied. Legislative changes in the Russian Federation after 2014 created mechanisms allowing for the change of children’s citizenship, including at the initiative of third parties.

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<sup>6</sup> Save Ukraine is a Ukrainian non-governmental organisation engaged in the evacuation, return, and rehabilitation of children affected by the war, including those transferred from temporarily occupied territories and the Russian Federation. The organisation documents cases of transfer, displacement, and related protection risks, and assists returned children. <https://www.saveukraineua.org/>

<sup>7</sup> Save Ukraine and War Child UK, *Return Every Child: Analytical Report on the Deportation and Forced Transfer of Ukrainian Children*, 2025. [https://www.warchild.org.uk/sites/default/files/2025-09/Return\\_Every\\_Child\\_Digital\\_WCUK.pdf](https://www.warchild.org.uk/sites/default/files/2025-09/Return_Every_Child_Digital_WCUK.pdf)

Illustrative case (anonymised):

An 8-year-old child with a disability was taken to another region without parental consent. After the transfer, another citizenship was granted, and the parents were effectively deprived of the exercise of parental rights. The child remained under the control of the institution's administration and was subjected to psychological pressure aimed at changing the child's national identity.

The systemic risk lies in consolidating the consequences of forced transfer and complicating the child's return, thereby creating an environment of heightened vulnerability.

### 2.3. Forced labour and domestic use

In some accounts, children were involved in domestic or other work in camps or under the control of so-called guardians.

Illustrative case (anonymised):

A 15-year-old boy from a village in Kupiansk District, Kharkiv Region, became separated from his family during the occupation of the area in 2022. After spending a night at his school because active hostilities and the closure of the town made it impossible to return home, he and a group of other children were taken by Russian military personnel and transported through several locations in occupied territory. The children were eventually placed in a boarding school in Perevalsk, occupied Luhansk Region, where they remained under the control of the institution's administration. While residing there, the boy and other Ukrainian children were required to unload trucks carrying humanitarian aid, clean the institution's grounds, and perform various maintenance and household tasks. According to his account, staff members subjected the children to psychological pressure, humiliation, and threats, including threats of placement in psychiatric institutions or transfer to foster families. The children were also reportedly pressured to participate in activities promoting loyalty to the Russian Federation. The boy was in a situation of complete dependency on the institution's administration, separated from his family, and unable to leave the facility or realistically refuse the assigned work.

This element is the closest to the criteria of exploitation under Article 4 of the Convention, but requires individual proof of exploitative purpose.

### 2.4. Militarisation and indoctrination

Cases of systematic ideological processing, participation in military-patriotic activities, drill training and pressure to change identity are documented.

Illustrative case (anonymised):

A 16-year-old adolescent, after being transferred to Crimea, was placed in an institution with a military component in the curriculum. Children were required to participate in drill training and events under the state symbols of another state. Refusal to participate resulted in isolation and psychological pressure.

Indoctrination in itself does not constitute trafficking in human beings; however, in combination with transfer and isolation, it may form a risk trajectory, particularly in cases of forced recruitment.

## 2.5. Isolation and sexual violence

Conflict-related sexual violence (CRSV) is not automatically equivalent to trafficking in human beings. However, in situations where it occurs following transfer and under conditions of full control over the child, a configuration may arise that structurally corresponds to the elements of “Act – Means – Purpose”.

The risk of sexual exploitation increases where transfer, isolation, lack of access to assistance and dependency on controlling persons are combined.

## 2.6 High-risk configurations: children with disabilities, medical control, and untraceable placements

Available information indicates that children with disabilities and complex health conditions are exposed to heightened risks in the context of transfer from institutional care. In October 2022, at least 84 such children from a residential care institution in Kherson region were transferred by occupying authorities to the temporarily occupied territory of Crimea and to the Russian Federation. The transfer reportedly took place without the consent of legal representatives and outside any transparent legal or protective framework. Over a period of more than two years, fewer than half of these children have been returned, while the whereabouts and conditions of many others remain unknown.

Prior to and following transfer, children were reportedly subjected to medical examination and classification. In the absence of independent monitoring, such practices may function as mechanisms of control and influence subsequent placement decisions.

Illustrative cases (composite, based on open sources and testimony):

A group of children with disabilities was transferred from institutional care under the pretext of medical assistance. Following initial placement in medical facilities, some children were moved to other locations without clear documentation or traceable records.

Oral testimony collected in early 2026 from a returned adult survivor originating from Kherson region indicates that children without parental care were held in segregated conditions within a medical facility, where biological material (blood) was repeatedly collected and removed by individuals associated with military structures. While this account cannot be independently verified, it raises serious concerns regarding the treatment of medically vulnerable children in closed environments.

These risks are further illustrated by the case of Illia Vashchenko<sup>8</sup>, a child transferred from institutional care in Kherson region to the Russian Federation under the pretext of medical examination. Following initial placement in a medical facility and subsequent transfer in the custody of Sergei Mironov, the leader of a pro-Kremlin political party, and his wife Inna Varlamova, who has worked as a parliamentary aide. According to publicly available information, the child was subsequently adopted and provided with a new identity. His

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<sup>8</sup> Reuters, *How Russian Officials and Collaborators Vanish Ukraine's Children*, Special Report, 11 January 2024, available at: <https://www.reuters.com/investigates/special-report/ukraine-crisis-children/>

current whereabouts remain unknown, and available information indicates the absence of valid identity documentation beyond a birth certificate.

Risk: convergence of medical vulnerability, dependency, lack of oversight, and untraceability, creating conditions in which serious violations may occur without detection.

Table: Structural risks in the context of child transfer

Below is a summary of structural vulnerability factors that create an environment of heightened risk for transferred or deported children. The table does not reflect the legal qualification of specific acts, but rather contextual conditions that may increase the risks of trafficking in human beings and other forms of exploitation. Its purpose is to outline the overall level of vulnerability arising from isolation, loss of legal connection, and limited access to protection.

Factor	Potential legal dimension	Risk
Separation from family	Position of vulnerability	High
Isolation	Control	High
Confiscation of documents	Restriction of liberty	High
Forced change of citizenship	Break of legal connection	Medium–high
Involvement in work	Possible forced labour	High
Absence of monitoring	Lack of transparency	Systemic
Transfer from institutional care (including children with disabilities)	Abuse of vulnerability	High
Medical screening and classification prior to placement	Control / selection mechanisms	High
Placement into private custody (including politically exposed persons)	Exercise of control without safeguards	High
Lack of identity documentation (or only partial documentation)	Legal invisibility	High
Prolonged untraceability / unknown whereabouts	Enforced disappearance–like conditions (risk context)	Systemic
Placement in closed medical or institutional environments	Total dependency / lack of oversight	High
High medical dependency (disability, illness)	Increased vulnerability / inability to seek help	High

### 3. ADDITIONAL RISKS RAISED BY HUMAN RIGHTS ORGANISATIONS AND LAW ENFORCEMENT AUTHORITIES

In addition to the patterns documented in the *Return Every Child* report, civil society human rights organisations and representatives of law enforcement authorities have identified a number of additional risks requiring separate attention.

#### 3.1. Adoption of Ukrainian children by nationals of the aggressor state

According to public reports and human rights monitoring data, cases have been recorded of Ukrainian children being adopted by citizens of the Russian Federation, including individuals who hold or have held public office. In a number of cases, the age of the adopted children corresponds to the age of the adopters' grandchildren, raising legitimate questions regarding the bona fides and motivation behind such decisions.

Such facts in themselves do not constitute trafficking in human beings. However, in combination with forced transfer and change of citizenship, they create a risk of permanent control over the child without the possibility of restoring the legal connection with the State of origin.

#### 3.2. Risk of use of children for organ transplantation

While no confirmed evidence exists of the use of transferred children for organ removal, human rights organisations have raised concerns regarding potential risks in this area.

These concerns arise in the context of documented patterns involving the transfer of children into closed environments, medical screening and classification, absence of independent monitoring, and limited traceability following transfer. In such conditions, particularly where children with disabilities or serious health conditions are involved, the combination of medical vulnerability and lack of oversight may create environments in which severe forms of abuse could remain undetected.

These concerns do not constitute evidence of trafficking for organ removal; however, they reflect a risk scenario identified by human rights actors that may warrant further independent examination, particularly in light of the systemic factors outlined in Section 2.6.

### 4. CROSS-BORDER RISK PATHWAYS: THE ROLE OF BELARUS IN THE SYSTEM OF CHILD TRANSFERS

Available information from international human rights reporting indicates that the transfer of Ukrainian children is not limited to the territory of the Russian Federation but also includes their relocation to the Republic of Belarus.

In particular, the report "*Stolen Childhood: How the Belarusian Regime Erases the Identity of Ukrainian Children Through Displacement, Re-education and Militarization*"<sup>9</sup>, prepared by the Regional Center for Human Rights (RCHR)<sup>10</sup> in cooperation with Freedom House, ZMINA Human Rights Centre and other partners, documents the role of Belarus in facilitating the relocation, re-education, and militarisation of Ukrainian children.

According to the report and related monitoring, children have been transferred from temporarily occupied territories to Belarus under the pretext of "recreation", "rehabilitation", or medical assistance, including through organised programmes involving state-affiliated actors and institutional networks.

According to open-source monitoring, thousands of children may have been transferred to Belarus within such programmes.

Evidence suggests that Belarus functions not merely as a destination, but as part of a broader cross-border system of child relocation. This includes placement in camps and institutional environments where children may be exposed to ideological influence, including elements of military-patriotic education.

From an analytical perspective, the involvement of Belarus indicates the existence of cross-border pathways in which:

- children are transferred across multiple jurisdictions between Belarus and Russia,
- placement may be temporary, repeated, or lead to further relocation,
- legal and institutional accountability becomes fragmented across state borders.

Such configurations increase risks related to:

- loss of legal identity and jurisdictional protection,
- limited access to independent monitoring and return mechanisms,
- potential secondary transfers to Russia and prolonged untraceability.

While exploitative purpose has not been established in these cases, the existence of coordinated cross-border pathways significantly increases the structural risk of exploitation, as well as the difficulty of detection and intervention within existing national protection systems.

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<sup>9</sup> ZMINA Human Rights Centre et al., *Stolen Childhood: How the Belarusian Regime is Erasing Ukrainian Children's Identity through Displacement, Re-education and Militarization*, 2024, available at: <https://zmina.ua/en/publication-en/stolen-childhood-how-the-belarusian-regime-is-erasing-ukrainian-childrens-identity-through-displacement-re%E2%80%91education-and-militarization>

<sup>10</sup> Regional Center for Human Rights (RCHR) reports <https://rchr.org.ua/en/reports/>

## 5. RECRUITMENT OF CHILDREN THROUGH DIGITAL PLATFORMS FOR USE IN CRIMINAL ACTIVITY

A separate risk pattern that has acquired a mass character is the recruitment of children in territory controlled by Ukraine through messengers (in particular Telegram) by representatives of the aggressor state's special services.

This pattern is not directly connected to the forced displacement or transfer of children. However, it is inherently tied to the activities of the aggressor state within the ongoing armed conflict and represents an additional way children's vulnerability is exploited.

Numerous cases have been documented in which minors were involved in:

- manufacturing and planting explosive devices;
- transmitting information about critical infrastructure facilities;
- sabotage activities;
- arson of military or infrastructure objects.

In essence, this concerns the involvement of children in criminal activity through the exploitation of their age-related vulnerability, psychological influence, material incentives or manipulation.

### Legal complexity

Such acts in Ukraine are generally qualified under provisions of the Criminal Code, including:

- Article 111 – high treason, collaboration activity, aiding the aggressor state;
- Article 113 – sabotage;
- Article 114 – obstruction of the lawful activities of the Armed Forces of Ukraine;
- Article 258 – terrorist act.

The application of these provisions does not necessarily involve consideration of the non-punishment principle. In trafficking cases, the principle may apply where it is established that a person was a victim of trafficking in human beings and was compelled to engage in unlawful activities as a direct consequence of the exploitation. In practice, children recruited through digital platforms for sabotage, arson, intelligence gathering, or other criminal activities linked to the armed conflict are primarily treated as offenders rather than as potential victims. At the same time, the growing number of such cases and their connection to activities affecting Ukraine's national security during wartime create a complex legal and policy challenge. This underscores the importance of conducting individual assessments to determine whether indicators of exploitation, coercion, manipulation, material inducement, or abuse of vulnerability are present, while taking into account the broader security implications of the conduct involved.

## Analytical dimension

From the perspective of Article 4 of the Convention, such practice may require assessment where the following are established: recruitment (act), use of psychological influence, deception or abuse of vulnerability (means), and use of the child for the purpose of engaging in dangerous or unlawful activity (purpose).

However, each case requires individual analysis, taking into account the balance between the protection of the rights of the child and national security interests.

### OVERALL CONCLUSION OF THE SECTION

The analysis of documented cases and materials enables the identification of recurring patterns and risk trajectories related to the transfer of Ukrainian children. In many cases, elements corresponding to “Act” — especially transfer and harbouring — are consistently observed. Often, these are accompanied by indicators of control, including isolation, restricted communication, administrative measures affecting legal status, and the exercise of authority over the child’s placement.

At the same time, the establishment of an exploitative purpose remains limited. While some cases show indicators that could indicate forms of exploitation — such as forced labour, use in controlled environments, or complete dependency — these elements are not systematically documented and require individual assessment.

The analysed material further shows the existence of structural factors that significantly increase vulnerability. These include transfer into closed environments, lack of independent monitoring, fragmentation of legal status, cross-border movement across multiple jurisdictions, and the placement of children with heightened medical or social dependency into fully controlled conditions.

These patterns reflect environments where potential exploitation could occur but remains hidden due to limited access, monitoring, and traceability. Therefore, the findings do not automatically classify all child transfers as trafficking in human beings. However, they provide a solid basis for identifying risk configurations that may overlap with the elements of Article 4 of the Convention.

This justifies the subsequent analysis of these configurations through the indicator matrix (Act – Means – Purpose), as well as the use of anti-trafficking frameworks as tools for assessing risk and guiding protection-based responses.

## V. ANALYSIS OF INDICATORS OF TRAFFICKING IN HUMAN BEINGS

### 1. METHODOLOGICAL APPROACH

The analysis is conducted in accordance with Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings and is based on three structural elements: Act – Means – Purpose.

With regard to children, pursuant to paragraph (c) of Article 4, the element of “means” is not required in order to establish trafficking in human beings. At the same time, its presence strengthens the assessment of control and the nature of interference with the child’s autonomy.

The assessment of indicators is based on materials from the Return Every Child report, anonymised cases of returned children, as well as selected examples of national practice in determining victim status in trafficking in human beings cases.

At the same time, the analysis is conducted in a context characterised by significant evidentiary limitations, including restricted access to occupied territories, lack of independent monitoring, and limited availability of individualised case documentation. In such conditions, the absence of complete evidence cannot be interpreted as the absence of risk.

Accordingly, indicators are used not only for the purposes of legal qualification, but also as analytical tools for identifying situations of heightened vulnerability and informing protection-oriented responses.

### 2. INDICATORS OF THE “ACT” ELEMENT

In a significant number of documented cases, indicators of acts provided for in Article 4 of the Convention are present, including:

- transportation of children across a state border;
- transfer under the control of institutions or third parties;
- harbouring in closed or controlled environments;
- administrative establishment of guardianship or change of citizenship following transfer.

Thus, the element of “Act” is systematically observable and constitutes the most clearly established component in the examined configurations.

### 3. INDICATORS OF THE “MEANS” ELEMENT

Although this element is not mandatory in the case of children, the materials contain indicators of systematic control that may correspond to forms of coercion or abuse of a position of vulnerability, including:

- isolation from family and restriction of communication;
- confiscation of documents;
- psychological pressure and threats of transfer into guardianship;

- disciplinary punishments;
- administrative consolidation of full control over the child's decisions.

Taken together, these factors may indicate the establishment of factual dependency and abuse of the child's position of vulnerability in the context of conflict.

#### 4. INDICATORS OF THE "PURPOSE" ELEMENT (EXPLOITATION)

The most complex element to assess is the establishment of exploitative purpose.

The materials document:

- individual cases of forced labour under conditions of full control;
- involvement in mandatory domestic work;
- use of children in propaganda activities;
- circumstances creating a potential risk of sexual exploitation.

In one documented case in which the national authority recognised the person as a victim of trafficking in human beings, the cumulative circumstances (harbouring, full control, systematic involvement in labour) made it possible to individually confirm exploitative purpose.

At the same time, the available materials demonstrate 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.

#### 5. GENERALISED RISK CONFIGURATIONS

Based on the analysis of indicators, several typical configurations may be identified:

1. Transfer + isolation + change of legal status  
→ risk of establishment of full control.
2. Transfer + harbouring + involvement in labour  
→ configuration most closely approximating exploitation.
3. Transfer + indoctrination + militarisation  
→ risk of involvement in dangerous or militarised activity.
4. Transfer for medical or rehabilitation purposes  
→ placement in closed institutional or private environments → absence of monitoring → loss of traceability.
5. Cross-border transfer (including to third countries)  
→ circulation through camps or organised programmes → repeated relocation → fragmentation of legal oversight.

## 6. KEY INDICATORS OF HEIGHTENED RISK

Based on the patterns identified in previous sections, the following indicators may be relevant in assessing trafficking-related risks:

1. Transfer of children across borders or within occupied territories without transparent procedures or documentation.
  - 1.1 Placement in closed environments (camps, institutions, medical facilities) with restricted freedom of movement.
  - 1.2 Lack of contact with parents or legal representatives, or monitored/controlled communication.
  - 1.3 Change of legal status (citizenship, guardianship, adoption) without clear legal safeguards.
  - 1.4 Absence or confiscation of identity documents.
  - 1.5 Repeated or secondary transfers between locations, including across jurisdictions.
  - 1.6 Involvement of multiple actors exercising control over movement and placement.
  - 1.7 Exposure to ideological pressure, coercion, or forced participation in activities.
  - 1.8 Involvement in labour or domestic tasks under conditions of dependency.
2. Medical examination, classification or intervention conducted without independent oversight or consent of legal representatives.
  - 2.1 Placement of children with disabilities or serious health conditions in closed medical or institutional environments.
  - 2.2 Collection or handling of biological material without transparency or traceability.
  - 2.3 Transfer for medical purposes followed by untraceable placement or loss of contact.
3. Transfer of children to third countries within organised programmes presented as recreation, rehabilitation or education.
  - 3.1 Repeated cross-border movement between multiple jurisdictions.
  - 3.2 Placement in camps or institutions linked to state-affiliated programmes outside the country of origin.
4. Prolonged absence of information regarding the child's whereabouts or condition.
  - 4.1. Lack of access for national or international monitoring mechanisms.

These indicators should be assessed cumulatively and in context.

## 7. OPERATIONAL USE OF INDICATORS IN CONDITIONS OF UNCERTAINTY

In the current context, characterised by incomplete information and limited access, a cautious approach to legal qualification is required. The available data does not allow for the automatic classification of all cases of child transfer as trafficking in human beings.

At the same time, the absence of a definitive qualification does not eliminate the need for action.

Indicators should therefore be applied as operational tools enabling:

- early identification of potential victims;
- risk assessment in situations of transfer and control;
- activation of protection mechanisms;
- information exchange and cross-border cooperation;
- tracing and verification of children's whereabouts;
- documentation of cases for potential future legal proceedings.

This is particularly relevant in cross-border contexts involving multiple jurisdictions, including situations where children are transferred to third countries, which may complicate tracing, monitoring, and coordinated response efforts.

Until all factual circumstances are established in individual cases, the analysis proceeds on the basis that affected children may have been exposed to trafficking-related risks.

This approach allows for the use of existing anti-trafficking mechanisms — including prevention, identification, protection and cooperation — without prejudging the final legal qualification of each case.

## OVERALL CONCLUSION OF THE SECTION

The analysis of indicators demonstrates that the elements of "Act" and, in many cases, "Means" are present in a systematic and recurring manner. Indicators of exploitative purpose are recorded unevenly and require individual proof in each specific case.

The available materials demonstrate configurations of heightened risk; however, they do not allow for the automatic qualification of all cases of forced transfer of children as trafficking in human beings. Establishing the offence requires confirmation of the cumulative elements in accordance with Article 4 of the Convention and the applicable national legislation.

At the same time, the presence of such configurations justifies proactively using anti-trafficking frameworks as a protection and response tool in situations where full evidentiary thresholds have not yet been met.

## VI. PRACTICE OF DETERMINING THE STATUS OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN CASES RELATED TO THE FORCED TRANSFER OF CHILDREN

### 1. INSTITUTIONAL FRAMEWORK

In accordance with the Law of Ukraine “On Combating Trafficking in Human Beings”, the National Social Service of Ukraine (NSSU) is the competent authority responsible for determining the status of a person as a victim of trafficking in human beings (VoT). The decision is adopted by a Working Group following an assessment of the individual circumstances of the case, taking into account the criteria of national legislation harmonised with international standards.

The practice of the NSSU in 2023–2024 demonstrates the application of the identification mechanism also in cases related to the forced transfer of children in the context of armed conflict.

### 2. INDIVIDUAL CASES ESTABLISHED

In 2023, the Working Group of the NSSU examined the case of a 14-year-old girl from Kharkiv region who had been unlawfully abducted and deported to the territory of the Russian Federation following the occupation of her area of residence. The case came to the attention of the NSSU in the context of a request for status determination after the child's return to Ukraine. According to the information reviewed by the Working Group, the child was placed in a refugee accommodation facility in the Russian Federation, where she was subjected to constant supervision, restrictions on communication with her mother, psychological pressure, and ideological influence. She was required to attend a local school, where she was instructed in Russian state narratives and reportedly experienced humiliation related to her Ukrainian identity. In addition, proceedings were reportedly initiated by the Russian authorities that impeded her return to Ukraine and prolonged her separation from her family.

A separate group of cases concerned five adolescents from the Kherson region who were forcibly transferred to a camp in the territory of the Autonomous Republic of Crimea. The cases were reviewed in the context of applications for recognition as persons affected by trafficking in human beings following the children's return to Ukraine. The children were involved in the production and distribution of Russian symbols and participation in propaganda events. In cases of non-compliance, restrictions on food, isolation and control of movement were applied. The cases were examined in light of indicators associated with trafficking in human beings, including the transfer of children from occupied territory, abuse of vulnerability, coercive control, and the use of children for activities serving the interests of the occupying power.

In 2024, cases were also examined involving children forcibly transferred to camps in the temporarily occupied territory of the Autonomous Republic of Crimea, where they were subjected to systematic ideological influence, confiscation of documents, and imposition of citizenship of the Russian Federation.

A particularly illustrative case concerns a 16-year-old boy from the Luhansk region, for whom the NSSU determined the status of a victim of trafficking in human beings. Following the death of his mother and brother, the child was held in temporarily occupied territory, deprived of Ukrainian documents, forced to accept Russian citizenship, and involved in forced labour in the household of a so-called guardian. The boy was under constant control, subjected to psychological pressure and restrictions on freedom of movement.

In this case, the following elements were established:

- transfer and harbouring – act;
- control, isolation, abuse of guardianship – means;
- forced labour – purpose of exploitation.

### 3. ANALYTICAL OBSERVATIONS

The practice of the NSSU demonstrates an individualised and cautious approach to the qualification of cases related to armed conflict. The mere fact of deportation or forced transfer of a child does not automatically entail recognition as a victim of trafficking in human beings. Rather, each case is assessed individually against the legal criteria established under Ukrainian legislation, including the presence of an exploitative purpose.

The cases described above were examined by the NSSU Working Group in the context of applications for recognition as victims of trafficking in human beings and resulted in the granting of victim status. In reaching these decisions, the NSSU identified a combination of indicators, including:

- forced transfer and isolation;
- deprivation of documents and change of citizenship;
- abuse of guardianship mechanisms;
- forced labour or other forms of actual use of the child.

Thus, national practice in Ukraine demonstrates that certain forms of use of children in the context of armed conflict may be recognised as trafficking in human beings where exploitative intent is established. At the same time, the majority of cases of forced transfer are primarily qualified as violations of international humanitarian law or war crimes, reflecting the high evidentiary standard applied in determining victim status in trafficking in human beings cases.

## VII. LEGAL QUALIFICATION IN THE CONTEXT OF THE FORCED TRANSFER AND DEPORTATION OF UKRAINIAN CHILDREN

This section was prepared on the basis of consultations with representatives of the Office of the Prosecutor General of Ukraine (OPG) and reflects the logic of national criminal law qualification of acts related to the forced transfer and deportation of children in the context of armed conflict.

### 1. LOGIC OF CRIMINAL LAW QUALIFICATION

In national practice, qualification depends not only on the fact of transfer or isolation of a child, but on the established purpose of the act.

#### 1.1. Article 149 – Trafficking in Human Beings

*The full text in English can be found in [Annex 1](#)*

For qualification, it is necessary to establish:

- an act (transfer, handing over, harbouring, etc.);
- means (coercion, deception, abuse of vulnerability — not mandatory in the case of children);
- a mandatory exploitative purpose.

As under the Council of Europe Convention on Action against Trafficking in Human Beings, and consistent with the approach reflected in the Law of Ukraine «On Countering Trafficking in Human Beings»<sup>11</sup>, it is not necessary for the intended exploitation to have actually taken place; the existence of an exploitative purpose is sufficient.

According to information obtained during consultations, confirmed evidence of exploitation of deported or transferred children within the meaning of Article 149 of the Criminal Code of Ukraine has not been established to date. Individual cases of forced labour or actual use of children are analysed on a case-by-case basis.

#### 1.2. Article 438 – Violations of the Laws and Customs of War

*The full text in Ukrainian can be found in [Annexe 1](#)*

Article 438 provides for liability for war crimes, including unlawful deportation or forced transfer of civilian population.

For qualification, proof of exploitative purpose is not required. From the perspective of law enforcement authorities, the unlawful transfer of children within the context of armed conflict in itself constitutes a war crime, regardless of the subsequent use of the child.

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<sup>11</sup> Law of Ukraine "On Combating Trafficking in Human Beings", No. 3739-VI of 20 September 2011, Article 1, defining combating trafficking in human beings as including measures aimed at the identification of trafficking offences, "including incomplete offences" ("у тому числі незакінченого"). Available at: <https://zakon.rada.gov.ua/laws/show/3739-17#Text>

### 1.3. Article 442-1 – Crimes against Humanity

The full text in Ukrainian can be found in [Annexe 1](#)

This provision may be applied where the following are established:

- the widespread or systematic nature of the acts;
- a link with state policy;
- the perpetrator's awareness that the conduct forms part of a broader widespread or systematic attack directed against a civilian population.

Where trafficking in human beings is charged as a crime against humanity under Article 442-1, the constituent elements of trafficking, including the purpose of exploitation, must also be established.

Article 442-1 was introduced into the Criminal Code of Ukraine by Law No. 4012-IX of 9 October 2024. In accordance with the principle of non-retroactivity of criminal law, it applies only to acts committed after its entry into force.

## 2. MOTIVATIONAL DISTINCTION

During the consultations, it was emphasised that the key element distinguishing the offences is the motivation of the crime.

- In the case of trafficking in human beings, the decisive factor is the purpose of using a person — for profit, gain or another practical benefit.
- In the case of war crimes or crimes against humanity, the motivation may consist of:
  - destruction or replacement of national identity;
  - forced change of demographic structure;
  - implementation of a policy of systematic influence on the civilian population.

Thus, even under similar factual circumstances (transfer, isolation, control), criminal law qualification depends on the proven purpose of the act.

If exploitative purpose is established, Article 149 of the Criminal Code of Ukraine applies. If unlawful transfer is established as part of a war policy or a systematic attack, qualification is carried out under Articles 438 or 442-1 of the Criminal Code of Ukraine.

In national practice, where elements of a war crime are present, such qualification generally absorbs possible qualification under Article 149 of the Criminal Code of Ukraine; cumulative (double) qualification under Articles 438 (or 442-1) and 149 of the Criminal Code of Ukraine is generally not applied.

## 3. DISTINCTION BETWEEN CRIMINAL QUALIFICATION AND RISK ASSESSMENT

For the purposes of GRETA's mandate, it is important to distinguish between:

1. Criminal law qualification of a completed offence;
2. Assessment of structural risks of trafficking in human beings.

The absence of qualification under Article 149 does not mean the absence of risks of exploitation.

Regardless of the applicable provision of the Criminal Code, transferred or deported children are in a situation of heightened vulnerability due to, for example:

- separation from family;
- isolation in closed environments;
- change of legal status;
- administrative control;
- absence of independent monitoring.

Such conditions create an environment of heightened risk of exploitation, even where exploitative intent has not been established within criminal proceedings.

#### 4. DISTINCTION BETWEEN TRAFFICKING IN HUMAN BEINGS AND CONFLICT-RELATED SEXUAL VIOLENCE

Based on consultations with the Office of the Prosecutor General, particular emphasis was placed on the need to clearly distinguish between trafficking in human beings (Article 149 of the Criminal Code of Ukraine) and conflict-related sexual violence (CRSV).

Trafficking in human beings is a crime aimed at the exploitation of a person for the purpose of obtaining benefit. By contrast, sexual violence in the context of armed conflict is regarded as a war crime or a crime against humanity (Articles 438 and 442-1 of the Criminal Code of Ukraine) and is linked to the instrumentalisation of violence as a means of armed pressure, terror or humiliation of the civilian population.

In its judgment of 28 February 2024 in case No. 415/2182/20, the Grand Chamber of the Supreme Court <sup>12</sup>clearly stated that acts committed in the context of armed conflict and constituting serious violations of international humanitarian law should, as a rule, be legally qualified exclusively under Article 438 of the Criminal Code of Ukraine and do not require additional qualification under other provisions, including Article 149 of the Criminal Code of Ukraine. According to the Court, the application of additional criminal-law qualifications may, in certain circumstances, obscure the specific nature and context of international crimes.

At the same time, the Supreme Court's position concerns the criminal-law qualification of conduct and does not resolve the separate issue of victim identification and protection. Even where conduct is prosecuted as a war crime under Article 438 of the Criminal Code of Ukraine, it may remain necessary to assess whether affected children exhibit indicators of trafficking in human beings or exploitation. Such an assessment may be relevant for determining access to specialised assistance and protection mechanisms available under Ukraine's anti-trafficking framework, including formal victim status determination procedures and services provided through the National Referral Mechanism.

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<sup>12</sup> Grand Chamber of the Supreme Court of Ukraine, Judgment of 28 February 2024, Case No. 415/2182/20, para. 127, Unified State Register of Court Decisions No. 117555176, available at: <https://reyestr.court.gov.ua/Review/117555176>

Accordingly, the qualification of conduct as a war crime does not preclude the assessment of trafficking indicators where elements of exploitation or exploitative purpose may be present. Criminal qualification and victim identification serve distinct legal and protective functions and should be viewed as complementary rather than mutually exclusive processes.

Thus, an attempt to qualify sexual violence committed in wartime as trafficking in human beings may lead to the loss of the war context of the crime and to an incorrect legal assessment.

At the same time, this distinction does not exclude the need to assess trafficking risks in cases where elements of exploitative purpose are established.

## 5. CONCLUSION FOR THE PURPOSES OF GRETA'S MANDATE

National practice demonstrates a high evidentiary threshold for qualification under Article 149 of the Criminal Code of Ukraine, where the decisive element is the establishment of exploitative purpose. Consistent with the Council of Europe Convention on Action against Trafficking in Human Beings, it is not necessary for the intended exploitation to have actually taken place. Rather, it must be established that the conduct was carried out for the purpose of exploitation. The presence of intent to use a person for the purpose of obtaining benefit is the key criterion distinguishing trafficking in human beings from other related offences.

The majority of cases involving deportation of children are investigated under Article 438 of the Criminal Code of Ukraine as war crimes, as their legal nature relates to the unlawful transfer of civilian population in the context of armed conflict. Similarly, conflict-related sexual violence, in accordance with the position of the Grand Chamber of the Supreme Court (judgment of 28 February 2024), must be qualified exclusively as a war crime and does not require additional qualification under Article 149 of the Criminal Code of Ukraine.

Accordingly, the absence of widespread qualification under Article 149 does not indicate that trafficking in human beings is absent in the context of the armed conflict, but reflects the differences in the legal construction of the offences and their motivational nature.

For the purposes of the Council of Europe Convention, the key issue is not only formal criminal qualification, but also whether mechanisms are in place to identify cases of trafficking in human beings and situations that may give rise to trafficking and exploitation. The examples reviewed in this paper demonstrate that, while many cases involving deportation, transfer, or use of children are primarily addressed through the framework of international humanitarian law and war crimes, certain cases have been recognised by the National Social Service of Ukraine as trafficking in human beings where the requisite elements, including exploitative purpose, were established.

Table: Distinction between criminal offences in national legislation

The table below has an analytical character and is intended to demonstrate differences in the legal construction of offences.

Criterion	Article 149 CCU (Trafficking in Human Beings)	Article 438 CCU (War Crimes)	Article 442-1 CCU (Crimes against Humanity)
Protected legal interest	Freedom and dignity of the person	International humanitarian law	Civilian population in the context of a systematic attack
Mandatory elements	Act + (for children, means not mandatory) + exploitative purpose	Unlawful deportation or forced transfer in the context of an international armed conflict	Widespread/systematic nature + context of attack + awareness
Is exploitative purpose required?	Yes (key element)	No	If slavery or trafficking is alleged — yes
Typical cases concerning children	Isolated cases (including forced labour)	Majority of deportation cases	Possible if a systematic policy is proven
Current practice	No systematically confirmed evidence of exploitative purpose established	Majority of investigations conducted under this article	Limited application; applies without retroactive effect

The distinction is relevant for criminal law qualification; however, it does not exclude the assessment of trafficking risks within the framework of GRETA's mandate.

## VIII. GAPS AND RESPONSES IN THE LEGAL FRAMEWORK AND PROTECTION SYSTEM

Despite the clear distinction between war crimes and trafficking in human beings in national legislation, in practice, there is no systematic integration of trafficking indicators analysis into proceedings concerning the deportation and transfer of children. Investigations of war crimes and mechanisms for the identification of victims of trafficking in human beings operate in parallel, which complicates the early detection of possible elements of exploitation, particularly in cases involving concealed or delayed exploitative purpose.

An additional challenge remains the lack of independent monitoring of the situation of children in temporarily occupied territories and in the Russian Federation, which limits the ability to document indirect indicators of exploitation. Upon return, children face complex rehabilitation needs and the restoration of their legal status; however, the system lacks a unified tool for trafficking risk assessment and long-term follow-up.

A separate gap concerns children involved in criminal activity (sabotage, explosions, terrorist acts) through manipulation or recruitment by representatives of the aggressor state. While such cases are generally investigated as offences against national security, according to information provided by the Office of the Prosecutor General of Ukraine, the Government of Ukraine has undertaken a number of measures to prevent the recruitment and use of children in the context of armed conflict and to strengthen their protection and rehabilitation.

These measures include:

- The establishment of an Inter-Ministerial Working Group on Children and Armed Conflict (CAAC)<sup>13</sup> to coordinate the implementation of child protection measures and responses to grave violations against children.
- The adoption of the National Preventive Plan for the Prevention and Cessation of Grave Violations of Children's Rights in the Context of the Armed Aggression of the Russian Federation against Ukraine (Cabinet of Ministers Resolution No. 256-r of 22 March 2024<sup>14</sup>):
  - measures under paragraph 16 of the National Preventive Plan aimed at preventing the recruitment and use of children for intelligence gathering, fire adjustment, sabotage, and other activities related to the armed conflict through awareness-raising activities, monitoring, and accountability measures;
  - information and awareness-raising activities for children, parents, and legal guardians to prevent the recruitment and use of children in hostilities and armed conflict (paragraph 14);
  - monitoring and reporting to the Office of the Prosecutor General on cases of

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<sup>13</sup> Bring Kids Back UA, "UN and Ukraine Together for the Protection of Ukrainian Children Affected by Russian Invasion", noting the establishment of coordination mechanisms between the Government of Ukraine and the United Nations under the Children and Armed Conflict (CAAC) agenda, including the Inter-Ministerial Working Group and implementation of the Joint Prevention Plan. Available at: [Bring Kids Back UA – CAAC Cooperation Framework](#)

<sup>14</sup> Cabinet of Ministers of Ukraine, Order No. 256-r of 22 March 2024, *National Preventive Plan for the Prevention and Cessation of Grave Violations of Children's Rights in the Context of the Armed Aggression of the Russian Federation against Ukraine*, available at: [Official text](#) (accessed 19 June 2026).

- recruitment, including covert recruitment, of children into the armed forces of the Russian Federation, private military companies, and illegal armed groups operating in temporarily occupied territories (paragraph 15);
  - the establishment of the Coordination Headquarters and the Coordination Council for the Protection of Children's Rights under Martial Law (paragraphs 5 and 6);
  - measures aimed at strengthening justice and accountability for crimes involving sexual violence against children (paragraph 10);
- Increasing use of child-sensitive approaches in criminal proceedings involving such children, including tailored approaches to pre-trial measures and consideration of alternatives to detention where appropriate;
- The development by the Ministry of Justice and probation authorities of specialised probation programmes and rehabilitation measures for children involved in conflict-related criminal activities.
- The Security Service of Ukraine (SSU), in cooperation with the National Police, has launched the nationwide campaign "Spaly FSBshnyka"<sup>15</sup> ("Expose an FSB Agent") to prevent the recruitment of children and young people by Russian special services for sabotage, arson, and other conflict-related criminal activities. The initiative includes a dedicated Telegram chatbot for reporting recruitment attempts and raising awareness of recruitment risks.
- Ongoing efforts to develop specialised response mechanisms focused on rehabilitation, reintegration, and the prevention of re-recruitment.

While significant efforts have been undertaken to protect conflict-affected children, further work may be needed to ensure effective coordination between war crimes investigations and mechanisms for the identification and protection of victims of trafficking in human beings, as well as to develop specialised approaches for children recruited or used in criminal activities in the context of hybrid warfare.

## LIMITATIONS OF THE STUDY

- Access to information
  - Due to the ongoing armed conflict, there is no direct access to children who remain in temporarily occupied territories or in the Russian Federation.
- Limitations of the evidentiary base
  - Some conclusions are based on testimonies of children after their return and on secondary sources, which may limit the completeness of the overall picture.
  - Materials of criminal proceedings, most of which are classified as war crimes, are not publicly accessible, which limits the possibility of their direct analysis.
- Absence of full confirmation of exploitative purpose
  - In the majority of cases, systematically confirmed evidence of exploitation within the meaning of Article 149 of the Criminal Code of Ukraine has not been established.
- Dynamic legal and security context
  - The context is evolving, which may affect the relevance of certain assessments.

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<sup>15</sup> Security Service of Ukraine, "Spaly FSBshnyka" ("Expose an FSB Agent") awareness campaign, available at: [SSU Campaign Page](#)

## RECOMMENDATIONS

The analysis presented in this paper shows that the majority of cases involving the deportation and transfer of Ukrainian children are currently addressed through the framework of international humanitarian law and war crimes investigations. At the same time, some cases demonstrate elements that may also be relevant from the perspective of trafficking in human beings, particularly where children are subjected to exploitation, abuse of vulnerability, coercive control, forced labour, involvement in criminal activities, or other forms of use.

Based on the findings of this research, the following recommendations may be considered:

1. GRETA may consider further examining how the provisions of the Convention apply in situations involving the deportation, transfer, recruitment, use, and prolonged isolation of children in the context of armed conflict. The Ukrainian experience demonstrates that some situations may contain indicators associated with trafficking in human beings, while not fully fitting within existing legal categories or established practice.
2. Ukraine may consider strengthening cooperation between war crimes investigations, child protection actors, and anti-trafficking mechanisms in order to ensure that children affected by deportation, transfer, recruitment, or involvement in conflict-related criminal activities are systematically assessed for possible indicators of trafficking in human beings and exploitation.
3. Ukraine may consider developing practical guidance and assessment tools for professionals working with returned children, including children returned from the Russian Federation, temporarily occupied territories, and children recruited for conflict-related criminal activities. Such tools could support the early identification of exploitation, abuse of vulnerability, coercion, and other protection concerns, while ensuring timely referral to appropriate assistance and rehabilitation services.

These recommendations are intended to complement existing child protection, accountability, and rehabilitation measures and to support the effective implementation of the Council of Europe Convention in complex conflict-related contexts.

## ANNEXE 1 - ARTICLES OF THE CRIMINAL CODE OF UKRAINE

### 1. Article 149 - Trafficking in human beings

Article 149 as revised by Laws [No. 3316-IV of 12 January 2006](#), [No. 2539-VIII of 06 September 2018](#)}  
*Criminal Code of Ukraine, Article 149 (Trafficking in Human Beings), official English translation, last modification: 04.06.21, available through the Verkhovna Rada of Ukraine legislation database: <https://zakon.rada.gov.ua/laws/show/en/2341-14#Text>.*

1. Trafficking in human beings, as well as recruitment, movement, concealment, transfer or receipt of a person committed for the purpose of exploitation, coercion, abduction, fraud, blackmail, material or other dependence of the victim, his/her vulnerable condition or bribery of a third party controlling victim, to obtain consent for his/her exploitation shall be punishable by imprisonment for a term of three to eight years.

2. The same actions committed in respect of a minor, or several persons, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or by a person on whom the victim was financially or otherwise dependent, or involving violence that, however, poses no threat to life or health of the victim or his/her relatives, or accompanied with threat to use violence shall be punishable by imprisonment for a term of five to twelve years with or without forfeiture of property.

3. Any such actions provided for by part 1 or 2 of this Article, committed against a minor by his/her parents, adoptive parents, guardians or custodians, or committed against a child or an organised group, or combined with violence dangerous to life or health of a victim or his/her relatives, or with the threat of such violence, or if they resulted in grave consequences shall be punishable by imprisonment for a term of eight to fifteen years with or without forfeiture of property.

Note. 1. Note. 1. Under this Article, exploitation of a human being shall mean all forms of the sexual exploitation, using in the porn industry, forced labour or forced servicing, servitude or usages similar to servitude, servile status, involvement into indentured servitude, body organs' removal, experimentation on a person without his/her consent, adoption with the purpose of gain, forced pregnancy or forced termination of pregnancy, forced marriage, forced involving in begging, involving in criminal activity, using in armed conflicts, etc.

2. Under [Articles 149](#) and [303](#) hereof, a person's vulnerable state shall mean the state of a person caused by physical or mental properties or external circumstances, that eliminates or limits the ability to realise his/her acts (omission) or to control them, to take independent decisions, to resist the violent or other unlawful actions, the coincidence of difficult personal, family or other circumstances.

3. Under this Article, responsibility for impressment, relocation, concealing, transferring or receiving a child or minor shall arise notwithstanding whether such actions were committed with use of force, abduction, deception, blackmail or vulnerable state of the said persons, or with the use of threat to use violence, or through abuse of power, or by person on whom the victim was materially or other dependent or bribing a third party who controls the victim to obtain his/her consent to human exploitation.

{Article 149 as revised by Laws [No. 3316-IV of 12 January 2006](#), [No. 2539-VIII of 06 September 2018](#)}

## 2. ARTICLE 438 - War Crimes

Article 438 criminalises serious violations of the laws and customs of war. The provision covers, inter alia, cruel treatment of prisoners of war or civilians, forced labour of civilians, pillage, the use of prohibited methods of warfare, the unlawful transfer or deportation of a child, unjustified delay in a child's repatriation, and the recruitment or use of children in armed conflict or hostilities. It also criminalises ordering the commission of such acts. The offence is punishable by imprisonment from 8 to 12 years, and from 10 to 15 years or life imprisonment where the conduct results in death.

*An official English translation of Article 438 is not currently available. The latest official English translation of the Criminal Code of Ukraine published through the Verkhovna Rada of Ukraine legislation database was last updated on 4 June 2021, prior to the adoption of Law No. 4012-IX. The full text in Ukrainian is available below and at: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>:*

### **Стаття 438. Воєнні злочини**

1. Жорстоке поводження з військовополоненими або цивільним населенням, вигнання цивільного населення для примусових робіт, розграбування національних цінностей на окупованій території, застосування засобів ведення війни, заборонених міжнародним правом, незаконне переміщення або депортація дитини, невиправдана затримка репатріації дитини, вербування або використання дитини для участі у збройному конфлікті, воєнних (бойових) діях, інші порушення законів та звичаїв війни, що передбачені міжнародними договорами, згода на обов'язковість яких надана Верховною Радою України, а також віддання наказу про вчинення таких дій -

караються позбавленням волі на строк від восьми до дванадцяти років.

2. Ті самі діяння, якщо вони спричинили загибель людини, -

караються позбавленням волі на строк від десяти до п'ятнадцяти років або довічним позбавленням волі.

*{Стаття 438 із змінами, внесеними згідно із Законами [№ 4012-IX від 09.10.2024](#), [№ 4499-IX від 17.06.2025](#)}*

## 3. ARTICLE 442-1 - Crimes against Humanity

Criminal Code of Ukraine, Article 442-1 (Crimes against Humanity), introduced by the Law of Ukraine No. 4012-IX of 9 October 2024. The provision criminalises, inter alia, deportation, forcible transfer of population, enslavement or trafficking in human beings, enforced disappearance, unlawful imprisonment, torture, persecution, and other inhumane acts when committed as part of a widespread or systematic attack directed against a civilian population.

*An official English translation of Article 442-1 is not currently available. The latest official English translation of the Criminal Code of Ukraine published through the Verkhovna Rada of Ukraine legislation database was last updated on 4 June 2021, prior to the adoption of Law No. 4012-IX. The full text in Ukrainian available below and at: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>:*

### **Стаття 442<sup>-1</sup>. Злочини проти людяності**

1. Умисне вчинення в межах широкомасштабного або систематичного нападу на цивільне населення:

1) переслідування будь-якої групи або спільноти, яка може бути ідентифікована, тобто обмеження прав людини за політичними, расовими, національними, етнічними, культурними, релігійними, статевими або іншими підставами (ознаками) дискримінації, визначеними міжнародним правом як неприпустимі;

2) депортації населення, тобто примусового і за відсутності підстав, передбачених міжнародним правом, переміщення (виселення) відповідної групи осіб з території, на якій вони законно перебували, на територію іншої держави;

3) насильницького переміщення населення, тобто примусового і за відсутності підстав, передбачених міжнародним правом, переміщення (виселення) відповідної групи осіб з території, на якій вони законно перебували, до іншої місцевості у межах однієї держави;

4) зґвалтування, сексуальної експлуатації, примушування до зайняття проституцією, примусової вагітності, примусової стерилізації або будь-яких інших форм сексуального насильства;

5) оборнення в рабство або торгівлі людьми;

6) насильницького зникнення;

7) незаконного позбавлення волі;

8) катування;

9) інших умисних нелюдських діянь подібного характеру, які супроводжуються заподіянням сильних страждань, середньої тяжкості або тяжких тілесних ушкоджень чи серйозної шкоди психічному або фізичному здоров'ю, -

карається позбавленням волі на строк від семи до п'ятнадцяти років.

2. Умисне вчинення в межах широкомасштабного або систематичного нападу на цивільне населення злочину апартеїду, винищення, вбивств -

карається позбавленням волі на строк від десяти до п'ятнадцяти років або довічним позбавленням волі.

**Примітка.** 1. Для цілей цієї статті під нападом на цивільне населення слід розуміти багаторазове (два і більше разів) вчинення будь-якого з діянь, зазначених у цій статті, проти цивільного населення на виконання або на підтримку політики держави чи організації, що спрямована на вчинення такого нападу.

2. Для цілей цієї статті під насильницьким зникненням слід розуміти арешт, затримання, викрадення або позбавлення волі людини в будь-якій іншій формі з подальшою відмовою визнати факт такого арешту, затримання, викрадення або позбавлення волі людини в будь-якій іншій формі або з приховуванням даних про долю такої людини чи місце її перебування, а так само відмову від визнання факту арешту, затримання, викрадення або позбавлення волі людини в будь-якій іншій формі чи приховування даних про долю такої людини чи місце її перебування.

3. Термін "злочин апартеїду" у цьому Кодексі вживається у значенні, наведеному в Міжнародній конвенції про припинення злочину апартеїду та покарання за нього від 30 листопада 1973 року.

4. Для цілей цієї статті під винищенням слід розуміти позбавлення життя однієї чи більше осіб шляхом умисного створення життєвих умов, спрямованих на знищення частини населення, у тому числі шляхом позбавлення доступу до води, продуктів харчування або лікарських засобів.

5. Для цілей цієї статті під катуванням слід розуміти умисне заподіяння особі сильного фізичного болю або фізичного чи морального страждання.

*{Кодекс доповнено статтею 442<sup>1</sup> згідно із Законом [№ 4012-IX від 09.10.2024](#)}*

This analytical document was prepared for GRETA to assess whether certain cases of the forced displacement and deportation of Ukrainian children in the context of the Russian Federation's war against Ukraine may, under specific circumstances, fall within the scope of trafficking in human beings under Article 4 of the Council of Europe Convention.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

