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To Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Russian War Crimes in Ukraine: Ongoing Illegal Exploitation of Children

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², with activities devoted to Crimea's issues. ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including children rights.

Since 2020 we sent more than 50 submissions and proposals to UN human rights' strictures, major part of them were published in the UN web-sources, including the issues of violation the children rights, illegal child trafficking and children prostitution in the Crimea³

We informed UN structures that illegal occupation and attempted annexation of the Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region and worsened significantly the possibilities of children rights realization and protection⁴.

As we pointed already to some UN bodies, since 24th of February 2022 Russia committed broad and open military aggression to Ukraine's territory.

Due last eight months of fights Russia occupied some territories of Donetsk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions and strong fights are going near cities with total population more than 8 millions persons near the frontline^{5,6,7,8,9}

Ukraine immediately filed an Application with the International Court of Justice (ICJ) on 25 February 2022, instituting proceedings against Russian in a dispute concerning the interpretation, application or fulfillment of the UN Convention on the Prevention and Punishment of the Crime of Genocide. Russia refused to execute the ICJ order in this case to stop the aggression^{10,11}.

Russia-controlled troops and mercenaries committed in Ukraine, during this invasion, gross violation of international humanitarian law and international human rights' law already, including broad crimes against children^{12,13,14,15,16,17,18,19}.

¹ <https://arc.construction/>

² https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

³ <https://www.ohchr.org/sites/default/files/Documents/Issues/Children/SR/GA76/Association-of-reintegration-of-crimer.pdf>

⁴ https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/DGD24June2021/Oral_statements/Part1/31.DOC

⁵ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

⁶ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

⁷ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

⁸ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

⁹ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

¹⁰ <https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/csos/2022-07-26/submission-sdgs-cso-ARC-second-submission.pdf>

¹¹ <https://www.icj-cij.org/en/case/182>

¹² <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

¹³ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁴ <https://www.bbc.com/ukrainian/features-60888528>

More than 10000 civil persons, including more than 150 children were killed by Russian troops and Russia-controlled mercenaries to 4th of April.

During the Ukraine's counter-offensive in Kyiv Region in 1-3 April, 2022 more than 400 dead civil persons were found by Ukrainian authorities in Kyiv Region, killed by Russian troops, including children²⁰. A lot of such persons were killed or kidnapped by Russian troops as "non-loyal" ones²¹ and rape is usual punitive tool of Russian soldiers against Ukrainian civil population²².

There is reported that some children of age 10 years and less found killed, in Kyiv Region of Ukraine (Bucha, Irpin, Vorzel and other settlements) were raped before they were killed by Russian troops²³. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas of the Chernihiv, Kharkiv, and Kyiv regions of Ukraine. These include a case of repeated rape as a tool of Russian troops' punitive actions against Ukrainian population²⁴.

Russian troops block the humanitarian corridors, established to evacuate civil population from local communities in hostilities zones to the government-controlled areas that are especially dangerous for children. In Mariupol Russian troops forcibly "evacuate" hundred of children, often without their parents, to the Russia and later nobody will know the destiny of those children. Same actions are done by Russian troops in other regions²⁵²⁶²⁷ and persons forcibly replaced to Russia from the hostilities zones have any rights there and no practical possibility to leave Russia²⁸

In parts of Kherson and Zaporizhzhya regions, occupied by Russian troops, additional risks arise for the children, regarding risks of their trafficking and sexual exploitation, as Russian invaders block Ukraine's judicial, legal enforcement and self-government bodies and established own "authorities" that have neither competence nor practice possibility to satisfy the vital demands of the local communities²⁹³⁰ and have direct relation with international criminal groups.

All war crimes, committed by Russian invaders during ongoing hostilities, including crimes against children, are connected with absolutely clear Russia's war targets in maximal destruction the population and civil infrastructure, including objects, essential for all Ukrainian ethnic and social groups that is a clear terroristic activities³¹.

Those issues now are the subject of the investigation the International Criminal Court³² Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also³³. Russian government refused to execute the demand of the ECtHR and

¹⁵ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁶ <https://www.bbc.com/news/world-europe-60547807>

¹⁷ <https://arc.construction/26892>

¹⁸ <https://news.un.org/en/story/2022/03/1113652>

¹⁹ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

²⁰ <https://www.pravda.com.ua/rus/news/2022/04/3/7336895/>

²¹ <https://arc.construction/26918>

²² https://censor.net/en/news/3331011/rape_is_weapon_of_russians_british_ambassador_simmons

²³ <https://www.mirror.co.uk/news/world-news/hunt-butchers-bucha-after-women-26627280>

²⁴ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

²⁵ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

²⁶ <https://nv.ua/kharkiv/harkov-obstrely-skolko-domov-razrusheno-dannye-31-marta-novosti-harkova-50229919.html>

²⁷ <https://www.pravda.com.ua/rus/news/2022/03/31/7336102/>

²⁸ <https://arc.construction/28557>

²⁹ <https://arc.construction/28469>

³⁰ <https://arc.construction/28310>

³¹ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

³² <https://www.icc-cpi.int/ukraine>

³³ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.³⁴

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights³⁵ that guarantees rights to life. UN Human Rights Council (HRC) adopted its resolution 49/1 on 4 March 2022 where it expressed grave concern at the documented harm to the enjoyment of many human rights, resulting from the aggression against Ukraine by Russia³⁶.

On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed; experts recalled that intentional attacks against civilian objects amount to war crimes³⁷, that are terroristic by their nature. In other UN experts' statements the negative impact of Russia's aggression on children was condemned³⁸, and relevant risks for children's right to life were pointed³⁹⁴⁰.

UN Special Rapporteur on the right to adequate housing expressed on 9th of March the grave concerns about the serious violations of the right to adequate housing in Ukraine⁴¹ that is directly connected with activities of Russia-controlled fake terroristic "peoples republic".

UN General Assembly in its resolution ES-11/1 on 2 March 2022 recognized that the military operations of Russia inside the sovereign territory of Ukraine are on a scale that the international community has not seen in decades and that urgent action is needed to save this generation from the scourge of war. In article 9 of this resolution UN General Assembly demanded to protect civilians, including persons in vulnerable situations⁴².

UN General Assembly in its resolution ES-11/2 on 24 March 2022, articles 5 and 8, demanded again full respect for and protection of objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to the delivery of essential services in armed conflict; stressed that the sieges of cities in Ukraine further aggravate the humanitarian situation for the civilian population and hamper evacuation efforts, and therefore demands to put an end to sieges⁴³.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3⁴⁴ calling for Russia to be suspended from the Human Rights Council⁴⁵.

The UN Human Rights Council adopted on 12th of May a resolution on the deteriorating human rights situation in Ukraine where pointed that Russia should immediately cease its aggression, withdraw all its forces from the whole territory of Ukraine, and provide international human rights and humanitarian institutions with unhindered, immediate and safe access to persons transferred from conflict-affected areas⁴⁶.

Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy of terror and repressions over the Russia-occupied territories of Ukraine, especially in Kherson and Zaporizhzhya regions. Russian troops, fake

³⁴ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

³⁵ <https://arc.construction/26897>

³⁶ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

³⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

³⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

³⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

⁴⁰ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

⁴¹ <https://arc.construction/26902>

⁴² <https://digitallibrary.un.org/record/3959039?ln=ru>

⁴³ <https://digitallibrary.un.org/record/3966630?ln=en>

⁴⁴ <https://digitallibrary.un.org/record/3967950?ln=ru>

⁴⁵ <https://news.un.org/en/story/2022/04/1115782>

⁴⁶ <https://arc.construction/31039>

“administrations” and “commandant’s offices” use actively the practice of extrajudicial executions of local civil population, including children⁴⁷⁴⁸.

Till October, 2022 more new crimes were committed by the Russian troops, including usage civil population, including children as hostages and “human shield”, destruction objects of civil infrastructure, including pipe electric lines, bomb the civil objects, including kindergartens, schools and hospitals by missiles and artillery.

In July-November 2022 Russian invaders transferred illegally more than 300 children from Russia-occupied Kherson and Zaporizhzhya regions’ areas to Russia-occupied Crimea allegedly for “recreation and safety” but de-facto as hostages⁴⁹.

All Ukraine’s attempts for the peace-building, including peace talks and negotiations with Russian government were unsuccessful and Russia rejects all peace propositions and it refuses to execute the demands of ICJ and ECHR orders to stop the aggression and hostilities that are directly pointed against Ukrainian children.

All those steps of the Nazi policy of Russian government and by the Russia-controlled “administrations” in Russia-occupied Crimea, South and East of Ukraine in areas of sexual violence against children and its sexual exploitation must be reflected in UN official position.

So Ukrainian children in hostilities zone and in Russia-occupied territories are extremely vulnerable groups that need urgent international protection.

Our Association believes that urgent, immediate steps of the UN OHCHR must be done including all observation procedures and immediate visits to Ukraine. Monitoring procedure, mentioned in HRC resolution 49/1, must be started immediately.

Our Association believes that urgent, immediate steps of the UN Special Rapporteur on protection Ukrainian children human rights in condition of ongoing interstate conflict and hostilities must be done including all observation procedures and immediate visit to Ukraine.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in Ukraine must be supported by next UN Rapporteur’s steps reacting the Russia’s ongoing terrorist policy and aggression in Ukraine, including war crimes against children.

Such UN steps must counteract the war crimes against children, sexual exploitation of children, and other child sexual abuse committed by the Russian troops in Ukraine in framework of Rapporteur’s mandate.

19th November, 2022

Representative of the ARC
Dr. Borys Babin



⁴⁷ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

⁴⁸ <https://www.bbc.com/news/world-europe-60547807>

⁴⁹ <https://t.me/ARCconstruction/4862>