



The case of Maria Lvova-Belova and the Systematic Abduction of Ukrainian Children

Introduction: The Abducted Children and the ICC Case

As of the 24th of February 2022, over 19,546 Ukrainian children have been confirmed to have fallen victim to Russia's mass deportation and forcible displacement schemes. Russia's attempt of "russifying"**(1)** these children, which range in ages from as early as months old to 17 years olds**(2)**, and erasing their Ukrainian identities has left them with immeasurable psychological trauma. On the 17th of March of 2023, judges from the International Criminal Court (ICC) released arrest warrants for two extremely influential Russian politicians, Vladimir Putin and Maria Lvova-Belova.

The Court has stated that it has reasonable grounds to suspect that both figures could bear individual responsibility for war crimes. Although Lvova-Belova's name is easily overshadowed by that of Putin's, the Russian Commissioner for Children's Rights is facing potential charges of war crimes for the "...unlawful deportation of population and that of unlawful transfer of population from occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children"**(3)**, both of which are protected against in the

Rome Statute.

Before delving into the specifics of this case, it is important to emphasize that while Maria Lvova-Belova's role and significance will be explored and examined throughout this report, the article's primary focus is on the Ukrainian children and their families. They are the ones that have been directly affected by these crimes and are the ones that have had to suffer from the direct consequences of Russia's mass deportation schemes. Taking this into consideration, the end of this article will provide a link to the Kyiv-based humanitarian NGO "Save Ukraine", which is dedicated to finding the missing children and bringing them home.

The Scope of the Abductions: A Humanitarian Crisis

Official reports from Ukraine's National Information Bureau state that 19,546 children have been deported and/or forcibly displaced.**(4)** However, that number may be

far greater, with Maria Lvova-Belova claiming that she has helped “rescue” over 730,000 children from war zones(5). Meaning that the core issue lies in the question of where these children are taken and what exactly happens to them whilst they are there.



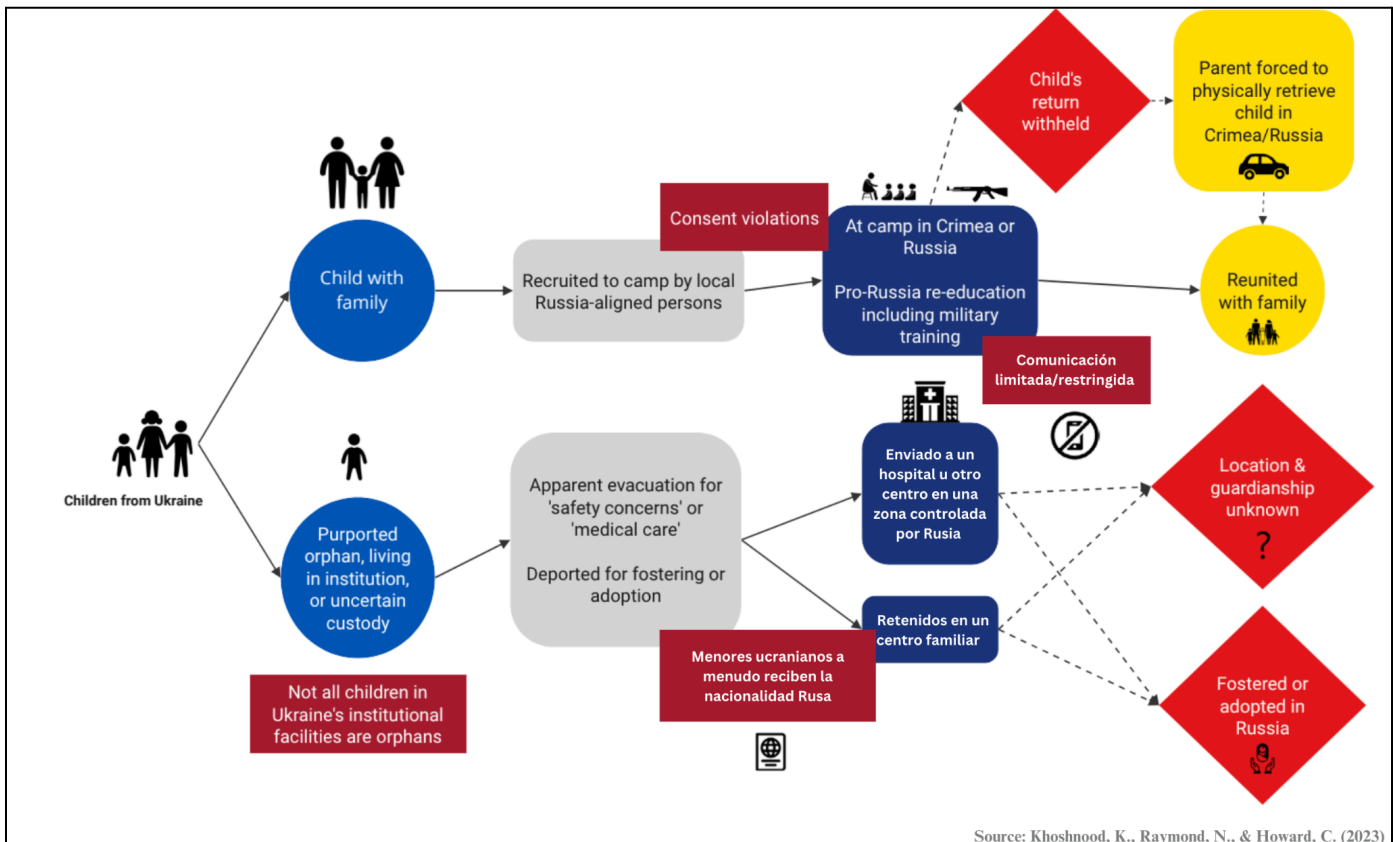
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First-hand accounts from children and orphanage workers have been able to help explain the process. The first step in this deportation scheme is that the children are forcibly removed from their homes in Russian-occupied Ukraine and are then taken into Russia. NPR reports that once arrived in Russia, the children are then sent to live with Russian foster families, in “summer camp” facilities, or in technical or military schools. Although Russia has denied all accusations of the unlawful deportation of children(6), claims from rescued children argue that Russia has the full intention of converting them into Russian citizens(7).

There is not only a negative moral connotation to this act but it also significantly threatens and harms the future of Ukraine. Children are a crucial and essential part of any society. They are like sponges ready to soak

up the culture and information that they are submerged in and taught. Hence, many argue that Russia and therefore, Maria Lvova-Belova, is effectively depriving Ukraine of its next generation. The levels of complexity surrounding this issue are then compounded due to the fact that the Russian military is simultaneously claiming the lives of numerous Ukrainian troops and civilians. Thus, constituting a profound humanitarian crisis.

Russia attempts to justify the act of transporting Ukrainian children into Russia and Russia-Occupied Territory through four claimed reasons. Firstly, they argue that Ukrainian children are being transported to Russia simply to attend camps for recreational purposes. Secondly, they are evacuating the children in frontline areas to protect them against the fighting. Thirdly, if there is an apparent need for a child to be medically evacuated. Lastly, Russian officials say that the children have either been placed with foster families or have been adopted in Russia(8). However, a main issue arises from these justifications, especially in regard to children being taken to be adopted or fostered by Russian families. Whereby the children are then often given Russian citizenship and have all their legal information changed. Once this occurs, it becomes extremely difficult to identify the child’s location and guardianship status. Additionally, there is an added level of complexity given



the fact that as per a Ukrainian report to the UN(9), a majority of the children that are held in the country's orphanages are neither orphans nor have any type of serious disease. On the contrary, they reside in these institutions because they have complex family circumstances. The figure above details the entire process of the deportation schemes.

In order to draw attention to the true victims of these unlawful deportations, it is essential to identify and associate individual names with the total of 19,546 children who have been forcibly taken. Therefore, the figure below contains real-life accounts of what happened to Ksenia Kolden and Rostilav Lavrov. Both teenagers were rescued from Russia by Save Ukraine.

Ksenia Kolden, Interview with NPR(10): At 17 years old, Knesia was placed in a foster home with her 11-year old brother. They told them they were to be separated for two, maximum three, weeks. However this was not



Ksenia Koldin was 17 years old when she was separated from her younger brother, who was 11 at the time. Estefanía Mitro/NPR
Source: <https://www.npr.org/2024/02/08/1228453066/taken-by-russia-then-rescued-young-ukrainians-speak-out>

the case. The siblings were placed 1448 km away from each other for a period of nine months. Of which Ksenia describes as being "the worst nine months of my life". Ksenia

Ksenia recounts her experience of attempted “brainwashing” by the hands of the Russians, and claims that they were made to say that “...if Russia wouldn't have invaded, then Ukraine would have invaded first.”. Ksenia, however, would say nothing. Her love for her country and culture and hope in her country's army to win the war were far stronger.

Rostaliv Lavrov, Interview with NPR(11):

When the war broke out, Rostaliv at only 16 years old found himself dealing with the death of his grandmother when his mother was taken from him by the Russian military. He claims the soldiers took her to a “medical facility” but they declined to tell him the



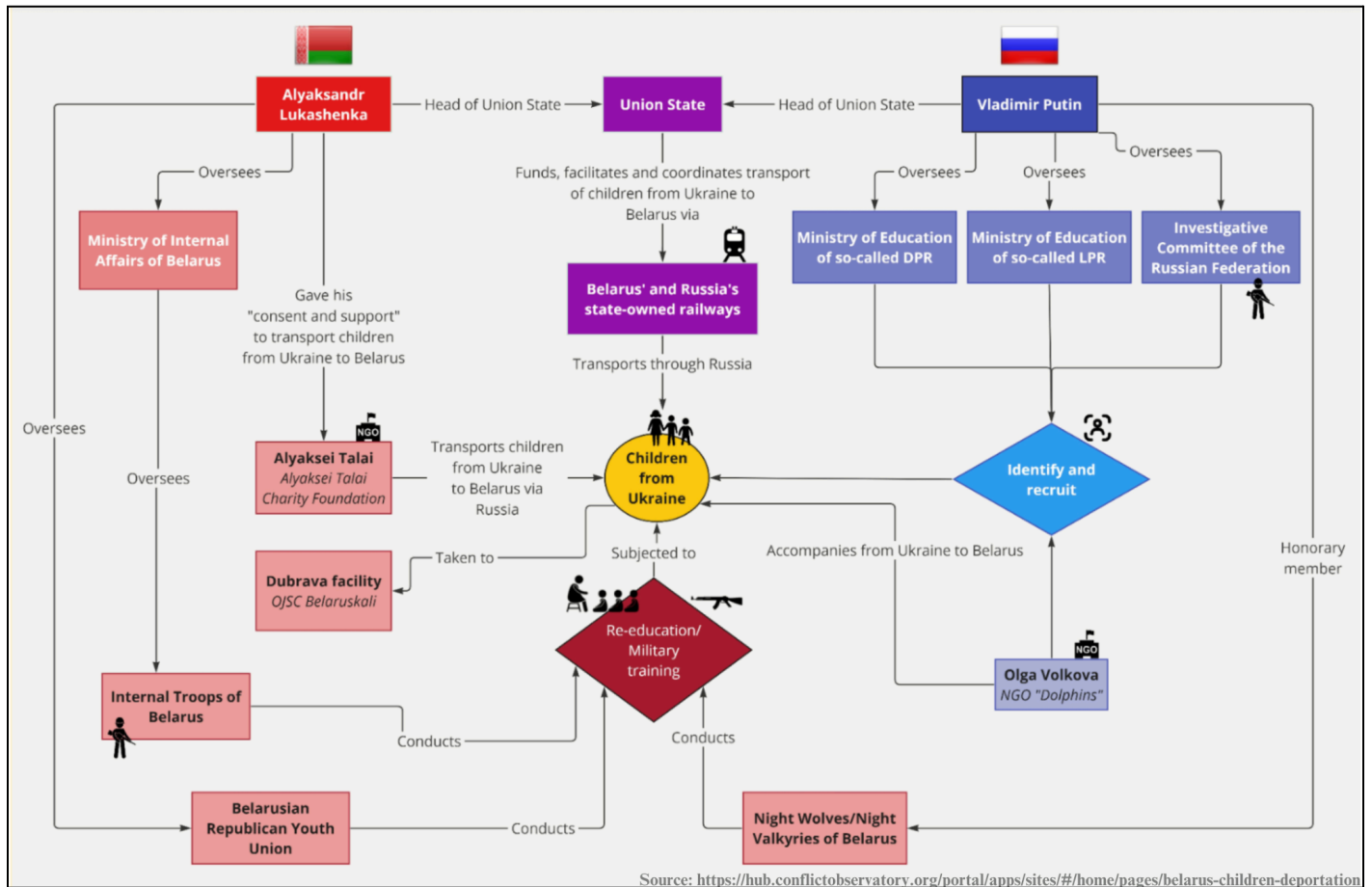
Rostislav Lavrov was 16 years old when he was taken to a facility in Kherson, to be reeducated and taught Russian.
Estefania Mitre/NPR
Source: <https://www.npr.org/2024/02/08/1228453066/taken-by-russia-then-rescued-young-ukrainians-speak-out>

reasons as to why or what would happen to her there. Shortly after this series of events, Rostaliv was taken to Russian-occupied Crimea, in the south of Ukraine where he was kept in a 1.8 x 1.8 m cell. He was not allowed to have or use a phone or go anywhere. For a year, Rostaliv was kept there, where the Russians attempted to indoctrinate him. He claims that they had to listen to the Russian anthem every morning, and they were often

told that “ ...Ukraine is not going to exist anymore” and that he was “...not needed anywhere. Nobody waits [for] you anywhere back home.”

First-hand accounts, such as the ones from Ksenia and Rostaliv are extremely important to document as they serve as evidence of the situations and conditions Ukrainian children are subjected to in Russia. Unfortunately, Russia has now expanded this operation into Belarus. A 2023 independent report from the Yale Humanitarian Research Lab, has revealed how extensive the scheme is. The report found that the Belarusian government has been aiding Russia by transporting children who reside in Russian-occupied Ukrainian regions to facilities in its own territory. The children that are sent to these facilities have Russian re-education imposed on them, and in some cases are forced into military training.(12)

Key findings from this report further detail that at least 2,442 Ukrainian children have been part of this systemic collaborative effort between the two countries, and are being held across at least 13 “housing” facilities. More than half of these centers have been involved in any combination of military training, re-education, and unknown medical activities. This effort is only aiming to destroy any sense of the children's Ukrainian identity. In order to illustrate the complexity of this operation and the lengths that both Russian and Belarusian individuals and entities have



gone through to carry out these acts refer to the figure above.

As evidenced by these accounts and independent reports, the systematic abduction and indoctrination of Ukrainian children showcase the profound humanitarian crisis that is unfolding. Extending into Belarus, these operations that subject young children to military training and Russian re-education, are not only designed to erase Ukrainian identity but are also aimed to assimilate the next generation. With these clearly documented events, it is crucial to examine the role of Maria Lvova-Belova, who presents herself as a protector of children's rights, yet is deeply implicated in these actions, in the

following section.

Maria Lvova-Belova: Protecting Children's Rights?

As previously mentioned, Maria Lvova-Belova serves as the Russian Commissioner for Children's Rights. In order to fully comprehend why it is she who is being accused of committing war crimes, it is essential to examine her specific role in orchestrating the relocation of the Ukrainian children. Put simply, it is Lvova-Belova who is the face of the operation, especially on the federal level.

Lvova-Belova assumed office on the 27th of October 2021, after being directly appointed

by President Putin. Her selection was largely image-driven, aligning with traditional Russian propaganda values. She presented a strong idealized figure of traditional family values, being the mother of ten (five biological and five adopted) and legal guardian of thirteen disabled children. Married to an Orthodox priest, Lvova-Belova had also led several charity projects for orphans and gained legal guardianship of the disabled children residing in organizations she founded. Notably, she adopted a Ukrainian teenager from the Russian-occupied city of Mariupol.**(13)**, All of these factors carefully mold her image as a devoted mother and humanitarian figure. Which in turn, played a critical role in legitimizing her actions, allowing her to align with state narratives and obscure more contentious aspects of her involvement.



Source: Telegram, Maria Lvova-Belova

In order to attribute responsibility to an individual, two key elements must be considered. Firstly, it must be considered if the individual themselves has recognized their role in an event. In this case, Lvova-Belova has, on multiple occasions, publicly justified and received praise for her role in the mass

deportation schemes. For example, in an interview with Vice Magazine, Lvova-Belova justifies these acts of mass deportation by arguing that her operation simply involved evacuating children from shelling, adding that the Geneva Conventions allow for such protections if civilian life and/or safety is being threatened**(14)**. In another account, the commissioner even stated that the numbers of Ukrainian children that have been taken to Russia are closer to 700,000 **(15)**, than to the numbers confirmed by the Ukrainian government.

Secondly, there must be a clear international consensus linking the crime to the individual, as in the case of Lvova-Belova, whose involvement in the crimes has been widely internationally recognized. Whereby several prominent actors decided to apply sanctions to her in July 2022. This includes the EU, Australia, Canada, the UK, Switzerland, and the US. Additionally, the EU released its reasoning behind its decision to sanction her by describing Lvova-Belova as “...one of the most involved persons in the illegal transportation of Ukrainian children to Russia and their adoption by Russian families”**(16)**, and that her actions “... violate the rights of Ukrainian children and infringe Ukrainian law and administrative order, therefore she is responsible for, supporting and implementing actions and policies which undermine the sovereignty and independence of Ukraine and stability and security in Ukraine.”**(17)** This

level of international recognition for committing a crime is incredibly important in the context of international law, which will be detailed in the following section.

The ICC: What can be done?



Source: <https://arabcenterdc.org/resource/the-international-criminal-courts-failure-to-hold-israel-accountable/>

To understand what the ICC is and what its capabilities are following the issuance of the arrest warrants, some legal basics must first be covered. The ICC's main role in the international stage is to investigate potential crimes that have been committed by individuals. These crimes are considered to be of the gravest concern to the international community and are detailed in the ICC's governing statute, the Rome Statute, as being: war crimes, genocide the crime of aggression and crimes against humanity. If sufficient evidence is presented to the court, ICC judges have the power to warrant trials for the individuals who are deemed to be responsible for these acts.**(18)**

The ICC may have jurisdiction over a particular case in three different ways. Firstly, if a state is a formal member of the Rome Statute, which is the governing treaty of the ICC, and is ensured through signature and

ratification. Secondly, if the UN Security Council directly refers the case to the ICC. And lastly, the Court has the possibility of investigating and prosecuting crimes in a state that is a non-party to the Rome Statute only if and when the non-member state voluntarily grants jurisdiction over specific crimes or incidents that have occurred within the state's own territory. This is also known as exercising prerogatives to accept jurisdiction. The ICC is incredibly respectful of state sovereignty as it is firm in underlining the fact that it is a court of last resort, meaning that it should be the national courts to hold these crimes accountable.

In this particular case, Ukraine has exercised its prerogatives, accepting jurisdiction from the ICC because the mass systemic deportations are occurring within the legal and internationally recognized territory of Ukraine. Thus, the court has alleged violations of the unlawful deportation, transfer or confinement of people and "transfer, directly or indirectly, by the occupying power, Article 8, 2 (a) and (b) (vii) of the Rome Statute. Additionally, Article 8 (2) (a) (vii) also entails a breach of the 4th Geneva Convention, triggering state obligations of the contracting parties to "...search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts."**(19)**

Under Article 25 (3)(a) and Article 28(b) of the Rome Statute, Lvova-Belova is alleged to bear individual criminal responsibility, especially seeing as though she is seen as acting in the role of a superior and giving orders at the federal level in order for the mass deportations to occur. Specifically speaking, Article 28 (2) clearly states that "...a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control...".

Relating this back to Lvova- Belova, it is important to note that she assumed office just four months before Russia began its full-scale invasion of Ukraine. Which is significant because, as per a report from Yale University's Humanitarian Research Lab, her predecessors had been moving Ukrainian children residing in proxy-occupied areas into Russia since 2014(20). Before the war, previous Russian children's rights commissioners were able to justify the act by construing the movement as humanitarian aid. However, in times of war, a completely new set of international laws are triggered and applied. In other words, under international law Lvova- Belova assumed the possibility of individual criminal responsibility in conducting the same acts her predecessors did.

The process in achieving justice for the Ukrainian children is not an easy one. The first major obstacle to achieving justice resides in

the fact that Russia is not a non-member state to the Rome Statute, meaning that there are several challenges that arise in regards to enforcement. Remembering that the Court highly respects every state's sovereign rights (regardless if they are members or not), it heavily relies on the free will of the accused individuals to show up to trial. If an individual does not present themselves to the Court, it will not allow for trials to take place in their absence. Once the court's arrest warrant for Lvova-Belova was made public, she simply dismissed the allegations on the grounds that Russia is not party to the Rome Statute and therefore the country does not recognize the court's jurisdiction. Additionally, in a public statement, she said that the children would "...be free to return when the situation was safe, she added, if they were aged 18 or over and wanted to, or if their parents or legal guardians or local authorities took such a decision."(21)

Seeking Justice for the Abducted Children

Despite the significant challenges regarding Russia's refusal to recognize the ICC's jurisdiction as well as its non-membership in the Rome Statute, there is still hope for justice for the children of Ukraine. The issuance of the arrest warrant for Maria Lvova-Belova clearly signals a crucial step toward international accountability. Although it is true that there is a lack of enforcement mechanisms in the ICC, if Lvova-Belova travels

to any of the 123 states who are members to the Rome Statute, her apprehension and transfer to the ICC is obliged.

Moreover, the gravity of the situation, and the role that Lvova-belova has played in this situation has been internationally recognized by key global actors, through sanctions. This level of diplomatic and legal pressure is essential in reinforcing the global commitment to protecting the rights of children and ensuring accountability for violations of international law. The forced and mass deportations of Ukrainian children does not only constitute a breach of international covenants, but are also a direct attack on the future of Ukraine. The continued investigation on behalf of the ICC as well as by other member states will play a crucially pivotal role in determining justice for the 19,546 Ukrainian children who have been affected by Maria Lvova-Belova's actions. And although justice may take time, it is in the global community's best interest to hold those accountable in order to ensure that international law will prevail.

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Save Ukraine

Save Ukraine is the largest NGO in Ukraine. It works to rescue and restore children and families that have been affected by the War, and ensures that every Ukrainian child has stability and development they need to thrive in their family, community and Ukraine.

Available at: <https://www.saveukraineua.org/about-us/>

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