



## EUROPEAN UNION

### OSCE Permanent Council No. 1421 Vienna, 4 May 2023

#### **EU Statement on “Moscow Mechanism invoked by 45 OSCE participating States following consultation with Ukraine”**

1. The European Union welcomes Prof. Dr. Veronika Bílková, Dr. Cecilie Hellestveit and Dr. Elina Šteinerte to the Permanent Council and thanks them for their comprehensive report in accordance with the OSCE Moscow Mechanism. The Mechanism was invoked – with the support of Ukraine – by 45 participating States, including all EU Member States, in light of our continued grave concerns over possible violations and abuses of human rights and violations of international humanitarian law, international human rights law and relevant OSCE commitments, as well as possible cases of war crimes and crimes against humanity. All this resulting from the forcible transfer of children in parts of Ukraine’s territory temporarily occupied by Russia and/or their unlawful deportation to the Russian Federation, as part of Russia’s brutal and illegal war of aggression against Ukraine, supported by Belarus, which we condemn in the strongest terms.
2. We thank the experts for their impartial assessment, and Ukraine for its invitation and facilitation of this immense task for the third time. We also appreciate ODIHR’s technical assistance to the Mission. As the Kremlin continues its shameful disinformation and propaganda campaign to hide or cynically deny the facts, the report is crucial in collecting and systematising reliable information on the ground.
3. The Mission confirmed that a large number of Ukrainian children have been displaced by Russia within Ukraine’s temporarily occupied territory and/or to the territory of the Russian Federation since 24 February 2022 and even prior to this date. While the exact number of forcibly transferred or deported children remains unknown, the report notes that the fact of a large-scale displacement

of Ukrainian children is not disputed and that “these numbers are measured in several thousands.”

4. The Mission established that the forcible transfer and deportation of these children cannot be qualified as voluntary. The rapporteurs concluded that “the practice of the forcible transfer and/or deportation of Ukrainian children to the temporarily occupied territories and to the territory of the Russian Federation may amount to a crime against humanity.”
5. The rapporteurs shared their understanding that “it is common procedure to separate parents and children at filtration points”, a Russian practice that we strongly condemn. The report highlights that “non-consensual evacuations, transfers and prolonged displacement of Ukrainian children constitute violations of international humanitarian law, and in certain cases, amount to grave breaches of the Geneva Convention IV and war crimes.”
6. The Mission found that “numerous and overlapping violations of the rights of the children deported to the Russian Federation have taken place”, including denial of “their right to identity, their right to family, their right to unite with their family”. We are particularly concerned that, after their forced displacement “Ukrainian children find themselves in an entirely Russian environment, including language, customs and religion and are exposed to pro-Russian information campaign often amounting to targeted re-education as well as being involved in military education”, as the report notes. Additionally, the report confirms that Russia is not adhering to its obligation under international humanitarian law to facilitate the return of these children.
7. Mr. Chair, the perpetrators of war crimes or crimes against humanity, as well as any responsible State officials and military leaders, must be and will be held accountable according to international law. The OSCE Moscow Mechanism reports are an essential contribution to an initial collection and analysis of facts with a view to present it to accountability mechanisms that have, or may have in the future, jurisdiction. We welcome that the reports’ findings already feed into the work of the UN Commission of Inquiry. It rests upon OSCE participating States and the wider international community to ensure that necessary follow-up actions are undertaken, including through the further use of OSCE tools and mechanisms.

8. In this context, we take note of the 17 March 2023 decision by the International Criminal Court to issue arrest warrants against Mr Vladimir Putin, President of Russia, and Ms Maria Lvova Belova, Commissioner for Children's Rights under the Administration of President of Russia, in connection with their role in committing alleged crimes of unlawful deportation and unlawful transfer of children in the context of Russia's war of aggression against Ukraine. The EU sees this ICC decision as the beginning of the process of accountability and holding Russian leaders to account for the crimes and atrocities they are ordering, enabling or committing in Ukraine. We reiterate our support to the investigations by the ICC Prosecutor in Ukraine and call for full cooperation by all State Parties.
9. We call on Russia to comply with its international obligations and commitments, and to implement without delay the recommendations of the report, by immediately ceasing the practice of forcible transfer or deportation of Ukrainian children within Ukraine's temporarily occupied territory and/or to Russia. Russia must take all necessary measures to allow the return of forcibly transferred or deported children to Ukraine and to their families or legal guardians.
10. We reiterate our call on Russia to fully respect Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders and territorial waters. We demand that Russia immediately and unconditionally cease its military actions and withdraw all its troops, equipment and proxies from the entire territory of Ukraine, including the illegally annexed Crimean peninsula. We also call on the Belarusian authorities, to stop enabling the Russian war of aggression and providing support to Russia, and to abide by their international obligations.

The Candidate Countries NORTH MACEDONIA\*, MONTENEGRO\*, ALBANIA\*, UKRAINE, the REPUBLIC OF MOLDOVA, and BOSNIA and HERZEGOVINA\*, the Potential Candidate Country GEORGIA, and the EFTA countries ICELAND and LIECHTENSTEIN members of the European Economic Area, as well as ANDORRA, MONACO and SAN MARINO align themselves with this statement.

\* North Macedonia, Montenegro, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.