

**Remarks by the delegation of Ukraine
during the second state consultation on IHL and peace (Workstream 3)
under the Global Initiative to Galvanize Political Commitment
to International Humanitarian Law
(26 November 2025, Geneva)**

Session 1: Accounting for the missing and the dead

The IHL provides basic norms that require parties to a conflict to record information about the deceased, wounded and detained; prevent disappearances, including violent ones; keep records of detainees; inform families; and cooperate with the ICRC and National Information Bureaus.

Ukraine's approach to persons missing in special circumstances is based on the creation and implementation of a clear institutional mechanism. Thus, in order to comply with IHL standards on missing persons, despite the limitations associated with hostilities, **Ukraine has created a system that allows for the registration, search, granting of status and social protection of families of missing persons:**

- National Information Bureau as provided by the Geneva Conventions;
- Prisoner Exchange Centre (Coordination Headquarters for the Treatment of Prisoners of War), work with the ICRC;
- Commissioner for Missing Persons of the Ministry of Internal Affairs (*Law 'On the Legal Status of Persons Missing under Special Circumstances'*). A framework for searching for missing persons operates within the Ministry of Internal Affairs (*register of missing persons, search units*);
- Centre for the Search for the Bodies of the Deceased (*General Staff of the Armed Forces of Ukraine*);
- Public councils attached to state bodies involved in the search for missing persons (*Coordination Headquarters for the Treatment of Prisoners of War, Ombudsman*). *The right of the public to participate and assist in the search for persons missing under special circumstances is enshrined in the Law of Ukraine 'On the Legal Status of Persons Missing under Special Circumstances' (Part 5 of Article 6)*;
- Interagency information exchange, international partnership and technical support (ICMP, ICRC, UN). New methods of identifying bodies are being tested, and the Unified Centre for the Identification of Bodies is being developed for complex cases.

In accordance with the provisions of international humanitarian law, Ukraine:

- officially recognizes the competence of the ICRC and allows its missions to operate within the limits permitted by the conditions of war;

- ensures transparency and legal guarantees: disappearances are recorded in official registers; families receive official status, benefit from social protection, and obtain information; Ukraine provides the ICRC with lists of prisoners of war; international organizations have regular access to places of detention;

- identifies bodies, conducts exhumations, stores DNA samples; systematically transfers the bodies of the deceased and publicly acknowledges its obligation to inform families.

In contrast, ***occupying Power systematically violates IHL***, denies the existence of the problem of missing persons, and refuses to implement ICRC mechanisms.

In particular, the detaining Power:

- blocks the ICRC's access to most places where prisoners are held;
- does not establish a fully operative National Information Bureau in accordance with the Geneva Conventions;
- does not provide complete lists of detained Ukrainians.

At the same time, -

- systematic enforced disappearances in the occupied territories, systematic torture, psychological pressure, and extrajudicial detention what recognized in reports of UN missions, the Office of the High Commissioner for Human Rights, and the OSCE;

- lack of recording and reporting, which could qualify as enforced disappearance, prohibited by international law (*UN Convention for the Protection of All Persons from Enforced Disappearance, 2006*);

- refusal to inform families (*violation of Articles 32-34 of Additional Protocol I to the Geneva Conventions (the right of families to know the fate of their relatives)*).

The nature of the exchange of information that exists today does not allow us to expect that the detaining Power will be ready for constructive cooperation in the post-conflict period.

Given that the main goal of the Global Initiative is to ensure better implementation of and respect for international humanitarian law, **the position of the Ombudsman of Ukraine in the context of war is to address the following issues:**

- full implementation of the ICRC mandate, admission of human rights institutions and international organizations;
- updating the norms and requirements of IHL in view of the changing forms and methods of armed conflict;
- developing effective mechanisms for bringing violators of IHL to justice.

We see the following measures as ***promising ways to solve the problem of searching for persons missing in special circumstances***:

- improving the system for collecting human biological data samples (*fingerprinting, dental formula, buccal epithelial samples, etc.*);
- creation of human biological data registries and their synchronization between key agencies;
- priority financial support for the reorganization of the forensic medical examination system;
- regulatory support for families of missing persons (*legal assistance, psychological services, information awareness, etc.*).

Session 2. Detainees: Release, return and social reintegration

Ukraine has taken a series of innovative and proactive initiatives to ensure release and repatriation of its citizens from captivity even during the ongoing international armed conflict. They include regular mutual repatriation of prisoners of war and civilian detainees, as well as maintaining communication channel between institutions (including ombudspersons) for information exchange on missing persons.

As a result, about 6,266 Ukrainians have been released from captivity so far and returned to Ukraine in 70 mutual repatriations.

To address their needs and ensure reintegration, Ukraine adopted a set of legislative, administrative and policy measures. The Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine and Members of Their Families" (2022) has established a status determination procedure, legal and social guarantees for those persons.

Within the Ukraine`s Coordination Headquarters for the Treatment of Prisoners a Working Group on civilians, deprived of their personal liberty, was set up. It aims to address a wide range of social, legal and administrative issues to protect their rights and meet basic needs, particularly through their adaptation and support, assistance to their families, norm-setting, public outreach and access to justice.

Interagency response prioritizes efforts on medical rehabilitation, access to housing, legal counselling, psychosocial support and vocational training. Ukrainian authorities maintain communication channels with the returnees and respond individually to their reintegration needs.

It is important that released detainees are subject to a medical examination upon arrival at healthcare facilities to record all existing injuries.

After injuries recording, they undergo a comprehensive medical and rehabilitation examination, as well as psychological assessment to establish physical and mental impact and needs.

Health, rehabilitation and psychological assistance is provided confidentially, based on personal and social security.

Repatriated detainees receive access to social services immediately after their release from captivity – in reintegration centres or healthcare facilities.

These persons and their families are assigned a social worker or case manager who assists in organising of all social services types.

The social service is determined on a case by case basis according to the needs of each individual person or families.

Repatriated detainees are entitled to free primary and secondary legal assistance and reimbursement of expenses.

In our view, for any reintegration programme to be successful, it needs to prioritize: 1) establishing a unified coordination mechanism between official bodies, medical, social and human rights institutions; 2) an individual approach to each returned person, involving mental health, social and legal aid 3) establishing interagency cooperation for continuous support - from the moment of return to full reintegration into society. It is also important to ensure that reintegration is not limited to short-term assistance, but becomes a systematic process of restoring the dignity, trust and social stability of returned persons.

The most pressing challenges complicating release and return of detainees include:

1) refusal of the detaining Power to fulfil its information obligation under IHL vis-à-vis detainees and their families, and failure to establish regular channel of communication, foreseen in the Geneva Conventions;

2) refusal of the detaining Power to appoint Protecting Power and a mixed medical commission to determine seriously sick and wounded;

3) refusal to provide the ICRC with full, regular and confidential access to all detained persons, both PoW and civilians;

4) institutional deficiencies, particularly the lack of mandate of the National Information Bureau to cater for civilian detainees;

5) creating deliberate confusion between different categories of protected persons under IHL, which undermines the distinction between POWs and civilians and exposes captured soldiers to criminal prosecution for mere participation in hostilities.

These and other IHL violations have cascading effects, limiting protections offered by IHL to both POWs and civilians, negatively affecting their rights and giving rise to enforced disappearances and incommunicado detentions.

For these reasons, we believe there is an urgent need to address legal gaps regarding the protection and treatment of unlawfully detained civilians, including their release and repatriation. In our view, consideration could be given to developing a new legal document, perhaps as additional protocol to the 1949 Geneva Conventions, which would comprehensively set the detaining Power obligations in a field on Protecting Power (or its substitute) appointment and establishing strict mechanisms of repatriation during hostilities.

Session 4: Children as agents of protection and recovery

We thank the ICRC for releasing the 2025 updated Commentary on the Fourth Geneva Convention—a vital resource for understanding protection for children, including in situations of occupation.

At the same time, it is important to continue looking at how to apply those provisions in the face of the challenges of contemporary armed conflicts, particularly **hybrid warfare**. Regrettably, children increasingly become exposed to hostile information operation through social networks, messengers and online games. Too often they are subjected to online recruitment and used for spreading disinformation, gathering information, performing acts of sabotage. Hence, remote recruitment and the use of children as a means of warfare needs our **immediate attention and action**.

We wish to **share Ukraine`s experience** in providing protection of the rights and dignity of the child during the ongoing international armed conflict, to which my country is a party.

Children have suffered most from the ongoing international armed conflict: over half have been displaced, 7.5 million have endured psychological trauma, and more than 3,000 have been killed or injured.

Protecting children`s rights has therefore become a national priority. Since February 2022, Ukraine has adopted more than 20 legal acts to strengthen child protection during martial law. Key measures include creating the Coordination Headquarters for the Protection of Children's Rights (March 2022) to manage evacuation and essential services, and introducing safety classes in schools (February 2023) to teach security measures and mine awareness.

Members of the Armed Forces of Ukraine, together with journalists, lawyers, and humanitarian workers, have undergone extensive IHL training, with a strong focus on protecting children. Across the country, government authorities and civil society continue to promote IHL and human rights norms, strengthen protocols for assisting children affected by conflict-related sexual violence, and update legislation to ensure an effective national response.

In June 2022, we created an Interagency Working Group on Combating CRSV to advance access to justice, comprehensive survivor support, efforts to combat trafficking for sexual exploitation, and work on reparations. As a committed signatory of the Safe Schools Declaration, Ukraine adopted its implementation plan in 2021 and revised it in 2024 to meet the new challenges brought by the war.

Above all, our most urgent priority remains the same: to secure the release and return of every child unlawfully deported or forcibly transferred from temporarily occupied territories.

To respond comprehensively, Ukraine launched the “**Bring Kids Back UA**” initiative in 2023, uniting government institutions, partner states, and international organizations. Its action plan focuses on:

- **repatriation** of deported and forcibly displaced children and family reunification;
- **reintegration** through psychological support, therapy, education, and social inclusion;
- **family-based care** by strengthening support systems for parents and caregivers;
- **advocacy** to raise global awareness and mobilize international support;
- **justice** through accountability for perpetrators and cooperation with bodies such as the ICC;
- **prevention** by promoting new international frameworks to protect children in armed conflicts.

In February 2024, Ukraine and its partners launched the **International Coalition for the Return of Ukrainian Children** to coordinate global efforts on releasing unlawfully deported or forcibly displaced children and ensuring their reunification with families.

As of November 2025, over **1,800 children** have been returned, yet **19,546 cases** of unlawful deportation or forced transfer remain. The state-run **Children of War** data portal provides updated figures on abducted and returned children, reports on child victims, and allows people to submit tracing requests or report violations.

In May 2023, within the **Bring Kids Back UA** initiative, Ukraine created the **Child Rights Protection Center** to document crimes against children affected by forced displacement, assess their needs, arrange family-based care when required, and support their reintegration. The Center is supervised by the Ukrainian Parliament Commissioner for Human Rights.

To effectively address IHL violations involving the unlawful transfer or deportation of children, we propose:

- **Ending all forcible transfers, deportations, and any changes to children's personal status**, including nationality.
- **Prohibiting illegal adoptions** of unaccompanied or separated children from occupied territories.
- **Ensuring the detaining Power enables safe return and family reunification** of all affected children in line with international law.
- **Requiring full information and access** to the children's current locations.
- **Securing full cooperation** of the detaining Power with international monitoring and investigative bodies.
- **Advancing investigations and accountability**, including accelerating the launch of a Special Tribunal on war crimes.