

*About inadmissibility of carrying out activity
on interstate adoption of children - citizens of Ukraine
in the conditions of a state of emergency or martial law*

**Open appeal to the Governments of the States, which
children - citizens of Ukraine are evacuated to in
connection with the military invasion of Ukraine by
the Russian Federation**

The treacherous military invasion of Ukraine by the Russian Federation and the continuous armed attacks of the aggressor State on civilians in Ukrainian cities, towns and villages have resulted in irreparable losses and a huge number of civilian casualties, including those with children. Many citizens of Ukraine are currently in conditions that threaten their lives and health. The number of children left without parental care and the number of children whose contact with their parents and other relatives has been temporarily lost is growing.

Due to the immeasurable threats to the life and health of Ukrainians and citizens of other States living in Ukraine, the Ukrainian authorities in pursuance of the Law of Ukraine "On Legal Regime of Martial Law" provide evacuation of children and families with children to safe places within Ukraine, as well as abroad, including to the Member States of the European Union.

The Government of Ukraine expresses its sincere gratitude to all the States that currently provide shelter to Ukrainian children and families with children, promptly and carefully provide for their basic needs, protect their rights and interests, and organize a safe environment for them. Such assistance cannot be overestimated, and the Ukrainian people thank all friendly nations for their sensitivity, humanity and comprehensive assistance.

However, due to the removal of large numbers of children from Ukrainian settlements, including unaccompanied parents or other legal representatives, there is an increased risk of separation of siblings, illegal movement and illegal placement of such children in families of foreigners or citizens of Ukraine, who live outside Ukraine. In particular, there is a threat of the adoption of the Ukrainian children without following the procedures established by the Ukrainian law.

The Government of Ukraine sees risks of violation of the rights of children, who are taken abroad to save their lives, primarily for their upbringing by parents, close relatives, citizenship and residence in the country of origin.

Emphasizing the above and adhering to the norms of national legislation, **we officially declare that the procedures of interstate and national adoption of children - citizens of Ukraine cannot be carried out in any country during the martial law in Ukraine.**

This position of the Government of Ukraine is formed taking into account the following.

In particular, the policy of the Office of the United Nations High Commissioner for Refugees (UNHCR) in respect of adoption is that children evacuated to other countries due to an emergency, including children who during stay in other countries were granted a refugee status by such States, cannot be adopted because most of them are not orphans or there is no official credible evidence of their orphanhood, and in such situations they need adequate temporary care to reunite with their families, and not adoption. Significant and effective efforts by both the countries of origin of such children and countries of their stay should be aimed at finding family members of each such child, reunifying each such child with his or her family, and only if this is not possible, granting him or her the status of a child who can be adopted. And it should be remembered that the procedure of adoption of such children can be carried out only in accordance with the laws of Ukraine and only in peaceful conditions.

This is in line with the UNHCR's policy that adoption cannot take place if:

there is a reasonable hope for the successful search for the child's family members and family reunification in the best interests of the child;

the period (at least two years), during which all possible measures have been taken to search for the child's parents and other family members, who have survived, has not yet elapsed;

the return of the child to the country of origin in conditions of security and dignity seems possible in the nearest future, and options for further his/her placement in the country of origin are better in the part of meeting the psychosocial and cultural needs than adoption in a country of stay or the third country.

In addition, in accordance with Article 21, paragraph 1 (a), of the UN Convention on the Rights of the Child, States Parties that recognize and / or permit the adoption system shall ensure that the best interests of the child are taken into account as a matter of priority and they shall ensure that the adoption of a child is authorized only by the competent State authorities which determine in accordance with applicable laws and procedures and on the basis of all relevant and reliable information, ensuring that the

adoption is permissible in view of the child's status in relation to parents, relatives and legal guardians and that, where necessary, the persons concerned have given their informed consent to the adoption on the basis of consultation that may be necessary.

According to the legislation of Ukraine, the decision to adopt a child is made by a court. Adoption of Ukrainian children by Ukrainian citizens living outside Ukraine and foreigners requires the consent of the National Social Service of Ukraine, which is the Central Executive Authority that implements state policy, in particular, in the field of adoption and protection of children's rights.

Due to the set martial law and the inability to comply fully with the current legislation of Ukraine, the National Social Service does not currently consider cases and does not issue consents/permits for the adoption of children by Ukrainian citizens living outside Ukraine and foreigners.

Bearing in mind the abovementioned, as well as Article 11 of the UN Convention on the Rights of the Child regarding the obligations of States Parties to take measures to combat the wrongful removal abroad and non-return of the children, **the Government of Ukraine requests to:**

- ensure control over the movement of children - citizens of Ukraine abroad, providing them with the necessary assistance;
- prevent the separation of siblings, evacuated abroad, when deciding on their further temporary placement;
- assist, if necessary, in establishing of the whereabouts of each child removed from Ukraine abroad;
- inform consular institutions and diplomatic missions of Ukraine about children - citizens of Ukraine who were left unaccompanied by their parents, other legal representatives;
- take measures to prevent trafficking in Ukrainian children;
- prevent the adoption of children by citizens of Ukraine, who live outside Ukraine, and foreigners for the period of martial law in Ukraine.

In case the situation is changed, information on the activities of the Ukrainian competent authorities, responsible for the issues of international and national adoption, will be immediately brought to the attention of the governments of the countries, which Ukrainian children have been transferred to due to the threat, caused by the military invasion of the Russian Federation into Ukraine.

Sincerely,

Prime Minister of Ukraine

signature

Denys Shmyhal