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OPEN LETTER

on intercountry adoption of Ukrainian children temporarily relocated to other European countries, following the armed aggression of the Russian Federation against Ukraine

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The Bureau of the European Network of Ombudspersons for Children (ENOC)¹, a network of 44 independent children's rights institutions from 34 countries within the Council of Europe, 22 of which are European Union Member States, respectfully brings to your attention a matter of profound concern regarding the protection of the rights of Ukrainian children temporarily evacuated to other European countries, in the context of the ongoing war of aggression of the Russian Federation against Ukraine.

According to a letter addressed to ENOC, in April 2026, by the Ukrainian Parliament Commissioner for Human Rights, Dmytro LUBINETS, Ukrainian authorities have identified a case of intercountry adoption pronounced by a juvenile court in Italy, concerning a Ukrainian child temporarily evacuated from a Ukrainian residential institution. According to the communicated information, the child did not have the status of an adoptable child in the country of origin. The child's father had gone missing while carrying out a military mission, and the child had been separated from his mother by a court decision, without depriving her of her parental rights. Thus, the child continued to benefit from legal and family ties with his biological parents, and his placement in a residential institution did not, in itself, constitute grounds for declaring him adoptable.

Under these circumstances, serious concerns arise regarding whether the child's legal and family status was fully assessed before any adoption-related decision was taken, taking into account the continued existence of family ties with the child's biological parents and the temporary nature of the child's evacuation from Ukraine.

Further concerns arise from the reported separation of the child from his siblings following the evacuation to Italy. According to the provided information, the child's sisters were subsequently repatriated to Ukraine and placed in a foster family. The separation of siblings in the context of displacement and intercountry adoption raises significant concerns regarding the child's right to preserve family relations, identity and continuity of care.

¹ [ENOC](#) – European Network of Ombudspersons for Children

The concerns raised by this case extend beyond an individual situation. According to the above-mentioned letter, in April 2026, a similar situation was at risk of recurring with respect to at least **82 children temporarily relocated** (evacuated) to Italy. In the context of armed conflict and mass displacement, any intercountry adoption procedure initiated without strict compliance with international child rights standards may lead to permanent separation of children from their families, communities, culture, and identity.

Recent public reporting has further illustrated the practical implications of these risks. An investigation published by CNN in June 2026² describes the situation of Ukrainian children evacuated to Italy in 2022, whose return to Ukraine has allegedly been prevented by judicial proceedings and adoption-related decisions, despite requests from the Ukrainian authorities for their repatriation and family reunification. The reporting highlights concerns regarding prolonged separation from biological families, the absence of a clear determination of adoptability under Ukrainian law, and the potential incompatibility of such proceedings with the temporary nature of humanitarian evacuation and the international standards governing intercountry adoption. Furthermore, the reporting quotes Dmytro LUBINET, stating that there were, at that time, **more than 300 children** whose return to Ukraine was being prevented by local authorities, most of them in Italy, Germany and Austria.

The reporting indicates that the concerns raised **are not limited to a single jurisdiction**. The legal and practical risks associated with the prolonged displacement of children affected by armed conflict may arise in any receiving State. The longer children remain separated from their families and country of origin, the higher the risk that similar situations may emerge in other jurisdictions where Ukrainian children have been temporarily evacuated, including other European States hosting displaced Ukrainian children. This underlines the need for a coordinated European response based on common safeguards and strict adherence to international child rights standards.

These concerns have also been echoed by the Italian Ombudsperson for Children and Adolescents³, Marina TERRAGNI, who publicly encouraged close cooperation between the Italian and Ukrainian authorities in facilitating family reunification and emphasised the relevance of Article 9 of the UN Convention on the Rights of the Child. The Ombudsperson's statement further demonstrates the shared commitment of national independent children's rights institutions to ensuring that temporary protection measures remain fully consistent with international child rights standards.

ENOC fully recognises and appreciates the humanitarian efforts undertaken by European States to provide protection and assistance to children fleeing the war in Ukraine. However,

² [CNN "Hundreds of Ukrainian children were evacuated to Italy. Kyiv is now battling to get them back"](#)

³ ["Garante Infanzia, tribunali italiani favoriscono rimpatrio dei bambini ucraini"](#), ansa.it

the particular vulnerability of children evacuated from conflict areas requires heightened diligence from all authorities involved, in order to ensure that temporary protection measures do not result in irreversible changes to children's legal or family status, contrary to their rights and best interests.

The United Nations Convention on the Rights of the Child⁴ establishes, in Article 3, the fundamental obligation that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by administrative authorities, courts of law, or social welfare institutions. Article 3 also establishes the obligation of States to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents or legal guardians.

At the same time, Article 9 of the Convention provides that States shall ensure that a child shall not be separated from his or her parents against their will, except when such separation is necessary for the best interests of the child and is decided by competent authorities, in accordance with applicable law and procedures.

In the field of intercountry adoption, Article 21 of the UN Convention on the Rights of the Child clearly provides:

“States Parties that recognise and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorised only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognise that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this

⁴ [UN Convention on the Rights of the Child](#)

framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs”.

These standards are further developed in General Comment No. 6 (2005) of the Committee on the Rights of the Child on the treatment of unaccompanied and separated children outside their country of origin⁵. The Committee emphasises that States should, in particular, observe the following:

- Adoption of unaccompanied or separated children should only be considered once it has been established that the child is in a position to be adopted. In practice, this means, inter alia, that efforts with regard to tracing and family reunification have failed, or that the parents have consented to the adoption. The consent of parents and the consent of other persons, institutions and authorities that are necessary for adoption must be free and informed. This supposes notably that such consent has not been induced by payment or compensation of any kind and has not been withdrawn;
- Unaccompanied or separated children must not be adopted in haste at the height of an emergency;
- Any adoption must be determined as being in the child’s best interests and carried out in keeping with applicable national, international and customary law;
- The views of the child, depending upon his/her age and degree of maturity, should be sought and taken into account in all adoption procedures. This requirement implies that he/she has been counselled and duly informed of the consequences of adoption and of his/her consent to adoption, where such consent is required. Such consent must have been given freely and not induced by payment or compensation of any kind;
- Priority must be given to adoption by relatives in their country of residence. Where this is not an option, preference will be given to adoption within the community from which the child came or at least within his or her own culture;
- Adoption should not be considered:
 - Where there is reasonable hope of successful tracing and family reunification is in the child’s best interests;
 - If it is contrary to the expressed wishes of the child or the parents;
 - Unless a reasonable time has passed during which all feasible steps to trace the parents or other surviving family members have been carried out. This period of time may vary with circumstances, in particular, those relating to the ability to conduct proper tracing; however, the process of tracing must be completed within a reasonable period of time;

⁵ [General Comment No. 6 \(2005\) of the Committee on the Rights of the Child on the treatment of unaccompanied and separated children outside their country of origin](#)

- Adoption in a country of asylum should not be taken up when there is the possibility of voluntary repatriation under conditions of safety and dignity in the near future.

The importance of protecting family relationships in the context of children's displacement is also recognised by the European Convention on Human Rights⁶, with Article 8 guaranteeing the right to respect for private and family life. Any intervention by public authorities affecting the relationship between children and their parents constitutes an interference with the exercise of this right and must be justified by necessity, proportionality, and legality. In the context of children temporarily evacuated from a conflict zone, any measure likely to lead to permanent separation from the family must be assessed with the utmost caution.

At the same time, the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption⁷ establishes a rigorous framework aimed at preventing illegal adoptions and safeguarding the best interests of the child. Article 4 of the Convention provides:

“An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin -

- a) have established that the child is adoptable;
- b) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests;
- c) have ensured that
 1. the persons, institutions and authorities whose consent is necessary for adoption, have been counselled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,
 2. such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,
 3. the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and
 4. the consent of the mother, where required, has been given only after the birth of the child; and
- d) have ensured, having regard to the age and degree of maturity of the child, that
 1. he or she has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required,

⁶ [European Convention on Human Rights](#)

⁷ [Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption](#)

2. consideration has been given to the child's wishes and opinions,
3. the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and
4. such consent has not been induced by payment or compensation of any kind.”

At the same time, Article 7 of the same Hague Convention provides:

“1. Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to protect children and to achieve the other objects of the Convention.

2. They shall take all appropriate measures directly to –

- a) provide information as to the laws of their States concerning adoption and other general information, such as statistics and standard forms;
- b) keep one another informed about the operation of the Convention and, as far as possible, eliminate any obstacles to its application.”

Essentially, Articles 16, 17 and 20 of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption establish the obligation of cooperation between the central authorities of the states involved in intercountry adoption procedures. These provisions require the exchange of complete information regarding the identity and status of the child, verification of the legality of consents, the agreement of both states on the continuation of the procedure, and the monitoring of the entire adoption process. In the absence of a clear determination of adoptability by the authorities of the state of origin and without the express consent of the competent Ukrainian authorities, an intercountry adoption raises serious issues of compliance with international law.

Also relevant in this context is the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children⁸. According to Article 16 thereof, parental responsibility existing under the law of the child's habitual residence continues to have effect even after the child's residence is transferred to another state. This rule is of particular relevance for children temporarily evacuated from Ukraine, as their transfer to another state as a humanitarian protection measure cannot automatically lead to the termination of parental rights and responsibilities recognised in the state of origin.

⁸ [Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children](#)

In the context of the war in Ukraine, European institutions have drawn attention since 2022 to the risks of child trafficking, illegal adoptions, and permanent separation from families. The European Parliament Resolution of 7 April 2022 on the EU's protection of children and young people fleeing the war in Ukraine (2022/2618(RSP))⁹ underlines the importance of cooperating closely with the Ukrainian authorities and relevant organisations to identify, register and monitor children who enter the EU from institutional care in Ukraine, in order to prevent child trafficking, illegal adoption and other possible abuses. The European Parliament explicitly “calls on the Member States to halt child adoptions in order to avoid further or permanent separation for children from their parents and families against their best interests”.

The same approach was reiterated by ENOC in its Statement on the protection of the rights of children fleeing the war in Ukraine¹⁰, adopted on 24 June 2022. ENOC called for the temporary suspension of intercountry adoptions to prioritise family tracing and reunification and to prevent the permanent separation of children from their families.

The separation of siblings represents another particularly serious aspect in the case of intercountry adoption reported by the Ukrainian authorities. In its 2018 Position Statement on intercountry adoption¹¹, the European Network of Ombudspersons for Children emphasised the importance of protecting siblings' relationships and avoiding their separation. ENOC highlighted that separating siblings may cause profound emotional and psychological suffering, may affect the child's development, and may have long-term consequences for identity and self-esteem. Sibling relationships form an integral part of the child's right to preserve family relations, as enshrined in Article 8 of the United Nations Convention on the Rights of the Child.

In the context of the ongoing armed conflict, children temporarily evacuated from Ukraine are in a situation of extreme vulnerability. Many of them come from residential institutions, have been temporarily separated from their families or relatives, or have experienced severe trauma associated with war and forced displacement. In such circumstances, international standards impose an increased obligation of diligence and cooperation on states. Protective measures must be temporary, proportionate, and primarily oriented towards maintaining family ties and preparing for possible family reunification or safe return.

The passage of time cannot, in itself, transform temporary humanitarian protection into a basis for permanent changes in the child's legal or family status. On the contrary, prolonged displacement requires even greater vigilance from national authorities in order to ensure

⁹ [European Parliament resolution of 7 April 2022 on the EU's protection of children and young people fleeing the war in Ukraine \(2022/2618\(RSP\)\)](#)

¹⁰ [ENOC statement on the protection of the rights of children fleeing the war in Ukraine, 2022](#)

¹¹ [ENOC Position Statement on “Intercountry Adoption”, 2018](#)

that temporary protective measures do not gradually evolve into irreversible situations contrary to the child's rights and best interests.

ENOC reiterates that the temporary evacuation of children from a conflict zone cannot be interpreted as a definitive change in their legal or family status and cannot constitute sufficient grounds for initiating intercountry adoption procedures. Any measure concerning evacuated Ukrainian children must respect the temporary nature of international protection and be carried out in full coordination with the competent authorities of Ukraine.

The risks identified in the present Open Letter should therefore be understood as extending beyond the individual cases that prompted this initiative. They call for preventive actions across Europe to ensure that similar situations do not arise in any State receiving children temporarily evacuated from Ukraine and that a consistent interpretation of international child rights standards is applied throughout all relevant jurisdictions.

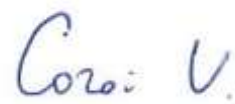
In light of the seriousness of the reported situation and the systemic risks it reveals, **the ENOC Bureau calls on competent European, national and regional authorities:**

1. To promote a coordinated European response to the signalled risks related to intercountry adoption of Ukrainian children temporarily evacuated from Ukraine, based on common safeguards and strict adherence to international child rights standards.
2. To suspend any intercountry adoption procedures concerning Ukrainian children temporarily evacuated from Ukraine, as long as there is no clear and final determination of the child's legal status and until all reasonable measures for identification and family reunification have been exhausted.
3. To ensure continuous and effective cooperation with the competent Ukrainian authorities, including the central authority for intercountry adoption and national independent children's rights institution, in all cases concerning children evacuated from Ukraine.
4. To ensure the establishment of strengthened monitoring and registration mechanisms for children temporarily evacuated from Ukraine, including those originating from residential institutions, in order to prevent disappearances, child trafficking, illegal adoptions, and any other forms of exploitation or abuse.
5. To strictly comply with the obligation to maintain and protect the child's family relationships, including relationships between siblings, and to avoid their separation, except where such a measure is demonstrably necessary in the best interests of the child.
6. To ensure that any protective measure concerning children temporarily evacuated is temporary, proportionate, and primarily oriented towards family reunification and voluntary return under conditions of safety and dignity, where this is possible and in the best interests of the child.

7. To guarantee children's views are heard and taken into account in all procedures affecting them, including any special protection or adoption procedures, in accordance with their age and level of maturity.

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Sincerely,



Vasile COROI,
ENOC Chair, on behalf of the ENOC Bureau

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