

Joint Standing Committee on Foreign Affairs, Defence and Trade – Human Rights
Subcommittee

Inquiry into the rights of women and children 2022-2023

QUESTION ON NOTICE / Spoken

002 – Inquiry into the rights of women and children

Hearing Date: 24 March 2023

Topic: Impact of mines

Senator Linda Reynolds

Question

For example, in Ukraine at the moment: is there a disproportionate impact on women and children in the use of mines and also IEDs? I know there's a lot of use of toys and things like that which are, obviously, targeted at children.

If you wouldn't mind just taking that on notice, I'd be interested in your thoughts on that.

Answer

Given the complex and evolving situation in Ukraine, it is difficult to independently verify reports of the impact of landmines and IEDs on women and children in Ukraine.

The *2022 Landmine & Cluster Munitions Monitor*¹ reports that men and boys in Ukraine are disproportionately affected by landmines and IEDs in terms of direct casualties, representing 80 per cent of casualties where the gender was recorded. Women and girls are often indirect victims.

The UN Office for the Coordination of Humanitarian Affairs reports that one in eight landmine casualties in Ukraine are children, who face heightened risk due to inattention and curiosity. DFAT is also aware of media reporting that Russia is placing low-yield land mines in Ukraine in situations where children may face greater risk of exposure (for example, in playgrounds).

Australia is working with trusted humanitarian partners, including the UN and NGOs, to deliver \$65 million in emergency humanitarian assistance to Ukraine. This assistance responds to priority needs including food, water, shelter, health and protection, with a particular focus on at-risk groups, including women, children, older people and people with disabilities.

¹ [Cluster Munition Monitor 2022 \(the-monitor.org\)](https://www.the-monitor.org/media/3348257/Cluster-Munition-Monitor-2022-Web_HR.pdf) [www.the-monitor.org/media/3348257/Cluster-Munition-Monitor-2022-Web_HR.pdf] The Monitor is a trusted independent program providing annual research and monitoring for the International Campaign to Ban Landmines and the Cluster Munition Coalition. Australia provided funding to the Monitor in 2021.

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003 – Inquiry into the rights of women and children

Hearing Date: 24 March 2023

Topic: Forced removal of children from Ukraine to Russia

Senator Linda Reynolds

Question

This might be something on notice as well, in relation to the issue of the forced removal of children from Ukraine to Russia at the moment.

Could you either address—now or on notice—whether it does fall, arguably, under trafficking or, as you just discussed, the ICC remit?

Do you have some idea of the numbers of children involved and also what that process looks like—from removal and where they go once they're removed from their families?

Answer

The unlawful deportation or transfer of civilians during an armed conflict is listed as a war crime under article 8(2)(a)(vii) of the International Criminal Court's (ICC) Rome Statute. The ICC has jurisdiction over war crimes in Ukraine. The Court has found there are reasonable grounds to believe Russian President Vladimir Putin and his Commissioner for Children's Rights, Maria Lvova-Belova, are individually criminally responsible for the war crimes of unlawfully deporting and transferring children from occupied areas of Ukraine to Russia.

We recognise the heightened risk from the ongoing conflict in Ukraine on the drivers of human trafficking, including lack of access to education, gender inequality, disability — particularly for children. Australia remains committed to working closely with partners to address the global drivers of human trafficking to eradicate these inhumane crimes.

Given the complex and evolving situation in Ukraine, it is difficult to independently verify the process through which Russia removes and relocates children.

The United Nations Human Rights Watch reported on 13 March 2023 that more than 16,000 children have been deported to Russia as of January 2023. The report identifies three main situations in which Russian authorities transfer Ukrainian children to the Russian Federation: those children who lost parents or temporarily lost contact with parents during hostilities; children were separated following the detention of a parent at a filtration point; and children in care institutions in Ukrainian areas illegally occupied by Russia.

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According to the UN Human Rights Watch, following the illegal transfer of Ukrainian children to the Russian Federation, Russia has encouraged the permanent relocation of these children by simplifying the process of applying for citizenship for Ukrainian orphans and children, thereby facilitating the adoption of some children by Russian families and further complicating their return to Ukraine. The Russian Government also provides financial incentives for Russians who adopt Ukrainian children.