
FROM CONDEMNATION TO COMPLIANCE: THE PROTECTION–FRAGILITY PARADOX IN RETURNING UKRAINIAN CHILDREN UNDER UNGA RESOLUTION A/RES/ES-11/9

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ABSTRACT

Despite the existence of extensive international legal protections, children continue to be unlawfully transferred, displaced, and separated from their families in contemporary armed conflicts, raising fundamental questions about the effectiveness of international law in practice. Armed conflict continues to expose children to some of the gravest violations of international law, including unlawful deportation, family separation, and the erosion of identity and nationality. By the end of 2024, nearly 49 million children worldwide were living in situations of forced displacement caused by conflict and violence, reflecting a systemic protection crisis that increasingly characterises contemporary warfare¹. The armed conflict in Ukraine represents one of the most legally and normatively significant manifestations of this global pattern, with more than 5.7 million refugees and approximately 5.3 million internally displaced persons recorded since February 2022². Within this humanitarian emergency, the reported forcible transfer and deportation of thousands of Ukrainian children from occupied territories has generated profound legal, institutional, and ethical concerns regarding the effectiveness of existing international protection regimes.

In response, the United Nations General Assembly adopted Resolution A/RES/ES-11/9 in December 2025, calling for the “immediate, safe and unconditional return” of these children³. Although formally non-binding, contemporary legal scholarship increasingly recognises that General Assembly resolutions can exercise significant normative influence by consolidating existing legal obligations and shaping expectations of lawful state conduct^{15 16}. In this context, A/RES/ES-11/9 reinforces the prohibition of forcible transfer under Article 49 of the Fourth Geneva Convention²⁷, as authoritatively interpreted by the International Committee of the Red Cross⁴, affirms the child-centred protections embedded within the Convention on the Rights of the Child⁵, and complements accountability mechanisms under the Rome Statute of the International Criminal Court⁶. The resolution therefore operates not only as a political expression of concern, but as part of a broader

normative process through which international law seeks to reinforce compliance in situations where enforcement mechanisms remain limited.

This paper critically evaluates the legal and practical implications of A/RES/ES-11/9, arguing that the resolution operates as a compliance-generating normative instrument that strengthens the moral and institutional credibility of the international community's commitment to child protection. At the same time, the continued occurrence of unlawful transfers despite clear legal prohibition highlights a persistent gap between normative legal standards and their implementation in contemporary conflict settings. Through doctrinal analysis of treaty law, UN institutional practice, and emerging international criminal accountability processes, the study proposes an integrated framework combining accountability, humanitarian cooperation, and child-centred return mechanisms as essential components of meaningful protection in armed conflict.

INTRODUCTION

Despite the existence of extensive international legal protections, contemporary armed conflicts increasingly reveal a gap between the clarity of international legal prohibitions and the reality of their enforcement, a gap that is particularly visible in the treatment of children. Children remain uniquely vulnerable in conflict settings not only because of their physical dependence but because violations against them frequently produce long-term and intergenerational consequences, including loss of identity, disruption of nationality, and permanent separation from family structures. The persistence of such violations raises fundamental questions about the operational effectiveness of international protection regimes and the extent to which international law can meaningfully protect the most vulnerable during active conflict.

By the end of 2024, nearly 49 million children were living in forced displacement as a result of conflict and violence¹. Children now constitute approximately 40 per cent of the global displaced population, demonstrating that contemporary warfare is increasingly experienced through the suffering of younger populations. This trend challenges long-standing international commitments to prioritise child protection and highlights structural limitations in translating legal prohibition into effective protection outcomes. At the same time, the scale of displacement functions as a structural stress test for international legal systems¹⁹, revealing tension between normative commitment and institutional capacity.

The armed conflict in Ukraine represents one of the most visible contemporary examples of

this global pattern. Since February 2022, over 5.7 million Ukrainian refugees and approximately 5.3 million internally displaced persons have been recorded². While displacement itself represents a major humanitarian concern, an additional and more legally complex issue has emerged: the reported forcible transfer and deportation of Ukrainian children from occupied territories. Ukrainian authorities have identified nearly 20,000 children as having been unlawfully transferred, although the true number may be higher due to verification challenges and restricted access to affected areas⁷.

Under international humanitarian law, civilians in occupied territories are entitled to special protection. Article 49 of the Fourth Geneva Convention explicitly prohibits deportation or forcible transfer of protected persons from occupied territory²⁷. Authoritative ICRC commentary emphasises that this prohibition is strict and resistant to exception⁴. When such conduct targets children, the violation becomes legally and morally aggravated because it interferes directly with identity formation, family unity, and long-term developmental stability. In that sense, it transforms what might otherwise be framed as displacement into an injury to the legal personality of the child¹⁷.

International humanitarian law further recognises that children are entitled to heightened protection. Additional Protocol I to the Geneva Conventions expressly provides that children shall be the object of special respect and protection²⁸. This confirms that child protection is not merely an interpretive preference but a codified principle within the law of armed conflict. The unlawful transfer of children therefore violates not only general civilian protections but a specialised regime of enhanced safeguards.

International human rights law reinforces this protective framework. The Convention on the Rights of the Child obliges states to combat illicit transfer and non-return of children and to protect their identity, nationality, and family relations⁵. Importantly, these obligations do not diminish during armed conflict. Rather, the coexistence of international humanitarian law and human rights law creates overlapping protection regimes intended to ensure that children remain protected even in situations of occupation or active hostilities¹⁴.

International criminal law further strengthens this framework by attaching individual criminal liability to certain forms of unlawful transfer. The Rome Statute of the International Criminal Court classifies unlawful deportation or transfer of civilians as both a war crime and, in certain contexts, a crime against humanity⁶. The issuance of arrest warrants in relation to the alleged

unlawful deportation of Ukrainian children represents a significant development in recognising child-specific violations as matters of international criminal accountability⁸.

Despite the clarity of these legal frameworks, enforcement remains structurally fragile¹⁸. International law relies heavily on state cooperation, territorial access, and political willingness. This implementation gap remains central to contemporary child protection in armed conflict. This gap reflects what may be described as a protection–fragility paradox: international law articulates strong normative safeguards for children, yet remains institutionally dependent on fragile enforcement mechanisms during active conflict.

It is within this legal and institutional context that the United Nations General Assembly adopted Resolution A/RES/ES-11/9 in December 2025. The resolution calls for the “immediate, safe and unconditional return” of unlawfully transferred Ukrainian children³. Although General Assembly resolutions are not legally binding, they can play an important normative role by consolidating existing obligations and shaping expectations of lawful state behaviour^{15 16}. In this sense, A/RES/ES-11/9 functions as a powerful normative instrument within a broader compliance-reinforcement process in international law. It does more than express political concern: it reframes child deportation as a legally non-negotiable injury requiring corrective action, linking humanitarian prohibition, child rights restoration, and criminal accountability within a single institutional demand.

The resolution is significant because it consolidates three major branches of international law into a single child-centred legal demand. It reinforces humanitarian law prohibitions, strengthens child rights protection obligations, and complements international criminal accountability mechanisms. By doing so, it reframes child deportation from a fragmented humanitarian issue into a clearly defined legal violation engaging both state responsibility and potential individual criminal liability.

At the same time, the resolution also exposes structural limits within the international legal system. While it demonstrates strong normative consensus, its implementation remains dependent on cooperation mechanisms that may be constrained during active conflict. This tension reflects a central challenge within international law: strong normative standards often coexist with weak enforcement capacity.

This paper therefore argues that UNGA Resolution A/RES/ES-11/9 strengthens the normative

and institutional credibility of international child protection frameworks. However, it also demonstrates the persistent gap between legal promise and practical protection outcomes. By analysing the interaction between international humanitarian law, international child rights law, and international criminal law, this article seeks to contribute to a more integrated and child-centred understanding of accountability and protection in armed conflict settings.

METHODOLOGY

This study adopts a doctrinal and qualitative secondary research methodology grounded in the analysis of international legal instruments and institutional practice. The research does not rely on primary data collection such as interviews or field research. Instead, it critically evaluates authoritative legal texts, treaty provisions, and official institutional documentation to assess how international law addresses the unlawful transfer and deportation of children in armed conflict. This methodological approach reflects established legal scholarship practice, where interpretation of treaty law, institutional practice, and normative development forms the primary basis of analysis in public international law research.

The core legal sources examined include United Nations General Assembly Resolution A/RES/ES-11/9³, the Fourth Geneva Convention²⁷ and its interpretative commentary published by the International Committee of the Red Cross⁴, the Convention on the Rights of the Child⁵, and the Rome Statute of the International Criminal Court⁶. These instruments represent the three principal legal protection regimes relevant to this study: international humanitarian law, international human rights law, and international criminal law. Together, these frameworks establish both state-level legal obligations and potential individual criminal liability in relation to the treatment of children during armed conflict.

In addition to treaty law, the study draws upon official materials issued by United Nations bodies, UNICEF, the Office of the High Commissioner for Human Rights, the International Committee of the Red Cross, and the International Criminal Court^{9 26}. These materials include institutional reports, treaty commentaries, and official situation updates. Such sources are considered highly authoritative within international legal scholarship because they reflect institutional interpretation and operational application of international legal norms.

The analytical methodology proceeds in three stages. First, the research identifies and interprets relevant legal obligations governing the protection of children from unlawful transfer and

deportation. This involves close textual and contextual interpretation of treaty provisions and authoritative commentaries. Second, the study analyses how UNGA Resolution A/RES/ES-11/9 reinforces, consolidates, and clarifies these obligations through its normative framing and institutional positioning. Third, the research evaluates the gap between legal standards and practical implementation, particularly in relation to identification of transferred children, international cooperation mechanisms, and child-centred return procedures.

This methodological approach allows the study to move beyond purely descriptive legal analysis and instead engage in normative evaluation of how international law operates in practice. It recognises international law not only as a system of legal rules but also as a framework through which states collectively attempt to regulate conduct during conflict. By combining doctrinal legal interpretation with institutional and implementation-focused analysis, the study aims to contribute to a more integrated understanding of accountability and child protection within contemporary armed conflict.

SCOPE AND LIMITATIONS

Scope of the Study

This study focuses on the legal and normative implications of United Nations General Assembly Resolution A/RES/ES-11/9³ in relation to the reported unlawful transfer and deportation of Ukrainian children during armed conflict. The scope of analysis is limited to international legal frameworks governing protection of civilians and children during armed conflict, specifically international humanitarian law, international human rights law, and international criminal law.

The study primarily examines three core legal frameworks:

International humanitarian law, particularly Article 49 of the Fourth Geneva Convention²⁷ and its interpretation through International Committee of the Red Cross commentary⁴;

International human rights law, specifically the Convention on the Rights of the Child and its provisions relating to illicit transfer, identity, and family unity⁵; and

International criminal law, primarily the Rome Statute of the International Criminal Court and its provisions concerning unlawful deportation and transfer⁶.

The study also evaluates how these legal regimes interact with United Nations institutional responses, particularly General Assembly Resolution A/RES/ES-11/9³, and how such resolutions function within broader normative compliance frameworks of international law¹⁵
¹⁶.

The research adopts a child-centred legal perspective. Children are treated not solely as passive victims of conflict but as rights-holders under international law whose identity, family unity, and long-term well-being are protected through overlapping legal regimes.

Limitations of the Study

This research is subject to several methodological and contextual limitations. First, the study relies entirely on secondary sources, including treaty law, institutional documentation, and official reports. It does not include primary field research, interviews, or survivor testimony. While this ensures legal accuracy and doctrinal clarity, it limits direct engagement with lived experiences of affected populations.

Second, access to complete and fully verified data remains constrained by the ongoing nature of the conflict. Information regarding numbers and locations of unlawfully transferred children is often based on institutional reporting and government documentation, which may remain incomplete or subject to revision⁷.

Third, this study does not attempt to analyse geopolitical responsibility or political legitimacy of state actions. The research is deliberately limited to legal obligations and normative frameworks governing child protection during conflict.

Finally, the study does not provide operational or logistical models for repatriation or humanitarian return mechanisms. While it highlights the need for child-centred return procedures, its recommendations remain primarily legal and normative rather than technical or operational in nature.

Despite these limitations, the study contributes to understanding the normative significance of UNGA Resolution A/RES/ES-11/9 and highlights the continuing gap between legal standards and their implementation in contemporary armed conflict.

THE LEGAL NATURE AND NORMATIVE SIGNIFICANCE OF UNGA RESOLUTION A/RES/ES-11/9

United Nations General Assembly Resolution A/RES/ES-11/9 must be understood primarily as a normative legal instrument rather than a purely political or declaratory response. Adopted in December 2025, the resolution articulates the collective legal position of the international community regarding the unlawful transfer and deportation of children during armed conflict and establishes a heightened expectation of compliance with existing international legal obligations³. Its significance lies not in the creation of new binding legal rules, but in the consolidation, clarification, and reinforcement of obligations already established under international humanitarian law, international human rights law, and international criminal law. In this sense, the resolution functions as an interpretive and compliance-reinforcing mechanism within the broader international legal system.

Within international legal scholarship, General Assembly resolutions are commonly categorised as instruments of soft law. While they do not create binding treaty obligations, soft law instruments play an important role in shaping legal interpretation, influencing state behaviour, and contributing to the development of customary international law¹⁰. Scholars note that soft law increasingly functions as a normative accelerator, shaping expectations of compliance even in the absence of formal legal enforceability^{15 16}. What distinguishes A/RES/ES-11/9 is not merely its formal status as soft law, but the intensity of its normative framing. The resolution does not simply restate existing obligations; it concentrates dispersed legal principles into a single, child-centred demand that narrows interpretive ambiguity. In doing so, it reduces the space within which states can plausibly deny legal responsibility²². In this sense, the resolution can be understood as an institutional attempt to narrow the protection–fragility paradox by concentrating dispersed legal norms into a unified demand for restoration.

A useful point of comparison can be found in earlier United Nations efforts to address grave violations against children in armed conflict, particularly Security Council Resolution 1612 (2005), which established the Monitoring and Reporting Mechanism on grave violations against children¹¹. Resolution 1612 significantly strengthened the institutional architecture for documenting violations such as recruitment, abduction, sexual violence, and attacks on schools. However, its effectiveness has remained limited by its dependence on state cooperation and its lack of direct enforcement capacity. In contrast, A/RES/ES-11/9 advances

this normative framework by shifting focus from documentation of violations to remedial action, specifically the return of unlawfully transferred children. This shift reflects an evolution within international child protection discourse: the movement from witnessing harm toward demanding restoration. It signals a maturation of legal expectation in which return is framed not as humanitarian preference but as legal necessity.

The phrase “immediate, safe and unconditional return” constitutes the legal core of the resolution³. Each element of this formulation carries distinct normative implications. “Immediate” rejects delay justified by political negotiation. “Safe” embeds child-centred welfare considerations consistent with humanitarian and human rights law. “Unconditional” removes the possibility that return can be leveraged as a diplomatic bargaining tool. Collectively, this language transforms existing prohibitions into positive obligations requiring corrective action. The resolution therefore does not merely condemn past conduct; it constructs a forward-looking legal directive aimed at restoring lawful conditions.

This formulation directly reinforces international humanitarian law obligations. Article 49 of the Fourth Geneva Convention strictly prohibits the deportation or forcible transfer of protected persons from occupied territory²⁷. ICRC commentary emphasises that even temporary evacuations must be strictly limited and prioritise the welfare and eventual return of civilians⁴. A/RES/ES-11/9 strengthens this framework by making explicit what humanitarian law implies: unlawful transfer generates a continuing obligation of restoration. The resolution thus shifts emphasis from prohibition alone to responsibility for remedy.

The resolution also aligns closely with international child rights law. Article 11 of the Convention on the Rights of the Child obliges states to combat illicit transfer and non-return of children and to promote international cooperation to secure their return⁵. By centring its language on return rather than condemnation alone, the resolution mirrors the restorative logic embedded within the CRC, which recognises children as independent rights-holders entitled to reconstitution of identity, nationality, and family relationships.

In addition, A/RES/ES-11/9 complements international criminal law accountability frameworks. Under the Rome Statute of the International Criminal Court, unlawful deportation or transfer of civilians constitutes a war crime and, in certain contexts, a crime against humanity⁶. The issuance of arrest warrants in relation to the alleged deportation of Ukrainian children demonstrates an increasing willingness within international criminal law to treat child-

specific violations as matters of individual criminal accountability⁸. The resolution reinforces this accountability architecture by strengthening the international legal narrative surrounding the seriousness of such violations.

Another important function of the resolution lies in its evidentiary and symbolic value. While it does not determine criminal liability, it formally records international concern in an official UN instrument. Such documentation contributes to the historical legal record and may support future accountability processes. It also reinforces the principle that violations against children are central, rather than peripheral, concerns within the international legal system.

At the same time, the resolution exposes structural limits within international law. Its implementation depends heavily on state cooperation, access to relevant territories, and functioning identification and verification mechanisms. It cannot independently compel compliance. This tension reflects a broader paradox within international law: normative clarity often exceeds enforcement capacity. Yet the existence of such tension does not diminish the resolution's legal significance. On the contrary, it highlights how soft law operates as a bridge between aspiration and accountability, sustaining normative pressure in spaces where coercive enforcement remains politically constrained.

INTERNATIONAL CRIMINAL LAW AND ACCOUNTABILITY FOR UNLAWFUL TRANSFER OF CHILDREN

International humanitarian law provides the primary legal framework governing the protection of civilians, including children, during armed conflict. Within this framework, the prohibition of unlawful deportation and forcible transfer represents one of the clearest and most firmly established rules of the law of occupation²⁷. At the same time, international child rights law provides a more specialised framework that recognises children as independent rights-holders entitled to enhanced protection⁵. The Convention on the Rights of the Child remains applicable during armed conflict alongside international humanitarian law, creating a layered legal regime that addresses both general civilian protection and the specific vulnerabilities of children¹⁴.

Article 49 of the Fourth Geneva Convention establishes that individual or mass forcible transfers, as well as deportations of protected persons from occupied territory, are prohibited regardless of motive²⁷. This provision reflects the broader humanitarian law principle that civilian populations must be protected from displacement policies used to achieve political,

demographic, or military objectives. The prohibition extends beyond physical force to include situations involving coercion, intimidation, or conditions that remove meaningful choice from affected populations⁴. Children fall within the category of protected persons under the Convention when they are present in occupied territory and are not nationals of the occupying power²⁷. International humanitarian law further recognises that children require enhanced protection due to their vulnerability and developmental needs, a principle codified in Additional Protocol I²⁸. The unlawful transfer of children carries particularly severe consequences because it disrupts family unity, cultural identity, and long-term social stability.

International Committee of the Red Cross commentary emphasises that even temporary evacuations are permitted only under strictly limited circumstances, including where required for the safety of the civilian population or imperative military reasons⁴. Even in such cases, evacuation must be temporary, must prioritise civilian welfare, and must ensure conditions for safe return at the earliest possible opportunity. The existence of these safeguards demonstrates that international humanitarian law does not prohibit all movement of civilians, but strictly regulates it to prevent abuse. The unlawful transfer of children represents a particularly grave violation because it may produce irreversible harm. Separation from families, exposure to unfamiliar legal and cultural environments, and disruption of identity formation can have long-term psychological and social consequences¹⁷.

The Convention on the Rights of the Child expands this protection by focusing on the individual child's identity, family unity, and long-term welfare. Article 11 requires states to take measures to combat the illicit transfer and non-return of children abroad and to promote international cooperation to secure their safe return⁵. Unlike general humanitarian law provisions, Article 11 specifically recognises cross-border child transfer as a distinct legal and human rights issue requiring coordinated state response. The inclusion of both prevention and return obligations reflects a dual protection approach: preventing unlawful removal and ensuring restoration where violations occur.

The Convention further protects a child's identity and family relationships. Article 8 requires states to respect the child's right to preserve identity, including nationality, name, and family relations⁵. Unlawful transfer or deportation of children directly interferes with these rights by disrupting identity continuity and often placing children in unfamiliar cultural, linguistic, and legal environments. Article 9 reinforces this protection by establishing that children should not

be separated from their parents against their will except where necessary for the best interests of the child⁵. The principle of the best interests of the child operates as a foundational rule throughout the Convention and requires that all actions affecting children prioritise their physical, emotional, and developmental well-being¹⁷.

The obligation to facilitate return forms an essential component of both legal frameworks. While Article 49 of the Fourth Geneva Convention focuses primarily on prohibition of transfer²⁷, authoritative commentary and humanitarian law practice emphasise that unlawful transfers create a continuing legal obligation to restore lawful conditions, including return of displaced persons where possible⁴. The Convention on the Rights of the Child reinforces this restorative logic by framing return not merely as a political objective but as a legal obligation tied to identity, family unity, and rights restoration⁵. In this sense, humanitarian law establishes baseline prohibitions, while child rights law shifts focus from prohibition toward long-term recovery and reintegration.

UNGA Resolution A/RES/ES-11/9 reflects this combined legal logic by explicitly emphasising the requirement of “immediate, safe and unconditional return” of unlawfully transferred children³. While not creating new binding obligations, the resolution strengthens the interpretive understanding that return must be treated as a priority humanitarian and legal obligation.

GAPS BETWEEN LEGAL NORMS AND PRACTICAL IMPLEMENTATION

The existence of clear legal prohibitions does not automatically translate into effective protection in practice. Contemporary conflicts demonstrate that the primary challenge facing international child protection is not the absence of legal norms, but the difficulty of ensuring compliance during active conflict. This gap represents a central structural tension within international law²³.

Monitoring and verification remain constrained by access limitations and dependence on cooperation²⁶. In many conflict zones, humanitarian actors face restricted territorial access, political resistance, and logistical barriers that prevent accurate identification of affected children. These constraints weaken the evidentiary foundation required for legal and humanitarian intervention, delaying protective action.

Return requires coordination across state and institutional systems that may be hindered by sovereignty concerns²⁴. Cross-border cooperation often involves competing legal jurisdictions, diplomatic sensitivities, and security risks that slow or obstruct return processes. Even where legal obligations are clear, operational coordination may remain fragile.

Identity disruption complicates restoration. Children subjected to unlawful transfer may experience loss of documentation, language displacement, and severed family records, making verification and reunification legally and administratively complex. These identity disruptions transform return from a simple physical relocation into a multi-layered legal and psychosocial challenge.

International law lacks centralised enforcement authority, relying instead on diplomatic pressure and accountability mechanisms¹⁸. This decentralised enforcement structure means that compliance ultimately depends on political willingness rather than automatic legal compulsion, reinforcing the fragility of protection during active hostilities.

UNGA Resolution A/RES/ES-11/9 highlights both strength and limitation³. It reinforces consensus yet cannot compel compliance. The resolution therefore illustrates the paradox of modern international law: strong normative clarity coexists with limited coercive capacity. The asymmetry between obligation and enforcement remains a defining feature of contemporary international law²³.

STRENGTHENING COMPLIANCE AND CHILD-CENTRED PROTECTION

The continued occurrence of unlawful transfer and deportation of children in armed conflict highlights the need for strengthened compliance mechanisms across international legal, institutional, and humanitarian systems. While existing legal frameworks establish clear obligations, improving real-world protection requires enhanced coordination between international law, institutional practice, and operational child protection systems.

One key area for strengthening protection lies in improving monitoring and verification mechanisms. Effective child protection depends on accurate identification and documentation of affected children. Expanding international monitoring frameworks, including those operating under United Nations children and armed conflict mandates, may improve early identification of unlawful transfers and support more rapid response mechanisms²⁶. Improved

data coordination between humanitarian organisations, international agencies, and national child protection systems may also strengthen verification processes.

A second important area involves strengthening international cooperation mechanisms for child return procedures. The return of unlawfully transferred children requires coordinated legal, administrative, and humanitarian processes. Developing standardised international protocols for identity verification, guardianship determination, and cross-border return coordination could reduce delays and improve consistency in return processes. Such mechanisms would need to prioritise the best interests of the child while ensuring compliance with international legal obligations.

Third, stronger integration between legal accountability and child protection mechanisms may improve long-term outcomes. International criminal accountability processes focus primarily on establishing individual responsibility for violations. However, parallel child protection frameworks are required to ensure that affected children receive long-term reintegration support. Greater coordination between accountability processes and child protection services may help ensure that legal accountability contributes directly to child recovery and reintegration outcomes.

Another important area involves strengthening child-centred return and reintegration frameworks. International law increasingly recognises that return must go beyond physical relocation and include psychological, social, and legal restoration. Long-term reintegration support may include family tracing, psychosocial care, educational reintegration, and legal identity restoration. These elements are critical to ensuring that return processes produce sustainable protection outcomes rather than temporary solutions. Post-conflict child reintegration literature emphasises that legal return alone is insufficient without parallel psychosocial and identity restoration frameworks²⁰.

UNGA Resolution A/RES/ES-11/9 contributes to strengthening compliance by reinforcing international expectations regarding return obligations³. While not legally binding, such resolutions help consolidate normative consensus and may contribute to strengthening diplomatic and institutional pressure for compliance. Over time, repeated normative reinforcement through international instruments may influence state behaviour and contribute to stronger customary law development.

Finally, strengthening child protection during armed conflict requires continued integration between international humanitarian law, child rights law, and international criminal law. Each framework addresses different aspects of protection: humanitarian law establishes baseline prohibitions, child rights law provides child-centred protection standards, and international criminal law provides accountability mechanisms. Strengthening coordination between these frameworks may contribute to more effective protection outcomes in practice.

The development of stronger compliance mechanisms does not require the creation of entirely new legal frameworks. Rather, it requires more effective implementation of existing legal obligations through improved monitoring, coordination, and institutional cooperation. In this sense, strengthening child protection in armed conflict represents both a legal and operational challenge requiring sustained international commitment.

CONCLUSION

The unlawful transfer and deportation of children during armed conflict represents one of the most serious contemporary tests of international legal protection systems. Although international humanitarian law, international human rights law, and international criminal law collectively establish extensive safeguards, the persistence of violations demonstrates that legal prohibition alone cannot guarantee effective protection. The central challenge is not normative absence, but implementation capacity. Contemporary child protection therefore exposes a structural paradox within international law: the clarity of legal obligation coexists with the fragility of enforcement. This dynamic encapsulates the protection–fragility paradox that defines contemporary child protection in armed conflict.

This study has shown that United Nations General Assembly Resolution A/RES/ES-11/9 reinforces the interpretive and institutional strength of existing legal frameworks. While the resolution does not create new binding obligations, it consolidates international consensus and strengthens expectations of compliance. In doing so, it contributes to the credibility of international child protection norms and reframes return as a legal necessity rather than a discretionary political objective. The resolution's significance lies not only in its content, but in the way it concentrates dispersed legal principles into a single child-centred demand that narrows interpretive ambiguity and increases normative pressure on states.

The interaction between international humanitarian law, the Convention on the Rights of the

Child, and international criminal law creates a layered protection framework addressing prohibition, restoration, and accountability. International humanitarian law establishes clear prohibitions against unlawful transfer. Child rights law expands protection by recognising children as independent rights-holders entitled to restoration of identity, nationality, and family unity. International criminal law reinforces these protections by attaching potential individual criminal responsibility to serious violations. Together, these frameworks reflect the evolution of international law toward a more integrated understanding of child protection in conflict settings — one that increasingly treats children not as collateral victims of warfare but as central subjects of legal concern²⁰.

However, the study also demonstrates the persistence of a structural gap between normative legal standards and practical implementation. Limitations in monitoring, verification, international cooperation, and enforcement capacity continue to affect the effectiveness of protection mechanisms. These challenges highlight that international law operates within political realities it cannot fully control. Legal obligation must therefore be understood as part of a broader ecosystem that includes diplomacy, humanitarian infrastructure, and long-term institutional investment¹⁹.

Strengthening child protection in armed conflict requires continued development of compliance mechanisms rather than entirely new legal frameworks. Improved monitoring systems, stronger international cooperation on child return procedures, and greater integration between accountability processes and child protection systems may contribute to more effective protection outcomes. In particular, child-centred return frameworks that prioritise psychological well-being, identity restoration, and long-term reintegration remain essential to ensuring that legal protection translates into meaningful recovery for affected children. Restoration is not merely a logistical objective; it is a legal and ethical obligation that defines the credibility of the protection regime itself.

Ultimately, UNGA Resolution A/RES/ES-11/9 illustrates both the strengths and limitations of contemporary international law. It demonstrates the capacity of the international community to articulate clear normative expectations regarding child protection. At the same time, it exposes the continuing reliance of international law on political cooperation and institutional coordination for implementation. The Ukrainian case therefore serves as a diagnostic lens through which the international legal system can be evaluated. It reveals a system capable of

generating strong normative consensus, yet still searching for mechanisms capable of translating consensus into consistent protection. The future credibility of international child protection depends not on the creation of new legal principles, but on the sustained willingness of states and institutions to treat those principles as operational commitments rather than symbolic aspirations²².

REFERENCES

- ¹ UNICEF (2024) *Child displacement statistics*. New York: UNICEF.
- ² United Nations High Commissioner for Refugees (2025) *Ukraine refugee situation data*. Geneva: UNHCR.
- ³ United Nations General Assembly (2025) *Resolution A/RES/ES-11/9*. New York: United Nations.
- ⁴ International Committee of the Red Cross (2025) *Commentary on the Fourth Geneva Convention: Article 49*. Geneva: ICRC.
- ⁵ Convention on the Rights of the Child (1989) *United Nations Treaty Series*, vol. 1577.
- ⁶ International Criminal Court (1998) *Rome Statute of the International Criminal Court*. The Hague: ICC.
- ⁷ Government of Ukraine (2024) *Official statements on deported Ukrainian children*. Kyiv: Government of Ukraine.
- ⁸ International Criminal Court (2023) *Situation in Ukraine: Arrest warrants*. The Hague: ICC.
- ⁹ Office of the High Commissioner for Human Rights (2024) *CRC implementation guidance and interpretation materials*. Geneva: OHCHR.
- ¹⁰ Shelton, D. (2008) *Soft law*. Oxford: Oxford University Press.
- ¹¹ United Nations Security Council (2005) *Resolution 1612: Children and armed conflict*. New York: United Nations.
- ¹² International Criminal Court (2011) *Elements of crimes*. The Hague: ICC.
- ¹³ Henckaerts, J.-M. and Doswald-Beck, L. (2005) *Customary international humanitarian law. Volume I: Rules*. Cambridge: Cambridge University Press.
- ¹⁴ International Court of Justice (2004) *Legal consequences of the construction of a wall in the occupied Palestinian territory*, Advisory Opinion, ICJ Reports 2004.

¹⁵ Chinkin, C. (1989) 'The challenge of soft law: Development and change in international law', *International & Comparative Law Quarterly*, 38(4), pp. 850–866.

¹⁶ Boyle, A. (2014) 'Soft law in international law-making', in Evans, M. (ed.) *International law*. 4th edn. Oxford: Oxford University Press.

¹⁷ Tobin, J. (2019) *The UN Convention on the Rights of the Child: A commentary*. Oxford: Oxford University Press.

¹⁸ Akhavan, P. (2001) 'Beyond impunity: Can international criminal justice prevent future atrocities?', *American Journal of International Law*, 95(1), pp. 7–31.

¹⁹ Kennedy, D. (2004) *The dark sides of virtue: Reassessing international humanitarianism*. Princeton: Princeton University Press.

²⁰ Drumbl, M. (2012) *Reimagining child soldiers in international law and policy*. Oxford: Oxford University Press.

²¹ Crawford, J. (2013) *State responsibility: The general part*. Cambridge: Cambridge University Press.

²² Koskenniemi, M. (2005) *From apology to utopia: The structure of international legal argument*. Cambridge: Cambridge University Press.

²³ Koskenniemi, M. (2011) *The politics of international law*. Oxford: Hart Publishing.

²⁴ Hathaway, O. and Shapiro, S. (2017) *The internationalists: How a radical plan to outlaw war remade the world*. New York: Simon & Schuster.

²⁵ Betancourt, T. (2015) 'The mental health of children affected by armed conflict', *BMJ*, 351, h4652.

²⁶ United Nations (2024) *Children and armed conflict monitoring reports*. New York: United Nations.

²⁷ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) (1949).

²⁸ Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) (1977), Article 77.