

DOI <https://doi.org/10.30525/2592-8813-2025-2-2>

UKRAINIAN MODEL OF PUBLIC ADMINISTRATION INSTRUMENTS APPLICATION IN THE MECHANISM OF DEPORTED CHILDREN'S RETURN CAUSED BY ARMED CONFLICT

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Abstract. The issue of children during any armed conflict is the most painful issue. The deportation of children is one of the issues that arises during an armed conflict. The Russian-Ukrainian armed conflict is no exception. Representatives of the Ukrainian authorities have stated that about 20,000 children have been deported/forcibly displaced since February 2022. At the level of international legal regulation, there are no mechanisms for the return of deported/forcibly displaced children. As a result, the Government of Ukraine has defined an algorithm of actions to identify and return children deported or forcibly displaced as a result of the armed aggression of the Russian Federation against Ukraine. The purpose of this article is to analyze the administrative and legal mechanism proposed by the State of Ukraine for the identification and return of children deported or forcibly displaced as a result of the Russian-Ukrainian armed conflict, the public administration entities involved in this mechanism, and the public administration instruments used within the framework of this mechanism.

Key words: child, public administration, instruments, deportation, forced displacement.

Introduction. The Ukrainian authorities officially declared that since February 24, 2022, 19546 Ukrainian children have been deported and forcibly transferred from the territory controlled by Ukraine. As of March 2025, 1243 children have been returned (Bring Kids Back, 2025).

Ukrainian lawmakers have developed a national mechanism for the identification and return of children deported or forcibly displaced as a result of the Russian-Ukrainian armed conflict.

The purpose of this article is to analyze the administrative and legal mechanism proposed by the State of Ukraine for the identification and return of children deported or forcibly displaced as a result of the Russian-Ukrainian armed conflict, the public administration entities involved in this mechanism, and the public administration instruments used within the framework of this mechanism.

Main part. Public administration in the Ukrainian doctrine of administrative law, a unified vision of the subjective content of public administration has been formed. First and foremost, these are executive authorities, as well as state authorities with relevant competence, and municipal authorities.

The science of administrative law is unified in that public administration is a set of entities that exercise their powers enshrined in legal acts in order to ensure the public interest. In turn, public administering is the activity of public administration entities (Bukhanevych et al, 2022; Melnyk and Bevzenko, 2014; Halunko, 2018).

Subjects of public administration formulate state policy in all spheres of public life and then implement it through the proposed mechanisms, which are directly executed through the instruments of public administration.

The authors of the textbook «Administrative Law of Ukraine» believe that the instruments of public administration are a set of administrative and legal measures directly used by public administration entities to ensure (protect) the rights, freedoms and legitimate interests of individuals and the public interest of the state and society as a whole (Halunko, 2018: 203).

I.V. Paterylo conducted her dissertation research for the degree of Doctor of Laws on the topic «Administrative and Legal Tools within the Activities of Public Administration» (Paterylo, 2015). Thus, in this study, the scientist proposed her own definition of «instruments of public administration», which means the entire set of tools (techniques) used by public administration entities to regulate public relations arising in the field of public administration (Paterylo, 2015: 203).

According to I.V. Paterylo, this concept is best suited to the present and takes into account the direction of European integration taken by our state. The arguments provided by I.V. Paterylo for the use of the concept «instruments of public administration» are as follows: it includes the term «public administration», and therefore does not limit the subject composition of public law relations exclusively to executive authorities; – contains the category «public administration activity», which helps to avoid narrowing the scope of public administration activity by executive administrative activities; in its content, it has the definition of «instrument», which allows us to speak about acts and agreements, thereby avoiding the defect (Paterylo, 2015: 204).

The arguments and conclusions made by I.V. Paterylo are the ones that most fully and successfully reflect the concept of «instruments of public administration». Therefore, let us use them as a basis for our research.

Public administration is represented by numerous entities which use various instruments in their activities. Most administrative law scholars distinguish the following main groups of public administration instruments: 1) normative acts; 2) administrative acts; 3) administrative contracts; 4) plan acts; 5) action acts (Paterylo, 2015: 206; Melnyk and Bevzenko, 2014: 253; Halunko, 2018: 204-206).

Meanwhile, the authors of the textbook «Administrative Law of Ukraine» emphasize that the types of public administration instruments are not a stable construction. Special laws and regulations may define other types of public administration instruments. In the course of public administration development, new public administration instruments may emerge and outdated ones may be canceled (Halunko, 2018: 206).

Using the procedure for identifying and returning deported and forcibly displaced children, here is a look at public administration instruments and the procedure for their application.

It is worth noting that there is no legalized procedure at the international level for the identification and return of deported children. At the level of international legal regulation, there are established *corpus delicti* for the deportation of children – Rome Statute of the International Criminal Court (The United Nations, 2001).

Thus, it can be concluded that the international community has provided space for the independent resolution of the issue of returning deported children at the level of each individual state within the framework of a particular armed conflict.

In 2024, the Cabinet of Ministers of Ukraine approved the Procedure for the Identification, Return, Support and Reintegration of Children Deported or Forcibly Displaced as a Result of the Armed Aggression of the Russian Federation against Ukraine (Resolution of the Cabinet of Ministers of Ukraine № 66, 2025) (Procedure).

The Procedure applies to the following categories of children: 1) a deported child is any person under the age of 18 who is legally residing in Ukraine and, in the absence of grounds provided for by international law, is forcibly transferred across the state border to the territory of the Russian Federation, the Republic of Belarus, and other states in connection with the armed aggression of the Russian Federation against Ukraine;

2) forcibly displaced child – any person under the age of 18 who, in the absence of grounds provided for by international law, is forcibly displaced from the area in which he or she was legally residing to another area within the temporarily occupied territory of Ukraine in connection with the armed aggression of the Russian Federation against Ukraine.

The lawmaker also introduced a latent category – a child at risk of deportation and/or forced displacement.

That is, the approval of the Procedure by the Cabinet of Ministers of Ukraine is already an example of the use of one of the instruments of public administration – a normative act.

The Procedure regulates the sequential steps of public administration entities for the return of deported and forcibly displaced children caused by the armed conflict:

- search (detection) and return;
- providing support and reintegration of children.

In order to implement the above steps, the Government of Ukraine has granted special competence to a number of public administration entities. As part of the implementation of the Procedure, two large groups of public administration entities have been formed, namely:

I – entities that ensure the search and return of children;

II – entities implementing the plan of measures to ensure the support and reintegration of the child.

Let's consider the first group of public administration entities whose main task is to search (identify) and return deported or forcibly displaced children. These include:

- State authorities and local government bodies;
- The Ministry of Foreign Affairs (in terms of finding and engaging new intermediary countries to negotiate the return of children);
- The Ministry of Justice;
- The Office of the Prosecutor General;
- The Security Service of Ukraine;
- The National Police;
- The State Migration Service;
- The State Border Guard Service;
- The Ukrainian Parliament Commissioner for Human Rights;
- The Joint Center for the Coordination of the Search and Release of Prisoners of War and Illegally Deprived of Liberty as a Result of Aggression against Ukraine under the Security Service of Ukraine (hereinafter – the Joint Center),
- The Ministry of Social Policy,
- The State Service for Children,
- foreign non-governmental organizations.

The Procedure defines the algorithm of actions of public administration entities belonging to Group I (Table 1).

Consider the public administration instruments used at step one.

First, there is a large number of acts of action or actual actions performed by public administration entities. In particular:

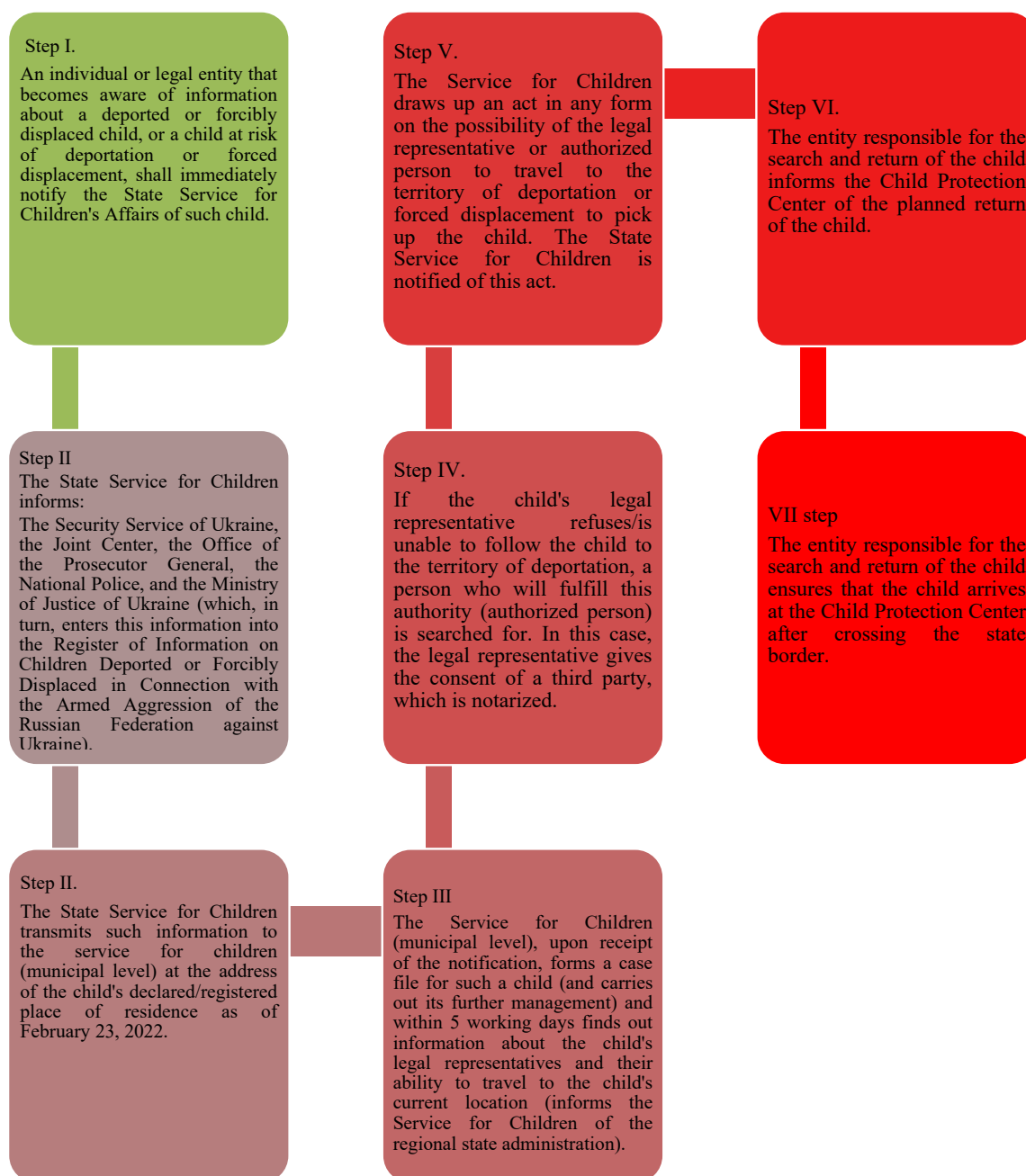
- notification of the State Service for Children by a public administration entity of a deported / forcibly displaced / child at risk of deportation or forcible transfer;
- inform by the State Service for Children of the Security Service of Ukraine, the Office of the Prosecutor General, the National Police, the Joint Center for Further Processing and the Ministry of Justice;
- transferring information about such a child to the children's service (municipal level) depending on the place of registration/declaration of the child as of February 23, 2022.

In particular, such a public administration instrument as an act-plan (plan) is used, namely

- the Service for Children (municipal level) draws up an act in an arbitrary form on the possibility of the legal representative or an authorized person to depart to the territory to which the child was deported or forcibly transferred;

Table 1

The sequence of actions of public administration entities to search (identify) and return deported or forcibly displaced children



– an individual plan of measures for the return of the child, which means a set of measures for the search, return of deported or forcibly displaced children, children at risk of deportation and/or forced displacement from the territory of the Russian Federation, the Republic of Belarus, the temporarily occupied territory of Ukraine or measures for their departure to third safe countries. Such a plan is developed by public associations and charitable organizations with the involvement of entities that provide search and return of children, in accordance with their competence, taking into account the needs of the child in accordance with his/her age, gender, health status, developmental features, place of stay and place of return, his/her cultural and ethnicity, his/her full reintegration and the possibility

of returning to the place of permanent residence in Ukraine or integrating him/her at a new place of residence in Ukraine.

This means that an individual plan is developed separately for each deported or forcibly displaced child, or a child at risk of deportation or forced displacement. As it can be seen, in the established sequence of actions, public associations and charitable organizations, which are vested with the relevant competence by the Cabinet of Ministers of Ukraine, also act as public administration entities.

The measures envisaged by the individual plan are implemented by the Ministry of Social Policy together with the State Service for Children in cooperation with public associations and charitable organizations.

At the same time, public associations and charitable organizations are allowed to implement the above individual plans after concluding a joint activity agreement for a period of one year. In these relations, one more instrument of public administration is an administrative agreement, according to which the interaction between the public authority – the State Service for Children – and a public association / charitable organization takes place.

The Government of Ukraine has also provided a mechanism for compensation to public associations and charitable organizations at the expense of budget funds under the budget program «Social Protection of Children and Families».

Let's consider the second group of public administration entities that implement the plan of measures to ensure the support and reintegration of the child. This group includes:

- public associations;
- charitable organizations;
- The State Service for Children;
- The Coordination center for the development of family upbringing and child care (hereinafter referred to as the Coordination center);
- The Child Protection Center;
- other state bodies and local governments.

The Procedure determines the sequence of actions of public administration entities included in Group II (Table 2).

Here are the public administration instruments used at step two.

Similarly, to the first step, there are acts of action and acts of plan.

Acts of action include notification by the Child Protection Center of the arrival of a child, the Office of the Prosecutor General, the Security Service of Ukraine, etc.

Another act is the assessment of the child's situation and needs by the Coordination Center (which is documented in a protocol) and the subsequent convening of an interagency team to support the child by the Coordination Center.

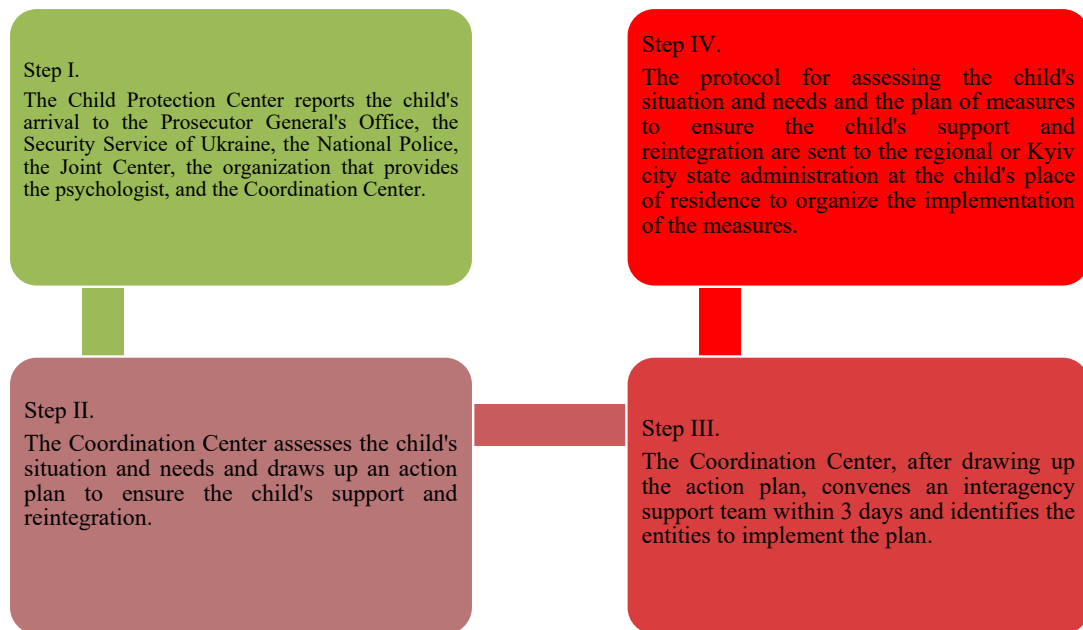
The plan acts include an action plan to ensure the support and reintegration of the child – a set of measures aimed at creating the necessary conditions for the child's adaptation after return, including ensuring the right to grow up in a family environment, determined by the Coordination Center based on the results of the analysis of the child's situation and needs. This plan is formed on the basis of a protocol for assessing the child's situation and needs.

The plan of measures to ensure the support and reintegration of the child includes measures within the framework of a short-term (up to three months), medium-term (from three to six months), and long-term (from six to eighteen months) assistance package.

Conclusion. Based on the foregoing, it can be stated that the Cabinet of Ministers of Ukraine, as one of the subjects of public administration, by adopting Resolution № 66 of January 21, 2025, outlined at the normative level the existing problem (due to the armed conflict) of deported / forcibly displaced / children at risk of deportation or forced displacement. The Government of Ukraine has also determined the sequence of actions to identify and return such children. The Cabinet of Ministers of Ukraine has vested a number of public administration entities with competence in this area. In par-

Table 2

The sequence of actions of public administration entities to search (identify) and return deported or forcibly displaced children



ticular, the approved Procedure involves atypical objects, namely public associations and charitable organizations, having far from secondary competence. The Procedure is used to analyze the following legal category: «public administration instruments». According to the results of the study, it can be stated that the following instruments of public administration are used: a normative act, an administrative agreement, plan acts and action acts.

References:

1. Bukhanevych, O.M., Ivanovska, A.M. & Kyrylenko, V.A. (2022). Definition legal categories «public authority», «public administration» and «public administrating» in the modern doctrine of administrative law. *Journal of the National Academy of Legal Sciences of Ukraine*, 29(1), 84-93. DOI: 10.37635/jnalsu.29(1).2022.84-93.
2. Halunko, V.V. (Ed.). (2018). *Administrativne pravo Ukrainy (Administrative Law in Ukraine)*. Oldi-Plus (in Ukrainian).
3. Melnyk, R.S. & Bevzenko, V.M. (2014). *Zahalne administrativne pravo (Administrative Law in general)*. Vaite (in Ukrainian).
4. Paterylo, I.V. (2015). *Administrativno-pravovi instrumenty diialnosti publichnoi administratsii Ukrainy (Administrative and Legal Tools within the Activities of Public Administration)* [Doctoral Dissertation, State higher educational institution «Zaporizhzhia national university»]. <https://uacademic.info/ua/document/0515U000583> (in Ukrainian).
5. Resolution of the Cabinet of Ministers of Ukraine № 66. Poriadok vyivlennia, povernennia, zabezpechennia suprovodu ta reintehratsii ditei, deportovanykh abo prymusovo peremishchenykh vnaslidok zbroinoi ahresii Rosiiskoi Federatsii proty Ukrainy (Procedure for the Identification, Return, Support and Reintegration of Children Deported or Forcibly Displaced as a Result of the Armed Aggression of the Russian Federation against Ukraine). *The Verkhovna Rada of Ukraine*, 2025. Retrieved March 20, 2025, from <https://zakon.rada.gov.ua/laws/show/66-2025-%D0%BF#Text> (in Ukrainian).
6. The scale of the tragedy (2025). *Bring Kids Back*. Retrieved March 20, 2025, from <https://www.bringkidsback.org.ua/>.
7. The United Nations, (2001). Rome Statute of the International Criminal Court. Retrieved March 20, 2025, from <https://iccforum.com/rome-statute>.