



## European Court refuses interim measure in case concerning children living in childcare institutions in Crimea

The European Court of Human Rights has decided to refuse a request for an interim measure in the case **V.V.K. and Others v. Russia and Ukraine** (application no. 6719/23).

This application has been brought on behalf of ten minors who in 2014 were wards of the Ukrainian State living in childcare institutions in Crimea. Their legal representatives submitted a request to the Court under Rule 39 of the Rules of Court (interim measures) in which they argued that there was an imminent risk that the applicants could be adopted, and that this was being facilitated by the Russian authorities.

The Court decided to refuse the request on the basis that it related to events (the adoption of the applicants) taking place after 16 September 2022, being the date on which the Russian Federation ceased to be a Party to the Convention.

Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#)

This application is brought on behalf of ten minors, currently aged between nine and 13 years old. They are Ukrainian nationals by birth who in 2014 were wards of the Ukrainian State living in childcare institutions in Crimea.

Their legal representatives – who have had no access to the applicants – allege that following the assertion by Russia of jurisdiction over Crimea Russian nationality was imposed on the applicants, and on many other children living in such institutions in the region. Furthermore, according to the representatives, Russia had refused to transfer the applicants and other orphaned children to the care of the Ukrainian authorities and instead put them up for adoption. This was evidenced by the fact that the names and the photographs of the applicants were published on a number of Russian websites created to facilitate adoptions.

In a substantive application, lodged on 14 January 2023 against both the Russian Federation and Ukraine, the representatives argued that both the arbitrary change of the applicants' citizenship, which had occurred following the assertion by Russia of jurisdiction over Crimea, and their adoption, which was now being facilitated by the Russian authorities in the context of the current ongoing conflict, deprived them of their social identity and breached their right to respect for their private life under Article 8 of the European Convention on Human Rights.

On 8 February 2023 the applicants' representatives submitted a request to the Court under Rule 39 of the Rules of Court in which they argued that there was an imminent risk that the applicants could be adopted. The names of some of the applicants had disappeared from the websites which, according to the representatives, indicated that they had either been adopted or that the adoption procedure had begun. Arguing that adoption would have irreversible consequences for the applicants' private life, the representatives asked the Court to grant an interim measure under Rule 39 of the Rules of Court indicating to the Government of the Russian Federation "to stop the procedure of adoption of Ukrainian children in the occupied territory without approval from the Government of Ukraine".

On 14 February 2023 the Court decided to refuse the applicants' request for an interim measure on the basis that it related to events (the adoption of the applicants) taking place after 16 September 2022, being the date on which the Russian Federation ceased to be a Party to the Convention.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.