

Testimony to the House of Representatives Committee on Oversight and Reform, Subcommittee on National Security  
Pete Walsh, Acting Country Director in Ukraine, Save the Children  
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Chairman Lynch, Ranking Member Grothman, and distinguished members of the subcommittee, thank you for the opportunity to testify on the ever-evolving crisis in Ukraine that continues to put at risk millions of children and their families. Since our founding more than 100 years ago, Save the Children has positively impacted the lives of more than one billion children in the United States and around the world. Through our work in over 100 countries globally, we strive to ensure children have a healthy start in life, the opportunity to learn, and protection from harm. In 2021, our humanitarian relief efforts reached 16.8 million people and in 2022, we are responding to nearly 70 different emergencies in over 50 countries.

On February 24, 2022, the eight-year conflict in Eastern Ukraine escalated to a countrywide crisis resulting in 12 million people needing immediate humanitarian assistance, and countless children in their families across the globe experiencing reverberating impacts. Save the Children, building on its existing eight-year operational presence in Ukraine, its expertise, and in collaboration with esteemed local partners, has rapidly scaled up to support the needs of children and their families in need, including those who have fled for safety inside Ukraine and across borders. This includes but is not limited to providing cash, food, establishing safe spaces for children and delivering “bunker kits” to children living past the contact lines.

First, I want to express Save the Children’s appreciation to this subcommittee, the full House Committee on Oversight and Reform, and all those across Congress and the Executive Branch for your attention to this crisis and to supporting the needs of children and their families through critical humanitarian assistance funding, leadership on accountability for international humanitarian law violations, and ongoing meaningful engagement with civil society actors across the humanitarian community.

One week ago, June 3<sup>rd</sup>, 2022, marked 100 Days since the escalation of the conflict in Ukraine; a relentless conflict with increased artillery shelling and military action; with no end in sight. Daily, we hear of civilian casualties. As of 8 June, there have been over 9,444 civilian casualties, with over 272 children killed, and a further 436 children injured.<sup>1</sup> It is important to note that the actual number is likely even higher and will only increase as this conflict continues. Tens of thousands of civilians, remain trapped in towns and villages past the contact lines in the non-government-controlled areas (NGCAs) in Eastern Ukraine, with them depending on distributions and evacuations run by local organizations, many of them volunteers. With humanitarian needs ever evolving, the generosity and engagement of the U.S. Government has been and continues to be important and necessary.

This testimony is divided into three parts; first I will speak to the current needs for children, including protecting children from harm, responding to their mental-health and psychosocial needs, and supporting their continued education; second, I will provide an insight into our operational environment, including our access restrictions and bureaucratic challenges and the impact that has on our response for children in need; third, I will briefly share Save the Children’s analysis of how the current momentum for accountability for violations of international humanitarian law during this conflict, with support of specific mechanisms, can best be leveraged to ensure crimes against children are comprehensively addressed.

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<sup>1</sup> OHCHR Civilian Casualty Ukraine (8 June 2022). Available at <https://ukraine.un.org/sites/default/files/2022-06/Ukraine%20-%20civilian%20casualty%20update%20as%20of%2024.00%207%20June%202022%20ENG.pdf>

**The needs of children must be put at the heart of this response.** With a view to ensuring that children in and fleeing from Ukraine are educated, healthy, and protected, Save the Children calls for the following five asks:

1. **Prioritize investments and humanitarian action in age, gender, and disability responsive humanitarian action for children: including but not limited to:** child protection interventions and child rights expertise; mental health and psychosocial support, including psychological first aid for children and caregivers; and safe, quality, and inclusive education and learning for all children throughout the duration of the conflict and recovery, including through drawing attention to children's distinct needs through public and private channels, in conversations with Administration and United Nations' actors, and in dialogue with other government donors and refugee hosts.
2. **Protect humanitarian space, facilitate principled humanitarian action, and ensure humanitarian access, services and critical supplies to meet the life-saving needs of children and their families in the hardest to reach areas of Ukraine.** The international community, including the U.S. government, must do everything in its power to support humanitarian access and reduce bureaucratic challenges to humanitarian response- including:
  - a. Supporting humanitarian coordination mechanisms and structures, and the safe and ethical sharing of data and information relevant and necessary to address humanitarian needs.
  - b. Engaging with European governments to ensure that all humanitarians inside Ukraine and working on the refugee response have at minimum a six-month Schengen visa.
  - c. Sharing best practices and coordinating with international, regional, and national actors in ensuring that any punitive and/or accountability mechanisms do not inadvertently have an actualized or chilling impact on humanitarian action.
3. **For children seeking safety outside of Ukraine, it is vital that no child is unaccounted for and the best interests of the child is the determining factor in all actions taken on their behalf:**
  - a. All children who are separated or unaccompanied, including children who were deprived of parental or family care prior to and during the conflict, should be identified and registered with official local child protection authorities.
  - b. Upon arrival in a country of destination, it is essential that all children are registered so that their well-being and safety can be monitored and ensured by child protection professionals.
  - c. All inter-country adoptions must be placed on hold, until such a time that child protection experts have determined the necessary structures are in place to ensure that a best interests assessment is able to be undertaken and efforts are made to initiate immediate family tracing and reunification where appropriate, and all standard safeguarding protocols and procedures are in place.
4. **The international community, including the U.S. government, should continue to condemn and call for all parties to the conflict to cease all violations of international humanitarian law, including attacks on civilians and civilian infrastructure,** particularly attacks on schools and hospitals and the military use of schools and universities; as well as the use of ballistic missiles and other inaccurate

explosive weapons with wide area impacts, which are causing civilian casualties, have a disproportionate impact on children due to their size and physical stage of development, and violate international humanitarian law.

**5. Perpetrators of international humanitarian law violations committed against children must be held to account:**

- a. All international accountability mechanisms documenting and investigating alleged violations in Ukraine, including the U.S. government supported Atrocity Crimes Advisory Group, the newly launched Conflict Observatory, and mobile justice teams, must secure the inclusion of child specific documentation and investigation expertise.
- b. All accountability mechanisms should collaborate and share information and expertise with each other and national actors.

## **Priority concerns for children affected by the conflict in Ukraine**

### Child Protection

There has been verified reports of over 780 children killed or injured, with two-thirds fleeing their homes in first seven weeks of war. More than 6.9 million people have now fled the violence in Ukraine to neighboring countries. A child from Ukraine has become a refugee almost every single second of the war. Since the escalation of the conflict in Ukraine February 24<sup>th</sup>, 2022, there have been at least 9,444 verified civilian casualties, of which over 4,266 have been killed. These numbers are beyond tragic, and likely an underestimate. Air strikes and explosions have resulted in damaged essential services like schools, hospitals. Since the escalation, over 7.5 million children across Ukraine are in grave danger of physical harm, severe emotional distress, and displacement.

The risk to children's mental health and potential for long-term trauma cannot be underestimated. Even when they have reached safety in neighboring countries, children are still carrying the weight of witnessing or experiencing violence. Examples of this can be seen from the "child-friendly spaces" Save the Children has established. Although the children may be physically safe, their drawings are filled with civilians running from tanks, bombs, and a crying woman (just to name a few). Further, a psychologist described children arriving across borders in a 'catatonic state.' For example, Aleksander \*, 9, a child from Mariupol with shrapnel in his leg was so withdrawn that he would not let anybody near him, speak to him, touch him – not even his parents.

Thousands of children have fled the conflict in Ukraine unaccompanied by their parents or guardians, or have been separated from them in their displacement. Separated and unaccompanied children are amongst the most vulnerable children in humanitarian settings. The absence of care and protection by caregivers and families puts them at increased risk of further harmful child protection outcomes, including all forms of violence, abuse, exploitation, and trafficking. We know many of the children who have crossed borders on their own are not actually orphans but have a living parent who might have had to remain behind in Ukraine or have become separated on the way.

Children's needs must be central to the response and their protection is everybody's responsibility. It is critical to ensure that child protection needs are considered with an age, gender, and disability responsive lens, ensuring strong integration across multi-sectoral and holistic interventions, alongside specialized standalone child protection responses, including family tracing and reunification, ongoing case management of children at risk, and mental-health and psychosocial support services for children.

## Education

As the current escalation marked 100 days of conflict on June 3<sup>rd</sup>, 2022, Save the Children analysis revealed the stark reality that more schools in Ukraine were damaged and destroyed in the past 100 days than in the first seven years of the conflict. At least 1,939 schools have been damaged and destroyed by shelling and bombing since February 24<sup>th</sup>, 2022, with 184 of them destroyed according to Ukraine's Ministry of Education and Science.<sup>2</sup> That is more than double the number of such attacks recorded in Eastern Ukraine alone from 2014 to 2021, when about 750 schools were damaged, destroyed or forced to close. The war has disrupted the education of all 7.5 million children who were living in Ukraine at the beginning of this year.

One in every 10 schools that came under attack this year were destroyed, and more than half of the schools that were damaged were in Eastern Ukraine. If attacks on schools continue, children will continue to bear the brunt of the war, with long-term implications for their future, and the future of their families and communities. A single attack can not only cause devastating injuries to children, physical and emotional, but in each instance, it also deprives hundreds of children of their right to a safe, quality education, driving additional protection risks, cutting children off from critical peer support networks and a sense of normalcy, and disrupting other essential services that are often leveraged through schools, including nutrition and immunization services. Education is the entry point for being able to provide our child protection services, mental health support and our nutrition. Sometimes, a community's only place of learning and socializing is destroyed.

Although education is a top priority for children and parents in crisis, protected under international humanitarian law, and identified as a key concern across the global humanitarian architecture, it is all too often the first service to be suspended and one of the last to resume, and is regularly de-prioritized in the first phase of a humanitarian response to the detriment of children. A Save the Children report published in 2019 for which more than 1,200 children across six crisis-affected countries were interviewed found that nearly one in three children (29%) wanted the chance to go to school above all else.<sup>3</sup> Currently, all schools in Ukraine are closed. Save the Children has provided technical support to Ukrainian authorities to improve the country's online learning system so that children still have access to engaging digital learning. While the government of Ukraine must be supported with their endeavors to ensure children are supported with alternative learning opportunities, such as online learning; this is only an interim solution. Children need to be back in class-room settings, with their classmates and learning the curriculum they started with. However, between the schools that have been destroyed due to attacks or the fact that a lot of schools and kindergartens are being used as "collective centers" to host fleeing families, the future of education in Ukraine looks bleak.

Save the Children is calling on all parties to the conflict to cease attacks on - and threats against - schools, and refrain from any military-related use of educational facilities. The presence of military forces or other armed groups damages facilities, disrupts students' education and can provoke attacks from opposing forces. Schools must be protected as safe spaces that provide shelter from harm and the opportunity to learn and play. Further, while

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<sup>2</sup> Ukraine Ministry Website. Available at <http://saveschools.in.ua/en/>

<sup>3</sup> Save the Children, 'Education against the Odds: Meeting marginalised children's demands for a quality education' (2019). Available at <https://resourcecentre.savethechildren.net/document/education-against-odds-meeting-marginalised-childrens-demands-quality-education/>. These included children in the aftermath of Typhoon Haiyan in the Philippines; child refugees from Syria and Afghanistan; children living in the Democratic Republic of Congo; Rohingya children in refugee camps in Bangladesh and children displaced by fighting in Ethiopia and South Sudan

recognising that fleeing families have had no choice but to live in these schools, alternative solutions must be found ahead of the possible opening in September.

## **Operational challenges**

### Limited access to children and families in need

One of Save the Children's largest concerns in our response efforts continues to be the lack of humanitarian access to conflict-affected families in hard-to-reach areas, particularly those on the contact line or past the contact line in non-government-controlled areas (NGCAs) of Eastern Ukraine. The unpredictability of the conflict, shifting contact lines, the ongoing military action, the heavily contaminated lands with unexploded ordnances, and the lack of assurances for safety compound to make it difficult for all humanitarian agencies, including Save the Children, from scaling up in hard-to-reach areas, where children are most in need of services. Ongoing intensification of the conflict in Donetsk and Luhansk Oblasts continues to pose a very real threat. Save the Children frequently hears anecdotal reports about journalists, and civilian populations, or even in one case an international NGO's vehicle getting caught up in shelling.

Since the February escalation of the conflict, there have been eight Ukrainian and international journalists killed, as of May 30<sup>th</sup>, 2022.<sup>4</sup> As Country Director for Save the Children, I am responsible for the safety and security of all staff, our partners, and the children and families we seek to support. Two weeks ago, we were in Kharkiv, a city that has been destroyed from the conflict, to start conversations on expanding our presence there. While my staff were there, 3 kilometers away artillery shelling started. Thankfully, my staff made a quick exit to safety, but this is one example to provide an insight into our complex and heavily insecure operating environment.

With such heavy restrictions on our access Save the Children continues to support volunteers and small-scale local responders who are providing services to scale up to meet the needs of communities in the "hot zones". Recently, the UN Office for the Coordination of Humanitarian Affairs (OCHA) has started to organize interagency convoys to deliver much needed food, water, medicine, and hygiene items. Save the Children continues to welcome such collective initiatives. To be able to expand our access, we need to see full international support, including diplomatic action from the U.S. government, to ensure that all parties to the conflict are reminded that the denial of humanitarian access is a violation of international humanitarian law (IHL), with grave impacts for children. We need to collectively work together to expand and protect humanitarian access. This also includes supporting the existing humanitarian coordination structures, including the Humanitarian Access Working Group, to ensure mappings of agencies can be undertaken and that safe and ethical sharing of data and information relevant and necessary to address humanitarian needs and inform a tailored scale up.

### Limited ability to assess needs of trapped and moving populations

Due to the security situation, it is very difficult to understand and assess the needs of the trapped populations that remain in these hard-to-reach areas. From engaging with several authorities across the various Oblasts, Save the Children has learned that tens of thousands of people remain trapped, unable to leave some of these areas, with little details known about their specific needs and the well-being of any children in these areas.

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<sup>4</sup> Washington Post, 'These are the journalists killed during Russia's war on Ukraine' Available at <https://www.washingtonpost.com/world/2022/03/24/journalists-killed-ukraine-russia-war/>

The reasons and circumstances why people have stayed in place or have been unable to seek refuge elsewhere vary widely. Some children and their families remain trapped due to the intensification of fighting, with them physically not being able to leave; others, mostly elderly people, and persons with disabilities and/or illnesses, choose to remain as they are immobile etc, and others stay for financial reasons limited alternative options, or to remain close to family members.

The protection of civilians is the cornerstone of international humanitarian law (IHL), with civilians having the right to leave a territory if and when they wish.<sup>5</sup> However, at present there are no guarantees of safe evacuations of children and their families wishing to leave these areas, with intensification of the conflict in Donetsk and Luhansk Oblasts making it even more difficult. All parties to the conflict must abide by their obligations not to carry out attacks that would target or cause harm to civilians who are on the move, including along railway and road routes being used to leave.

Save the Children continues to hear deeply concerning reports of civilian vehicles either being refused to leave, or being caught in the crossfire. For example, on May 18<sup>th</sup>, 2022, it was reported that vehicles carrying civilians trying to evacuate Khersonska Oblast came under shelling with six people injured, and on May 19<sup>th</sup>, 2022, it was reported that at least 1,000 vehicles were not allowed to leave the non-government-controlled areas of Zaporizhzhia Oblast. In recent months, humanitarian actors in Ukraine have seen some success with the high-profile evacuation of thousands of people from the conflict-ravaged city of Mariupol. However, with tens of thousands remaining trapped, more needs to be done to ensure the safety of all civilians, particularly children, across the contact lines.

Lastly, it is important to note that despite the security threats, children and their families continue to move back and forth. For example, approximately 500- 800 families continue to arrive daily to Zaporizhzhia from conflict affected places like Mariupol, Berdyansk and Tokmak. On 30 May, the International Organization for Migration (IOM) reported that over 4.5 million displaced Ukrainians have returned home.<sup>6</sup> Such numbers have been corroborated at a local level, with a recent conversation in Kharkiv highlighting that over 2,000 people were returning per day. The returning children and their families will also face distinct response needs, particularly those who have returned to conflict-ravaged areas where infrastructure damage is extensive.

### Visas

As part of the scale up, Save the Children is working to deploy experienced humanitarian staff from around the globe to support our operations. Currently, we have over 96 staff in country, 57 of them which are national staff. To best leverage Save the Children's extensive expertise, we regularly call on our staff from across the globe to support in emergency response efforts, while longer-term staffing processes are facilitated. However, this has been problematic in the current crisis as many of our humanitarian staff able to quickly deploy do not hold Schengen visas, which are required to enter the European Union. This includes many of our humanitarian colleagues ready and willing to deploy from the United States and across the global south. Save the Children welcomes *Presidential Decree № 132/2022* that President Zelensky signed on March 14<sup>th</sup>, 2022, establishing a visa-free regime for staff of international humanitarian

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<sup>5</sup> Art 35, 'Right to Leave the Territory'. Convention (IV) relative to the Protection of Civilian Persons in Time of War Geneva (12 August 1949)

<sup>6</sup> International Office of Migration, 'Ukraine – Internal Displacement Report – General Population Survey Round 5' (17 May 2022- 23 May 2022). Available at <https://dtm.iom.int/reports/ukraine-%E2%80%94-internal-displacement-report-%E2%80%94-general-population-survey-round-5-17-may-2022-23>

organizations arriving in Ukraine by invitation from the Cabinet, however this is not enough to facilitate fast entry for humanitarian actors.

With the airports currently closed, the only option for Save the Children and other humanitarian organizations with global staff members to be able to get critical human capacity into Ukraine is to transit through European countries; the most popular being Poland, as the United Nations runs a humanitarian shuttle across the border. Further, due to security considerations, there is a minimum requirement that all deployed staff working inside Ukraine must have a valid Schengen visa to exit into Poland in case of a need for evacuation. Therefore, we need at a minimum six-month multi-entry Schengen visa. U.S. diplomatic attention and support for facilitating such critical visas for humanitarian surge capacity would go a long way to ensuring the right expertise is in place for children in need across Ukraine.

As of 9 June, we currently have 30 Schengen visas pending; 5 were rejected (with two being currently appealed); 8 were approved, but 2 only received a single-entry visa. The remaining 17 are at various stages of the application process. It is important to note the cumbersome and lengthy processes that our staff must go through which affects our ability to serve the population in need. One recent example was when a colleague spent 10-20 hours travelling, only to be denied.

### **Accountability**

Globally, Save the Children continues to champion the need for accountability for violations of international humanitarian law and human rights committed against children living in conflict-affected settings. Ukraine is no different. I have already outlined today the number of children that have been killed or injured, some maimed since the escalation and the attacks on infrastructure. Perpetrators of such grave violations against children must be held to account so that children and their families can have the justice they deserve and to reinforce that such violations are unacceptable in future conflicts. Human rights organisations, like Human Rights Watch<sup>7</sup> and Amnesty International<sup>8</sup> have documented and presented evidence of war crimes perpetrated against civilians, including children, with targeting of civilian infrastructure and civilians, killing and maiming, extra-judicial killing, torture, and sexual violence.

At a national level, the Office of the Prosecutor in Ukraine has very quickly started investigating and prosecuting cases. The office currently has around 40 cases on file and in motion. With a view to supporting national prosecution and potentially future international criminal justice process, several international mechanisms have been established to gather evidence and verify alleged crimes. Internationally recognised as a “watershed” moment, Ukraine has the full support of influential governments, like the United States, for holding perpetrators to account, including through the recent establishment of an Atrocity Crimes Advisory Group, supported by the US, EU, and UK and the newly launched Conflict Observatory. We welcome such support and urge the U.S. government and other international actors to pursue justice and accountability for the over 450 million children affected by conflict in other parts of the world as well.

While Save the Children welcomes and appreciates the proactive action of the international community to ensure accountability for international humanitarian law violations in Ukraine are comprehensively supported, we continue to call for inclusion of child rights expertise across each of these mechanisms and initiatives to ensure the collection, preservation, and

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<sup>7</sup> Human Rights Watch, ‘Ukraine: Executions, Torture During Russian Occupation: Apparent War Crimes in Kyiv, Chernihiv Regions’ Available at <https://www.hrw.org/news/2022/05/18/ukraine-executions-torture-during-russian-occupation>

<sup>8</sup> Amnesty International, ‘Ukraine: “He’s not coming back”. War crimes in Northwest areas of Kyiv Oblast’ (6 May 2022). Available at <https://www.amnesty.org/en/documents/eur50/5561/2022/en/> ;

analysis of evidence of crimes perpetrated against children in Ukraine. When investigating crimes perpetrated against children, it is critical that the best interest of the child is central. For example, there needs to be consideration given to where and how children give evidence and/or testimony, ensuring they understand the process clearly in their own language, and supported by the development of child-friendly materials for child survivors of violations, and most importantly that there is also psychological support available.

It is essential to preserve safeguarding and protection of the victims and survivors of rights violations, notably children, through age, gender, and disability responsive processes, including critical measures to avoid re-traumatization and ensure the quality of evidence and testimonies. The Office of the Prosecutor General, with strengthened support from international mechanisms should be the focal point for all coordination across the various accountability mechanisms launched in relation to the conflict in Ukraine.

### **Conclusion**

At times, the conflict in Ukraine feels relentless. With a rapid scale up comes obvious coordination and response challenges; some of which I have outlined above. However, it is important to note that although February 24<sup>th</sup>, 2022 showcased for the world a shocking escalation of the conflict, this conflict prior to escalation perceived as a protracted crisis has existed since 2014. Therefore, there is a need to ensure that we are addressing not only the immediate needs, but also the root causes of such a conflict with the long-term objective of sustainable peace for children in Ukraine.

With the incredible support we have witnessed from the international community, including the U.S. government, we have a real opportunity to change the way we implement a humanitarian response. Save the Children thanks the US government for their support. We must ensure that our joint efforts continue to support our esteemed partners being able to cross the frontlines to reach those that need life-saving humanitarian assistance. Such efforts must be further supported. We must recognize our collective responsibility as a humanitarian community to ensure that the distinct the needs of children and their families continue to be met, through an age, gender, and disability inclusive lens in recognition that children are not a homogenous group. And we must continue to ensure the protection of humanitarian space and the centrality of humanitarian principles of humanity, impartiality, neutrality, and independence across all humanitarian action.