

INTERNATIONAL LEGAL PROTECTION OF HUMANS RIGHTS IN TIME OF WAR

Hanna Brusiltseva, Ph.D, associate
professor of legal regulation economy
department



КАРПІВСЬКИЙ НАЦІОНАЛЬНИЙ
ЕКОНОМІЧНИЙ УНІВЕРСИТЕТ
ІМЕНІ СЕМЕНА КУЗНЕЦЯ



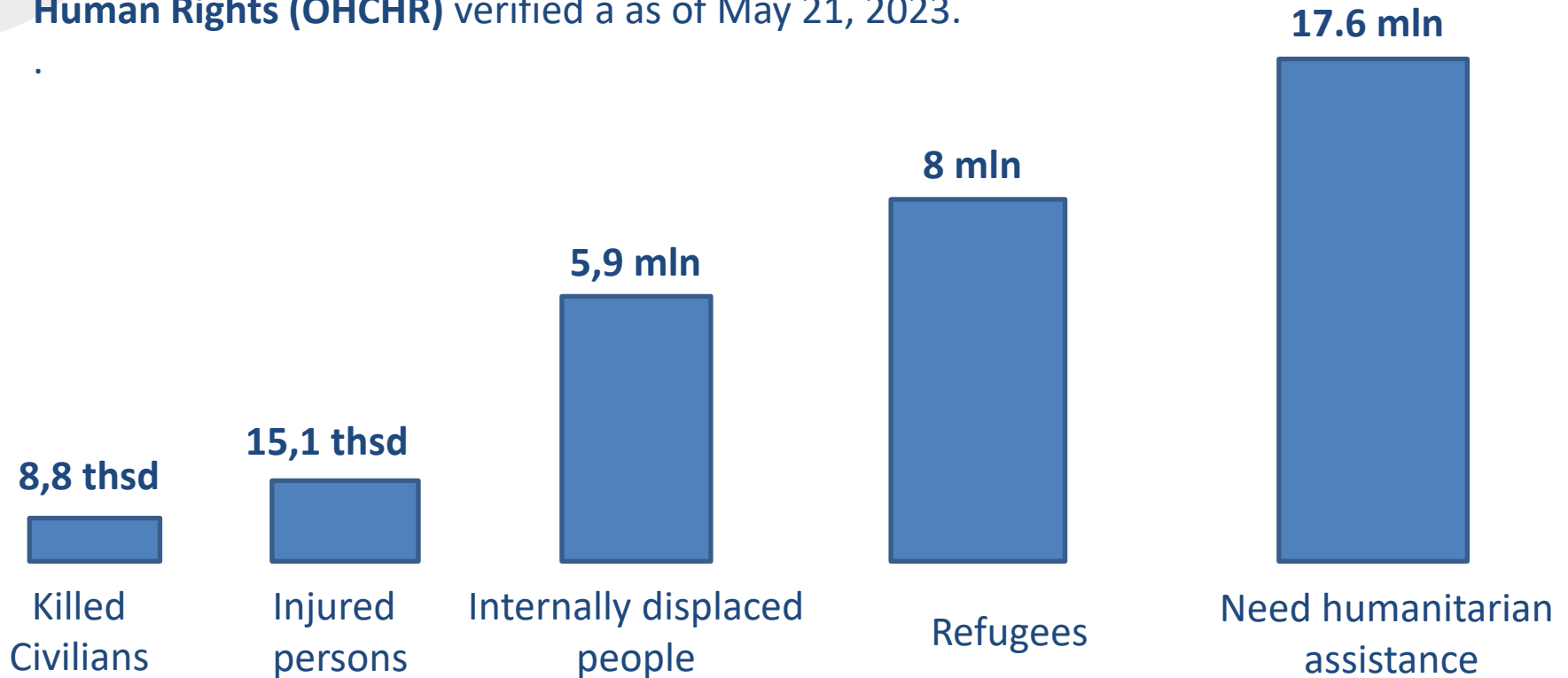
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КНУЕ Simon Kuznets



Russia - Ukraine conflict 2014-2023



Office of the United Nations High Commissioner for Human Rights (OHCHR) verified a as of May 21, 2023.



RELATIONSHIP OF THE DEFINITIONS OF INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL HUMAN RIGHTS LAW



International Humanitarian Law

- Acts in time of war
- It is mandatory for all parties of armed conflict
- Protect persons taking no active part in the hostilities and civilian persons
- Committed violations cause individual responsibility

International Human Rights Law

- Acts in time of war and peacetime
- It is mandatory but some international documents provide the possibility of temporary denial to execute obligations under special conditions
- Acts in relations state – person.
- Protects all civilian persons
- Committed violations cause responsibility of the states. However, individual responsibility can arise if a crime, including a war crime or a crime against humanity, have committed.

International Human Rights Law

Universal Declaration of Human Rights 1948

International Covenants on Civil and Political Rights 1966

International Covenants Economic, Social and Cultural Rights 1966

Conventions relating to Racial Discrimination 1965

Discrimination against Women 1979

Convention on the Rights of the Child 1989

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

European Convention on Human Rights

International Humanitarian Law

Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.

Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949.

Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.

Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

International humanitarian law rule acts only in time of war



Law of War («jus in bello») → «Laws and Customs of War» → «Law of Armed Conflicts»

Contemporary INL used the term **«armed conflict»**, which has a specific regulatory content introduced in Art. 2 of all four Geneva Conventions of August 12, 1949.

«Present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them».

The only goal of IHL – protection of war victims, including wounded and sick in Armed forces, prisoners of war and civilian persons
(Geneva Conventions of 12 august 1949).

Civilian persons



Civilian persons are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of persons a Party to the conflict or Occupying Power of which they are not nationals.

All those who

- are not members of the armed forces of the conflict parties
- are not members of the organized resistance movement

The basic rule of IHL establishing the status of a civilian:

in the case of doubts about whether a person belongs to the civilian population, the presence of such status is presumed until the time of proving the contrary



Peculiarities of the civilian persons/population status in the armed conflict

- subject to protection in conditions of armed conflict (protected persons status by IV Geneva Convention and та I i II Additional Protocols);
- may never be the deliberate target of attacks;
- may never be the objects of indiscriminate attacks or be used as a “human shield”;
- torture, intimidation, harassment, inhuman or degrading treatment are prohibited;
- conditions for the normal life of the civilian population must be ensured;
- vulnerable categories - women and children - are subject to special protection.



**Thank you for
attention!**