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# Interaction of conventional law and the circumstances of society in wartime: The experience of the war between Ukraine and Russia

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## Abstract

The relevance of this study lies in the need to understand the interaction between conventional law and the circumstances of society in wartime, especially in the context of modern conflicts. The purpose of this study was to identify this interaction and determine its impact on the current legal environment. To fulfil this purpose, various research methods were employed, including literature review, document analysis, empirical research, comparative analysis, and expert evaluation. These methods helped to systematise information and carry out a reasoned analysis of the interaction between legal norms and the circumstances of modern society in the context of military operations. The findings of this study show that the problem of implementing conventional law in the context of armed conflict is caused not only by different interpretations of its provisions, but also by systematic violations of international humanitarian law by the parties to the conflict. It is noted that some of these violations may be the result of a lack of clarity or contradictions in the texts of the conventions, as well as differences in national legislation. Specific examples were considered in the context of different types of conflicts, including armed conflicts and situations of occupation, where systematic violations of human rights and humanitarian standards are recorded. Specifically, the study investigated the attitude towards civilians, the circumstances of warfare, the treatment of prisoners of war, the provision of medical care in the conflict zone, humanitarian aid, access to education and food. The study also examined the manipulation of information and the legal framework by Russia. In view of the identified difficulties in implementing conventional law, the study proposed concrete ways to improve the international legal mechanism, namely by clarifying and harmonising the rules of international humanitarian law, ensuring more effective monitoring and accountability for violations, and engaging in dialogue with all stakeholders, neutral observers and partner countries to jointly find solutions. This allows formulating recommendations for international organisations, states, and human rights groups on further measures to ensure compliance with conventional law in the context of armed conflict and improve human rights protection

## Keywords:

human rights; rehabilitation; international humanitarian law; martial law; judicial proceedings; military operations; media

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## Introduction

The relevance of the study of the interaction between conventional law and reality in the context of Russia's war against Ukraine lies in the fact that a comparison of theoretical background and practical developments may serve as an excellent basis for adjusting or revising existing international law and further developing it. Based on the principles of international humanitarian law, conventions and agreements prescribe the protection of civilians and prisoners of war. However, in practice, the war in the east of Ukraine has revealed serious violations of human rights and international humanitarian law by certain military formations, including illegal detention, physical violence, and torture. Convention law, specifically international humanitarian law, aims to ensure the protection of human rights and minimise the suffering of civilians during military conflicts. However, the practice of applying these rules sometimes deviates from theoretical principles, which casts doubt on the effectiveness of conventional law in real-life military conflicts. Formalising and analysing such violations, identifying patterns of their occurrence and comparing them with existing norms can help to develop effective mechanisms to counteract and minimise analogous cases in the future.

P. Grzebyk (2022) examines the escalation of Russia's aggression against Ukraine and notes that during the conflict, numerous cases of shelling of civilian objects and the use of prohibited means of warfare, such as booby traps and glue mines, were recorded. These weapons pose a serious threat to the lives and health of civilians, including children and minors. The placement of mines in civilian settlements and on evacuation routes violates the fundamental principles of international humanitarian law, namely the principles of non-precision and protection of civilians. These examples are just a few of the many incidents that demonstrate persistent violations of international humanitarian law in the conflict zone. These violations threaten the safety and well-being of the local population and underscore the need for increased international oversight and response to the conflict zone. The researcher concludes that Russia's aggression is absolutely unjustified and should be qualified as a provocation of war of aggression.

Studies on the above-mentioned topics are relevant during most wars of the 21<sup>st</sup> century, but for the present study, articles that consider the Ukraine-Russia war and modern examples of interaction and harmonisation of international humanitarian law with the reality of hostilities are of interest. Thus, O. Hnativ (2023) analysed the mechanism of operation of international treaties in general, as well as the content and problems of application of *jus cogens* rules. The study examined the practice of implementing the provisions of several international

instruments, namely the Vienna Convention on the Law of Treaties, the Budapest Memorandum, and the Charter of the United Nations. Hnativ analysed the interaction of the Russian Federation with the international institutions of which it is a member. The researcher also examined the reactions of the most influential international organisations, such as the United Nations, the Council of Europe, the International Federation of Red Cross and Red Crescent Societies, the International Atomic Energy Agency, and the World Health Organization.

M. Lepskiy & N. Lepska (2023) investigate the transformation of global institutions, including NATO. According to the researchers, the war in Ukraine has demonstrated the incompetence of the world's major security institutions and identified challenges for their rapid transformation to effective reformatting. NATO has been actively involved in this process, which received a new format for the organisation's development after the Ramstein Summit on 26 April 2022. The researchers conclude that the modern solution to the issues of war and peace requires a transition from the concept of a "peace agenda" to the concept of "peacekeeping engineering". NATO's peacekeeping capabilities in resetting the interaction and transformation of UN peacekeeping determine the transition from non-systemic peacekeeping to the development of a peace engineering programme environment, which consists of military, political, diplomatic, political and economic, logistical, socio-humanitarian, environmental, and technological environments.

H.A.K. Salman (2023) examined the provisions of the Geneva Convention on the definition and status of prisoners of war (POW), their rights, and obligations of the various parties to the conflict in relation to them. Specifically, Salman analysed the changes introduced to the Geneva Convention, legal mechanisms and conventions on which various provisions on combatants (prisoners of war, deserters, traitors, and mercenaries) are based<sup>1</sup>. The researcher concluded that the granting of POW status is governed by two main principles: firstly, it is necessary to distinguish between combatants and civilians, and secondly, it is necessary to respect the rules and conventions of war if we want to protect the world from falling into anarchy. However, the absence of international accountability for violations of the rights of prisoners of war encourages the parties to the conflict to continue these violations. The next major step in ensuring compliance with international treaties is for countries to adopt national laws that follow international conventions and to monitor their implementation internationally.

The purpose of the present study was to analyse and systematise the available information and prepare

<sup>1</sup>Geneva Convention relative to the Treatment of Prisoners of War. (1949, August). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_153#Text](https://zakon.rada.gov.ua/laws/show/995_153#Text).

recommendations for international organisations, states, and human rights groups on further measures to ensure compliance with the Convention in the context of armed conflict.

## Materials and Methods

The methods used in this study are aimed at investigating the interaction between conventional law and the circumstances of society in wartime and are inherent in most humanitarian studies, namely: literature review to analyse scientific sources, including journal articles, books, reports, and statements of international organisations and other publications, to gain an understanding of the theoretical aspects of the interaction between conventional law and the realities of society in the context of Russia's war against Ukraine; document analysis in the review of international documents and regulations, such as the Geneva Conventions, their additional protocols, international treaties and agreements governing the behaviour of parties to the conflict, the status and protection of human rights; empirical research was conducted using empirical analysis methods, which involve collecting and analysing data from various sources, such as reports of human rights organisations, official government reports and other documents, combining them, formalising them, and further analysing them; comparative analysis of legal systems and practices of different countries in conflict to identify differences and similarities in the application of conventional law, international practice in similar situations, conclusions of monitoring missions and media coverage; content analysis was employed to analyse publications and information from official sources, narratives, and trends of information in the media and social networks. These methods were used to systematise, analyse, and interpret information to achieve an objective and comprehensive understanding of the interaction between conventional law and social reality in the context of the Russian-Ukrainian war.

An important part of the sources on the subject under study included statements and reports of international human rights organisations, such as Human Rights Watch (2023a; 2023b; 2023c), describing terror against civilians by Russia, the use of cluster munitions and super-heavy munitions to shell civilians and infrastructure, as well as evidence of targeted destruction and attacks on civilian objects in the city of Mariupol; Amnesty International (2023; 2024) on the observance

and implementation of agreements and norms of international law in the occupied territories and in the area of hostilities, as well as the status and consequences for education, access to it, its quality, and the availability of qualified specialists in the occupied territories and in areas close to active hostilities. The study analysed the Human Rights Council report (2023) on the situation of civilians and the impact of the war on their lives, access to healthcare and human rights in the territories occupied by Russia. The Geneva Conventions<sup>1</sup> and their Additional Protocols<sup>2</sup> and their content were analysed to understand which provisions are violated by Russia. The study also considered a range of articles by Ukrainian and foreign researchers on conventional law, international humanitarian law, international organisations, and their behaviour in active hostilities, as well as on related topics, including rehabilitation of military personnel, use of new technologies in hostilities, daily life of civilians, and the role of the media in covering war/informing society.

## Results

**The need to develop international monitoring and enforcement mechanisms.** The Geneva Conventions<sup>3</sup> and Additional Protocols<sup>4</sup> governing the conduct of the parties to armed conflicts establish the principles of humane treatment of prisoners of war, protection of civilians and neutrals, and prohibition of the use of certain weapons. However, despite the existence of such rules, military conflicts are often accompanied by systematic violations of international humanitarian law. For instance, according to Article 3 of the Geneva Conventions of 1949<sup>5</sup>, which covers the humane treatment of POWs, no form of violence or threats against their life, health, honour, and dignity is permitted, which is contrary to international norms and standards. In turn, the Russian Federation and its military units systematically violate these norms by using prohibited weapons (Human Rights Watch, 2023b), deliberately destroying civilian infrastructure (Human Rights Watch, 2023a), and launching massive attacks on civilians (Human Rights Watch, 2023c) in violation of international law and human rights. In the context of the conflict between Ukraine and Russia, there are also numerous cases of violations of international norms and standards of humanitarian law (Kyrydon & Troyan, 2023). For instance, the shelling of civilian populated areas, the use of non-conventional means of warfare, and the unlawful

<sup>1</sup>The Geneva Conventions and their Commentaries. (1949, August). Retrieved from <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>.

<sup>2</sup>Additional Protocols to the Geneva Conventions of 1949. (1977, June). Retrieved from <https://www.icrc.org/en/document/additional-protocols-geneva-conventions-1949-factsheet>.

<sup>3</sup>The Geneva Conventions and their Commentaries. (1949, August). Retrieved from <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>.

<sup>4</sup>Additional Protocols to the Geneva Conventions of 1949. (1977, June). Retrieved from <https://www.icrc.org/en/document/additional-protocols-geneva-conventions-1949-factsheet>.

<sup>5</sup>Convention (III) Relative to the Treatment of Prisoners of War. Geneva. (1949, August). Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949>.

detention and exploitation of POWs and civilians (Two-year update. Protection of civilians..., 2024). There are cases when the aggressor tries to justify its actions by referring to the lack of a clear definition of terms in international law or to internal political circumstances (Has Putin's war failed..., 2023). However, this does not justify the violation of the fundamental principles of humanitarian law, which prescribe the protection of the most vulnerable populations (Human Rights Council, 2023).

Another problem is the lack of effective mechanisms for monitoring and ensuring accountability for violations of international humanitarian law. Often, violators go unpunished due to the lack of international judicial bodies capable of considering such cases or insufficient political pressure on countries that violate rights. Thus, it is necessary to develop mechanisms of inevitable responsibility and effective control over the observance of international humanitarian law in the context of military conflicts. This may include consideration of the possibility of establishing ad hoc tribunals, such as the International Military Tribunal at Nuremberg (International Military Tribunal at Nuremberg, 2020) after World War II; international investigative mechanisms to investigate war crimes and human rights violations; and strengthening the role of international observers in monitoring the situation in the conflict zone (such as OSCE, UN SMM or PACE observers, or NATO peacekeepers). Such steps will help to record offences and bring the perpetrators to justice. The presence of observers in the conflict zone helps not only to monitor compliance with international standards, but also to investigate violations of human rights and humanitarian law. Such missions can to some extent protect civilians and assist in the delivery of humanitarian aid, specifically the peacekeeping missions of the International Committee of the Red Cross (ICRC), which are aimed at helping to organise prisoner of war exchanges and monitoring the implementation of the Geneva Convention (Hill-Cawthorne, 2023).

However, a key aspect of the development of international oversight mechanisms is to ensure their independence and objectivity. This means that monitoring and reporting mechanisms should have sufficient resources, legal status and opportunities to work independently, free from the influence of political, economic, and power interests. Specifically, Amnesty International's annual report (2023) notes that the war poses many challenges to objectivity, unbiasedness, and impartiality. It is also important to improve data collection and analysis mechanisms for the effective monitoring and enforcement of international law in conflict situations. This includes the development of innovative technologies, the use of modern data analysis techniques, and the promotion of innovation in monitoring and reporting, including investigations using modern

technologies such as neural networks and open-source intelligence methodologies.

Cooperation between international and national control bodies and the implementation of conventional norms is an important component of the effective functioning of international mechanisms. The exchange of experience, training, and joint projects should contribute to the improvement of efficiency and the development of best practices in the field of control and enforcement. Specifically, the UN regularly addresses the current situation in Ukraine at the international level, as M. Lepskiy & N. Lepska (2023) consider the process of transformation of global institutions against the background of Russia's military aggression against Ukraine. Another important component of an effective response to military conflicts is the involvement of the public and human rights organisations in monitoring the situation and exposing human rights violations. Local and national civil society organisations can play a key role in collecting and analysing information on various violations, advocating for the rights of victims and drawing the attention of the international community to the situation in the conflict zone. An example of such cooperation is the monitoring missions of OSCE and MSF. Civil society and activist groups can play a key role in monitoring compliance with international law in conflict, and it is essential to engage them in monitoring, gathering information, and reporting violations, as well as in advocacy and mobilising public opinion on the need to uphold international standards. However, such involvement must be safe and guarantee protection, considering the aggressor country's disregard for international agreements. This implies the need to strengthen international legal protection for victims of conflicts, which may include the establishment of compensation mechanisms, support for access to justice and rehabilitation programmes for victims.

**Status of civilians, medical care, and humanitarian aid in wartime.** Civilians become the most vulnerable in times of war. International humanitarian law establishes an obligation to protect civilians from the effects of war and to provide access to medical care<sup>1</sup>. However, the reality of the war in the east of Ukraine has highlighted problems with access to healthcare due to limited access to healthcare facilities and hindrances to the delivery of humanitarian aid (Lundberg *et al.*, 2019). An illustrative example is the situation in the city of Avdiivka, where access to medical facilities and the delivery of medical supplies was restricted due to the hostilities, leading to a crisis situation with the provision of medical care to the civilian population (Kozatsky, 2023). Usually, in a military conflict zone, civilians stay under the threat of physical and psychological danger. Civilians, especially children, the elderly and women, are particularly vulnerable to the threats of war.

<sup>1</sup>Convention (IV) Relative to the Protection of Civilian Persons in Time of War. (1949, August). Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>.

Often they are forced to leave their homes and seek refuge in refugee centres or even in hideouts. Furthermore, these people are forced to face problems with access to essential resources, such as food, water, medication, and even primary healthcare.

The escalation of the conflict often leads to the blocking of humanitarian routes and the blocking of humanitarian corridors, further exacerbating the situation with the provision of supplies, food, and medical care for the civilian population. Providing medical care in a conflict zone is often a difficult and dangerous task due to the limited availability of medical equipment, medication, and qualified medical professionals. Doctors and medical staff who stay on or near the frontline often come under fire, putting their lives at risk and making it difficult to provide medical care to the wounded and sick. An example of an analogous situation is the case of Swedish doctors in Mali (Lundberg *et al.*, 2019). Therefore, humanitarian aid, including medical care, must be provided uninterrupted and unhindered, following the principles of international humanitarian law. This means ensuring the safety of humanitarian convoys, opening humanitarian corridors, and ensuring the neutrality of medical facilities. However, one of the key challenges in providing medical and humanitarian aid is the lack of continuous access to the conflict zone due to security restrictions and barriers. Continuous and unimpeded access to civilians is critical to ensuring their basic needs and safety. The main prospects are considered to be in overcoming humanitarian crises in the conflict zone by activating international humanitarian organisations, cooperating with government agencies and local communities, and making joint efforts to restore peaceful life for the civilian population.

**Securing children's rights in wartime.** Particular attention should be paid to the protection of children's rights in time of war. Children are the most vulnerable group affected by armed conflict, and they often become victims of violence, loss of parents, and family separation. It is necessary to develop special programmes and measures to protect the rights of children during armed conflicts, considering their special needs and interests.

It is important to pay attention to protecting children from all forms of violence, exploitation and trafficking, which are often exacerbated in conflict zones. Conditions of war often lead to an increase in child labour, where children are forced to work to help their families survive (Lidiia & Stasiuk, 2023). Measures should be taken to prevent this, including by ensuring access to education and family support that will enable parents to provide for their children without labour exploitation. This may include providing safe spaces for children, legal aid, and the development of a social support system. It is also important to develop and implement strategies to protect children from recruitment and exploitation in armed conflict. This can be achieved through information campaigns, teacher training, legal mechanisms, and monitoring systems to identify and

protect vulnerable children both in the conflict zone and for displaced children (International Bureau for Children's Rights, 2010).

It is also imperative to provide access to psychological support and therapy for children who have experienced traumatic events as a result of war, if possible. According to an article by the ICRC, psychosocial support programmes can include individual counselling, group sessions, art therapy, and other methods aimed at improving children's mental health and helping them to overcome stress and anxiety. Accordingly, it is necessary to ensure free access to medical care and psychosocial support for children and their parents in time of war. This may include the establishment of specialised medical facilities that can provide care to affected children, as well as support from psychologists and social workers on-site or remotely (UNICEF, 2020).

It is important to develop and implement support programmes for internally displaced children and refugees who have fled war, including, as mentioned above, the provision of shelter, medical care, education, and psychosocial support. Specifically, K.V. Bondarenko (2022) notes that since the beginning of the Russian-Ukrainian war in 2014 and, especially, after 22 February 2022, the wave of internal and external migration has reached unprecedented levels. Ukraine loses its most talented, competitive, and economically active citizens to migration. Thus, as of 13 June 2022, starting from 24 February 2022, 7,514,460 people left Ukraine and only 2,479,398 returned, while 3,206,642 Ukrainians received temporary protection in the EU. As of 3 June 2022, 4,172,104 people were registered as IDPs. The specific feature of this wave of migration is that Ukrainian women with children are mostly seeking temporary protection in the EU, and their husbands may join them after the war ends. There is an extremely high risk that Ukraine will lose these young people. It is also important to bear in mind that in times of war, many families may experience economic hardship, which may affect the ability of parents to meet their basic needs and those of their children. It is essential to develop social assistance and economic support programmes for these families to avoid a sense of helplessness and lack of opportunities. This can include social work, benefits, and free maintenance or provision of housing and basic necessities. One of the main recommendations is to ensure that children have immediate access to quality education, even in the conflict zone, through a mixed format of education. This includes creating safe schools and children's centres, training teachers to work with children who have experienced war-related trauma, providing psychological support, and enabling them to receive education remotely.

Effective protection of children's rights in wartime requires joint efforts and coordination by international and civil society organisations, government agencies, and the public. It is important to develop mechanisms for cooperation and information exchange to effectively

respond to the needs of children in war and ensure that they are adequately protected and supported.

**The role of media and information platforms in conducting an objective information policy.** Media and information platforms play an important role in shaping global opinion on conflicts and human rights protection. Objective and independent coverage of events in the conflict zone is an essential aspect of ensuring transparency and openness in conflict resolution. T. Plazova *et al.* (2024) note that the arsenal of Russian information warfare tools is wide and diverse. Russia's information warfare uses conventional tools, such as the media, troll factories, bot factories, and fake news, as well as modern technologies, such as deepfake. This arsenal is constantly evolving and adapting to the technological advancement. The Kremlin's key purpose in its information warfare is to destabilise Ukraine from within. The key strategy is to create the impression that Ukraine is closely linked to Russia as a "Eurasian" state. This includes not only the spread of disinformation, but also the use of social media and other platforms to shape certain narratives. Media and users are becoming victims of information warfare. Attacks on the media, including the dissemination of false information, are becoming a widespread phenomenon. Social media and media users are exposed to influences that can distort public opinion and create the impression of a false reality. Cyber operations are a specific feature of information warfare. State-backed hacker groups are actively engaged in cyber espionage, trying to infiltrate government networks, media organisations, and critical infrastructure. Not only does this provide access to confidential information, but it can also disrupt communication channels and threaten data integrity. At the same time, Russia's information warfare goes beyond Ukraine. Russia is actively influencing public opinion in European countries, the United States, and beyond. The concept of "influence operations" uses social media platforms to spread certain narratives and sow hatred. Furthermore, the media can perform the function of monitoring the observance of human rights and humanitarian law in time of war, which contributes to the responsibility of the aggressor country to the international community.

Therefore, one of the key tasks is to ensure the objectivity and independence of media and information platforms. It is essential for journalists and editors to adhere to professional standards, avoid the influence of political or commercial interests, and provide objective information about events in the conflict zones. Unfortunately, this issue is relevant to both sides of the conflict. Media and information platforms should provide factual and reliable information about events in the conflict zones. They should check the sources of information, avoiding the spread of unconfirmed rumours, or manipulative information that could lead to a distortion of reality. For this, the media should use multiple sources and perspectives in their reporting on events in

conflict zones, including international ones. This includes involving different parties to the conflict, experts, witnesses, and journalists to get a complete and most objective picture of the events.

Russian state media often deliberately distort facts, present deliberately false information, and manipulate public opinion, and therefore it is critical that the media adhere to ethical standards of journalism in their work, namely: avoid sensationalism, protect people's rights and dignity, and respect privacy (except where it is critical to uncovering corruption schemes and high treason). Therefore, another significant aspect is to increase the level of public literacy and critical thinking. Media and information platforms can contribute to this by providing information materials that help audiences analyse and understand complex situations in conflict zones. They should also actively engage with the public, accommodating their opinions, questions, and reasonable requests for information. This can be achieved by publishing readers' letters, organising open discussions, or creating opportunities for public comment. However, it is important to bear in mind that such events and actions can easily be used for propaganda. To prevent this, an essential element of an objective information policy is the development of fact-checking programmes aimed at verifying the accuracy of information received by the media. Amnesty International (2024) in its annual report notes the need to partially change the methods and tools for verifying information and fact-checking, which further indicates the need for changes in the international approach of the media. This will help prevent the spread of fake news and manipulative information. It is also important to create educational programmes for journalists aimed at improving their professional competence in ethics, objectivity, and independence. Programmes can include trainings, master classes, and specialised courses.

Media and information platforms can introduce innovative formats for presenting information, such as video reports, animations, interactive infographics, etc. This will make the information more accessible and understandable for different audiences. It is therefore vital to support the development of community media, which often act as platforms for alternative and independent information. This will help to ensure diversity and objectivity in the information space, which can help to counteract and combat enemy propaganda.

**Judiciary and public order.** The judiciary also plays a key role in ensuring justice and maintaining public order during wartime. However, in the context of the conflict between Ukraine and Russia, there have been cases of irregularities in the judicial process and unfair court decisions that have undermined trust in justice and the legal system (Alston, 2023). The conditions of military conflict pose complex challenges for the judiciary and law enforcement agencies both locally and internationally. Basic principles of justice, such as

the right to a fair trial, the presumption of innocence, and access to adequate legal protection, are often violated due to the lack of international oversight. This leads to systematic human rights violations, including the illegal detention of civilians and POWs, poor conditions of detention, torture, and inaction in the investigation of crimes in the occupied territories.

Generally, it is important to emphasise that in military conflicts, compliance with international norms and standards of humanitarian law is critical. Continuous monitoring and reporting of human rights and international humanitarian law violations are key to ensuring justice and protecting populations in wartime (Rodríguez Revegino & Becerra-Bolaños, 2022). In the context of armed conflict, there is often a prominent degree of politicisation of trials and interference in the work of the courts by armed groups. This threatens the independence of the judiciary and the stability of the legal order (Hnativ, 2023)

Often, ensuring public order in a conflict zone requires increased coordination between law enforcement agencies, military units, and the public (Tammi, 2023). However, unlike in peaceful conditions, in wartime, the effectiveness of the police and law enforcement agencies is often limited, and their work is complicated by the danger to life and health. Undoubtedly, ensuring the safety of citizens and protecting their rights in time of war requires the government and international partners to take active measures to monitor, assist, and promote the implementation of laws and international human rights standards. However, one of the biggest challenges is to restore trust in the judiciary and law enforcement agencies. This can be achieved through reforms aimed at increasing transparency, efficiency, and accountability to citizens (Cioffi & Cecanecchia, 2023). Appointing judges and police officers in a transparent and competitive manner, providing adequate training and supervision, as well as state support for human rights bodies and social control, can contribute to the establishment of the rule of law and stability in the de-occupied territories.

**Creating mechanisms for rehabilitation and recovery.** After the end of a military conflict, there is a need to create mechanisms for rehabilitation, re-socialisation, and recovery. This applies not only to the physical but also to the psychological rehabilitation of victims, including military personnel, volunteers, POWs, civilians, and children who witnessed or took part in hostilities. International humanitarian organisations, governments, and civil society organisations can work together to provide comprehensive support and assistance to those affected.

One of the main recommendations is to ensure access to comprehensive psychosocial support for survivors (International Medical Corps, 2017). This includes consultations with a psychologist, psychotherapist, and the development of support programmes to overcome

stress and trauma, specifically for veterans, children, and victims of violence (Lathia *et al.*, 2020). Rehabilitation and treatment programmes for people injured in the conflict should also be launched. This can include physical therapy, reintegration into society, and vocational training for those who have lost their health. It is important to create specialised recovery centres. Such centres can focus on providing access to healthcare, education, vocational rehabilitation, and psychosocial support (UNICEF, 2020).

One of the strategic objectives will be to provide support in restoring housing conditions for those who lost their homes due to the conflict. This includes reconstruction of destroyed buildings, provision of temporary housing, and financial support in securing the necessary resources. An essential aspect is to support the restoration of social and economic stability for affected groups. This may include the development of vocational rehabilitation programmes, microcredit for entrepreneurship, and other measures aimed at strengthening the economic potential of communities.

The response and support of the international community will be important for the implementation of these programmes. Most international organisations, including the UN, the ICRC, and other international human rights organisations, are actively involved in ensuring the protection of human rights and providing humanitarian aid in the affected regions. However, a more proactive and coordinated response from the international community is needed to ensure effective support and protection of the war-affected population (Sotiroski, 2023; Tammi, 2023).

In the conflict zone, diplomatic efforts and peacekeeping initiatives need to be further intensified to facilitate conflict resolution and ensure stability. This may include the exchange of prisoners of war, the involvement of international mediators, joint declarations, and the assistance of our allies. International civil organisations, government agencies, and international organisations should cooperate to ensure human rights and protect civilians in the conflict zone. This means implementing international human rights standards and ensuring the safety of citizens, especially vulnerable groups such as children, women, and people with disabilities. It is also important to consolidate the status of Ukraine as a country defending itself from military aggression by Russia at the international legal level (Dill, 2023).

After the active phase of hostilities is over and the territories are liberated, it is important to provide humanitarian aid to the victims and rebuild the infrastructure. Rehabilitation and reconstruction programmes will help rebuild destroyed towns and villages and support affected communities. International organisations, governments, and civil organisations should cooperate and share experiences on effective strategies for responding to conflicts and preventing the breakdown of peace and stability.

## Discussion

At the global level, the issue of the interaction between conventional law and the realities of society in time of war is central to numerous discussions and debates. International organisations working in the field of human rights and humanitarian law are actively investigating this issue and developing strategies to address it, but the reality of Russia's war against Ukraine shows that international humanitarian and conventional law is often unable to respond to the challenges posed. One of the principal areas of discussion is the role of the international community in protecting human rights and ensuring the implementation of conventional law in conflict situations. Various states and international organisations are actively discussing possible ways of cooperation and joint measures to ensure the protection of human rights and international humanitarian law during conflicts. P. Alston (2023) examines the change in the international judicial process and its shift from general problems to the prosecution of concrete perpetrators. The researcher concludes that the modern judicial system to a certain extent detaches itself from the root of the problem and focuses on its "symptoms". Alston also suggests that human rights violations should be considered not only as individual cases, but also as a set of interconnected precedents, which will allow for a clearer and more understandable picture of the causes of such violations. This opinion can be agreed with, since a comprehensive understanding of the causes of violations of the convention law in the context of the Russian-Ukrainian war, as well as the development of a legal framework (an array of recorded offences and court decisions) can help bring Russia to international responsibility.

The issue of the effectiveness of international control and monitoring mechanisms in time of war is also relevant. Discussions on improving such mechanisms, as well as on developing new strategies for monitoring the implementation of conventional law, take place at international conferences, summits, meetings, and other international forums. The general discussion of the problem also stimulates the activity of research groups and experts in the field of law, which contributes to the development of new approaches and the development of specific recommendations for addressing this complex issue. M. Lepskiy & N. Lepska (2023) examine the transformation of global institutions, including NATO. According to the researchers, the war in Ukraine has demonstrated the incompetence of the world's major security institutions and identified challenges for their rapid transformation to effective reformatting. NATO has been actively involved in such transformation, having formed a new development format for itself after the summit on 26 April 2022 in Ramstein. The researchers conclude that the modern solution to the issues of war and peace requires a transition from the concept of a

"peace agenda" to the concept of "peacekeeping engineering". Specifically, it is noted that NATO's peacekeeping capabilities in resetting the interaction and transformation of UN peacekeeping determine the transition from non-systemic peacekeeping to the development of a peace engineering programme environment, which consists of military, political, diplomatic, political and economic, logistical, socio-humanitarian, environmental, and technological environments. The cited study also notes the practice of analysing incidents of human rights and humanitarian law violations in various conflict zones. For instance, it covers situations with violations of the rights of civilians and prisoners of war, as well as cases of insufficient medical care and humanitarian aid. Admittedly, such a transformation is a natural consequence of the inability of some associations and organisations to conduct their activities adequately and according to their functions/tasks (Al-Kasimi, 2023). Russia's war against Ukraine is a modern warfare employing the latest technology (Fowmina & Rabbiraj, 2023), mercenaries (Gunawan *et al.*, 2024), and a great deal of manipulation, corruption, and media involvement to portray the situation in a light that suits Russia and its allies. That is why the evolution and revision of basic norms and requirements is a necessary step for the strengthening, development, and effective operation of international organisations.

The issue of ensuring children's rights in time of war is of particular interest and discussion by international civil organisations, human rights institutions, and activist groups. Determining the most effective ways to protect and rehabilitate children affected by war is one of the most urgent tasks. Furthermore, the discussion of the problem helps to raise awareness of the need to develop international standards and control mechanisms governing activities in conflict situations. The results of these discussions can have a considerable impact on the policy-making of states, international organisations, and human rights organisations in the field of human rights and humanitarian law in war and conflict. L. Hill-Cawthorne (2023) addresses the issue of non-compliance with the Geneva Convention during hostilities. Specifically, the researcher notes that different interpretations of the articles of the Convention may lead to manipulation of civilians and POWs by the parties to the conflict, and recommends that unambiguous rules of interpretation and interaction be developed for all countries. It is difficult to agree with the researcher and their conclusion, because legislation should be flexible and prevent attempts to abuse laws at all levels (international, state, and local). In the case of the illegal transfer of children to Russia, the "legal" substantiation was international humanitarian law itself, namely the IV Geneva Convention<sup>1</sup>. Therefore, only strict international control and verification of the letter of the law to

<sup>1</sup>Convention (IV) Relative to the Protection of Civilian Persons in Time of War. (1949, August). Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>.

its content can be considered a truly effective method of observing and implementing conventional law.

At the global level, the role of media and information platforms in ensuring an objective information policy in times of conflict is also important. T. Plazova *et al.* (2024) examines the problem of using a hybrid approach to manipulating public opinion by Russian state media, which leads to a substantial distortion of the objective situation and the state of affairs in violation of human rights, international agreements, and international humanitarian law. Therefore, access to objective and reliable information is a key factor in shaping global opinion and reaction to conflict situations.

Recent events and research also highlight the need to develop rehabilitation and recovery mechanisms for those affected by war and conflict. An effective rehabilitation system is key to restoring the physical and mental health of victims and helping them return to a full life.

In summary, the discussion of the issue at the global level demonstrates the general interest and efforts of the community to address the complex issues related to war and conflict. Interaction between states, international organisations, civil society institutions, and the expert community is a crucial element in ensuring peace, stability, and the protection of human rights around the world.

## Conclusions

In the context of modern wars and conflicts, it is important to consider the interaction of conventional law and the realities of society not only in terms of their impact on the legal environment, but also in terms of the challenges faced by the international community and individual countries. The study found that the conditions of war pose complex legal and ethical challenges to the effective application of conventional law and to the performance of international obligations and agreements. This situation is conditioned by the fact that the circumstances of society in time of war differ considerably from conventional ideas about the observance of rights and obligations in peacetime and are complicated by

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active hostilities and, often, by the aggressive influence of the media on public opinion and coverage of reality.

The study also showed that human rights, including children's rights, are being violated in the war due to inhumane treatment by Russian military forces, obstruction and/or impediment of access to medical services and humanitarian supplies, and acts of violence against civilians, which is a direct violation of Protocol I, 4<sup>th</sup> provision of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1977. Prisoners of war captured by Russia are also at risk and are held in appalling conditions and subjected to torture, which is a violation of Article 3 of the Geneva Convention relative to the Treatment of Prisoners of War. Problems with the status of civilians, medical care, and humanitarian aid arise from the limited availability of resources and obstacles to accessing them in conflict zones, as evidenced by numerous reports by international organisations. This situation has critical negative consequences for the demographic, cultural, ethnic, and legal situation in Ukraine, as it complicates the interaction of legal and human rights organisations with the population, and often even threatens the physical life of civilians.

Considering the above, one of the key conclusions is the need for further, comprehensive development of international mechanisms for monitoring and enforcement of conventional law on the territory of Ukraine in the context of the Russian-Ukrainian war. This includes improving monitoring mechanisms, providing international support for the protection of human rights, and strengthening international cooperation in the investigation of human rights violations. The ways to implement these measures and their problematic aspects will require a thorough scientific investigation.

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## Conflict of Interest

None.

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## Взаємодія конвенційного права та реалій суспільства в умовах війни: досвід війни України та Росії

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### Анотація

Актуальність роботи полягає в необхідності розуміння взаємодії конвенційного права та реалій суспільства в умовах війни, передусім у контексті сучасних конфліктів. Метою роботи є виявлення цієї взаємодії та визначення її впливу на сучасне правове середовище. Для досягнення мети використано різноманітні методи дослідження, зокрема: літературний огляд, аналіз документів, емпіричні дослідження, порівняльний аналіз та експертну оцінку. Ці методи надали можливість систематизувати інформацію та здійснити обґрунтований аналіз взаємодії правових норм і реалій сучасного суспільства в контексті воєнних дій. Результати дослідження засвідчують, що проблема впровадження конвенційного права в умовах воєнного конфлікту спричинена не лише різними інтерпретаціями його норм, а й систематичним порушенням міжнародного гуманітарного права з боку сторін конфлікту. Зазначено, що деякі з цих порушень можуть бути наслідком недостатньої чіткості чи суперечностей у текстах конвенцій, а також розбіжностей у національних законодавствах. Специфічні приклади розглянуто в контексті різних видів конфліктів, зокрема збройних конфліктів і ситуацій окупації, де фіксують систематичні порушення прав людини та гуманітарних стандартів. Зокрема, досліджено ставлення до цивільного населення, обставини ведення війни, поводження з військовополоненими, надання медичної допомоги в зоні конфлікту, гуманітарне забезпечення, доступ до освіти та їжі. Також розглянуто маніпуляцію інформацією та правовою базою з боку Росії. У зв'язку з виявленими складнощами впровадження конвенційного права запропоновано конкретні шляхи вдосконалення міжнародного правового механізму, а саме шляхом уточнення та узгодження норм міжнародного гуманітарного права, забезпечення ефективнішого моніторингу й відповідальності за порушення, а також залучення до діалогу всіх зацікавлених сторін, нейтральних спостерігачів і країн-партнерів для спільного пошуку рішень. Це дає змогу сформулювати рекомендації для міжнародних організацій, держав і правозахисних груп щодо подальших заходів із забезпечення дотримання конвенційного права в умовах воєнного конфлікту та покращення захисту прав людини

### Ключові слова:

права людини; реабілітація; міжнародне гуманітарне право; воєнний стан; судочинство; воєнні дії; медіа