

Oksana PRYKHODKO¹

National Defence University of Ukraine, Ukraine

ORCID: 0009-0000-1059-7750

DOI : 10.14746/ps.2025.1.5

Liudmyla MEDVID

National Defence University of Ukraine, Ukraine

ORCID: 0000-0002-0035-9748

PROTECTING THE RIGHTS OF MILITARY PERSONNEL IN ARMED CONFLICTS: INTERNATIONAL STANDARDS AND UKRAINIAN PRACTICE

INTRODUCTION

The world in 2025 remains the scene of numerous armed conflicts that vary in scale, intensity and causes. Despite advances in technology and diplomacy, armed conflicts continue to be part of global reality, affecting millions of people. Today, there are dozens of active armed confrontations in the world, ranging from full-scale wars to local insurgencies, which demonstrates the complexity of the current geopolitical situation.

According to studies such as the International Crisis Group or the Uppsala Conflict Data Programme (Uppsala Conflict Data Program Department of Peace and Conflict Research, 2023), 30 to 50 major armed conflicts were recorded annually in the 2020s. As of March 2025, the following were noted: the Russian-Ukrainian war, the conflict in Yemen, the civil war in Ethiopia (although a peace agreement was signed in 2022, the situation remains unstable), the confrontation in the Middle East (in particular between Israel and Hamas), as well as numerous local conflicts in Africa, such as in Mali or South Sudan. Added to this are border clashes, such as between Armenia and Azerbaijan, and insurgencies in Myanmar. The number of conflicts has increased after a relative decline in the 1990s and 2000s, due to new geopolitical challenges and the weakness of international deterrence mechanisms (Institute for Economics and Peace, 2024).

Today, armed conflicts have a variety of causes (territorial disputes, struggle for resources, political instability, geopolitical rivalries or ideological differences) and are becoming increasingly complex. Hybrid warfare, asymmetric confrontations, and the use of advanced technologies such as drones and cyber weapons are significantly

¹ This article is licensed under the Creative Commons – Attribution – ShareAlike 4.0 (CC-BY-SA 4.0) license.

Artykuł udostępniany jest na licencji Creative Commons – Uznanie autorstwa – Na tych samych warunkach 4.0 (CC-BY-SA 4.0).

transforming the nature of modern warfare. In such circumstances, the issue of legal protection of all those who find themselves in the midst of conflicts becomes extremely relevant. Undoubtedly, civilians suffering from destruction, humanitarian crises and violence need thorough protection guaranteed by international norms, in particular the Geneva Conventions. However, special attention should be paid to combatants – military personnel who are direct participants in hostilities and, accordingly, are most exposed to dangers related to violations of their rights.

Combatants need enhanced legal protection for several reasons and aspects. Firstly, they are the main target of enemy forces and often become victims of violations of international humanitarian law, ranging from ill-treatment in captivity to extrajudicial executions and torture. Secondly, in hybrid and asymmetric conflicts, their legal status can be unclear, especially when it comes to mercenaries, insurgents or irregulars, making it difficult to apply the guarantees of the Geneva Conventions to them. Thirdly, physical injuries sustained in combat are combined with psychological injuries, such as post-traumatic stress disorder, which require not only medical but also long-term legal support in the form of rehabilitation programmes. Finally, the use of new technologies in warfare, such as autonomous weapons (such as the *Israeli Harop*, *Russian Pantsir-S*, *Turkish Bayraktar*, various *UAS SETH* and *Palyanytsya kamikaze drones*, *US Sea Hunter*, etc.), creates legal uncertainty about responsibility for the death or injury of combatants, leaving them without adequate legal protection.

The purpose of this article is to provide a comprehensive analysis of international standards and legal aspects of protecting the rights of military personnel in modern armed conflicts in particular in the context of international humanitarian law, and to examine the practice of their application in Ukraine.

This issue has been studied by B. Shamray (Shamray, 2024: 12–15), I. Avdoshin (Avdoshin, 2023: 56–68), O. Senatorova (Senatorova, 2022: 90–101), M. Grushko (Grushko, 2023: 112–125), P. Bazov (Bazov, 2024: 78–89), and V. Lysik (2022: 10–20).

The following methods were used to achieve the main goal:

- Theoretical analysis: to study and summarise the main provisions of international humanitarian law, in particular the Geneva Conventions and their additional protocols.
- Comparative legal method: to compare international standards with Ukrainian national legislation on the protection of the rights of military personnel.
- Systemic analysis: to study the system of international legal regulation, including the role of international organisations (UN, NATO, ICRC) and international courts.
- Historical and legal method: to analyse precedents that have had a significant impact on the formation of human rights practices in the field of protecting the rights of military personnel.
- Method of concretisation: to identify and analyse specific cases of violations of the rights of military personnel in armed conflicts and mechanisms for overcoming them.
- Prognosis method: to identify potential challenges and gaps in legislation and provide recommendations for addressing them.

INTERNATIONAL HUMANITARIAN LAW AND ITS APPLICATION TO MILITARY PERSONNEL IN UKRAINE

Protection of the rights of servicemen in the twenty-first century is an important aspect of ensuring national security and defence of the State, but it has vulnerable nature at different levels of military management and guarantee social-legal provision. The legal aspects of the protection of the rights of servicemen include, firstly, constitutional guarantees (constitutional rights and freedoms that can be restricted only within the limits determined by law, taking into account the specifics of military service), secondly, international legal acts (international human rights instruments ratified by Ukraine, which also apply to servicemen), national legislation (laws and bylaws of Ukraine).

Contemporary Ukrainian researchers highlight (Radchuk, 2023: 503–511) that most of the legal documents of Ukraine regulating the provision of social guarantees for members of the Armed Forces of Ukraine do not correspond to the current realities of life and do not take into account the significant sacrifices that the country's defenders make at the moral, spiritual, mental, psychological and physical levels for the sake of its defence (Marko, Chernysheva, 2024: 135–142). The European and Euro-Atlantic vector of Ukraine's development, which is strategically determined and unchanged, obliges the state to harmonise national legislation with international standards. According to Article 9 of the Constitution of Ukraine (Constitution of Ukraine, 1996), international treaties ratified by the Verkhovna Rada become part of the country's legal system, and agreements that contradict the Basic Law are allowed only after the relevant amendments are made.

The foundation of this process is the European Convention on Human Rights, which emphasises that the purpose of the Council of Europe is to strengthen unity among its members through the protection and promotion of human rights and fundamental freedoms (European Convention on Human Rights, 1950). The Convention guarantees, in particular, that the right to life of every person is protected by law. Any individual, non-governmental organisation or group of citizens who consider themselves to be victims of a violation of the rights under the Convention by the state have the opportunity to apply to the European Court of Human Rights. This court supervises compliance with the provisions of the Convention, and its judgments are binding on all EU member states, which underlines the importance of implementing these standards in Ukrainian legal practice.

It is also worth mentioning the Geneva Conventions of 1949 and their Additional Protocols of 1977, which are the basis of international humanitarian law (IHL) governing the treatment of participants in armed conflicts, including military personnel. These documents set out basic standards for the protection of combatants' rights, including the humane treatment of prisoners of war, the provision of medical care to the wounded and sick, and the prohibition of torture, humiliation or extrajudicial executions. In the 21st century, when wars are becoming hybrid, have an asymmetric and a technological nature, the implementation of these provisions faces serious challenges. The four Geneva Conventions, adopted on 12 August 1949, focus on the protection of various categories of persons in armed conflict. For military personnel, the key ones are:

- The Third Convention regulates the treatment of prisoners of war. It guarantees that prisoners of war have the right to life, dignified treatment, protection from violence, adequate food, medical care and the possibility of correspondence with their

families. Prisoners cannot be used as human shields or forced to perform hazardous work (Geneva Convention relative to the Treatment of Prisoners of War, 1949).

- The First and Second Conventions (Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949; Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949) concern the protection of the wounded and sick on the battlefield (on land and at sea), obliging parties to the conflict to provide medical care without discrimination.
- The Fourth Convention (Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949), although focused on civilians, also indirectly affects combatants in the context of the occupied territories.

In turn, the Additional Protocols of 1977 expand these guarantees. Protocol I applies to international armed conflicts and clarifies the rights of combatants, in particular by prohibiting indiscriminate attacks and the use of prohibited weapons (Protocol I, 1977). Protocol II regulates non-international conflicts (civil wars), establishing minimum humanitarian standards for all parties, including insurgents (Protocol II, 1977). These provisions are based on the principles of humanity, non-discrimination and respect for human dignity, which must be observed regardless of the nature of the conflict.

In theory, the Geneva Conventions are universal, as they have been ratified by 196 countries, making them binding worldwide. However, in practice, their observance in modern wars is uneven and depends on political will, resources and the nature of the conflict.

Ukraine has ratified the Geneva Conventions of 1949 and the Additional Protocols of 1977, which obliges it to comply with the standards for the treatment of prisoners of war and the wounded. In 2022, the Coordination Headquarters for the Treatment of Prisoners of War was established to facilitate exchanges and monitor the conditions of detention of prisoners (Cabinet of Ministers of Ukraine, 2022).

In the armed conflict in Ukraine (since 2014, and especially after 2022), Ukraine has been complying with the Geneva Conventions and Additional Protocols. For example, camps have been set up for Russian prisoners of war, where, according to the International Committee of the Red Cross (ICRC), detention conditions such as food, medical care, parcels, letters, recreation time, and others are generally provided (Radio Svoboda, 2024). As of today, there are 5 camps for prisoners of war on the territory of Ukraine. The Coordination Headquarters for the Treatment of Prisoners of War organises visits to the camps by media representatives from different countries: they help the international community to learn about the conditions in which Russian military personnel are held (Ukrinform, 2025).

Prisoner exchanges between Ukraine and Russia also indicate attempts to comply with the Third Convention. And in UN peacekeeping operations (for example, in Mali or South Sudan), international forces often demonstrate exemplary compliance with IHL by providing medical care to wounded soldiers of the parties to the conflict (Slovo i Dilo, 2023). In international conflicts involving states with developed legal systems, the Geneva Conventions are implemented more often than in civilian conflicts.

This is due to the existence of control mechanisms (ICRC, national courts) and international pressure.

Despite the legal force of the conventions, their violations in modern conflicts are systematic, especially in hybrid wars and mercenary operations. For example, the Rus-

sian army systematically violates IHL. There are documented cases of ill-treatment of Ukrainian prisoners, including torture, extrajudicial executions and detention of prisoners in inhumane conditions in the temporarily occupied territories (AP News, 2024). This is a direct violation of the Third Convention.

With the outbreak of the armed conflict in eastern Ukraine in 2014 and its escalation to a full-scale war with the Russian Federation in 2022, the issue of protecting the rights of servicemen has become one of the key issues for the state. Ukraine has faced the need not only to conduct military operations, but also to provide legal and social guarantees for those who defend its sovereignty. This experience is unique due to the combination of internal challenges, international pressure and adaptation to international humanitarian law, in particular the Geneva Conventions.

The basis for legal protection of human beings, including military personnel, is the Constitution of Ukraine. Article 17 stipulates that the state ensures social protection of Ukrainian citizens serving in the Armed Forces of Ukraine and other military formations, as well as for members of their families. In turn, the Laws of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (Verkhovna Rada of Ukraine, 1991) and “On the Armed Forces of Ukraine” (Verkhovna Rada of Ukraine, 1991) guarantee the right to life, decent treatment, medical care and social benefits.

The state pays cash benefits, compensation to the families of the deceased (up to UAH 15 million) and pensions to veterans. In 2023, a one-time allowance of up to UAH 100,000 was introduced for the wounded, depending on the severity of the injuries. In addition, medical and psychological rehabilitation programmes, including through a network of military hospitals and veterans' support centres. In 2024, the Council of Europe project “The Rights of Veterans and Personnel of the Armed Forces of Ukraine” was launched, aimed at harmonising social standards with European ones (Rights of veterans, 2024). Among the benefits provided by the state to military personnel are housing benefits (eHousing), and free education in state institutions for their children (according to a certain procedure). The government cooperates with the ICRC and the UN Human Rights Monitoring Mission in Ukraine (HRMMU) to document violations and ensure the rights of prisoners and the wounded.

In March 2025, Ukraine launched an official email address for appeals to protect the rights of servicemen, which was a step towards the creation of a specialised institution to address complaints and violations (President of Ukraine, 2024).

Despite its efforts, Ukraine faces numerous violations of the rights of its servicemen, both on its own territory and in enemy captivity. It is well known that members of the Ukrainian defence forces are subjected to torture and inhuman treatment by the enemy, as evidenced by the UN and HRMMU reports for 2022–2024, which document systematic torture of Ukrainian prisoners of war by Russian forces; extrajudicial executions, which qualify as a war crime; and the frequent denial of access to the ICRC (Russia regularly blocks visits to Ukrainian prisoners by representatives of international organisations, which makes it difficult to monitor their conditions of detention).

Ukraine has developed a number of tools to respond to violations of servicemen's rights, combining domestic and international approaches. Firstly, the Security Service of Ukraine (SBU) and the Office of the Prosecutor General have opened thousands of war crimes cases, including against the Russian military for violating the rights of prisoners.

As of 2024, more than 130 people have been convicted in absentia (Liga.net, 2024). Secondly, the Ukrainian Parliament Commissioner for Human Rights actively monitors the conditions of detention of prisoners returned through exchanges and appeals to international organisations with evidence of violations. Thirdly, the launch of an official mailbox for complaints about the protection of servicemen's rights in 2025 allows for a prompt response to complaints about violations of servicemen's rights. In terms of international cooperation, Ukraine has submitted evidence of crimes against its military personnel, including torture and executions, to the International Criminal Court (ICC) to bring the perpetrators to justice. Through the UN and partner countries (the US, EU), Ukraine is seeking sanctions against Russian officials involved in violations of IHL. The Coordination Headquarters has organised over 50 exchanges, bringing home thousands of fighters, although the process is complicated by Russia's refusal to cooperate.

International organisations, such as the UN, NATO, ICRC and others, play a key role in shaping the legal framework for the protection of military personnel in armed conflicts.

The UN, through its structures, including the Human Rights Monitoring Mission in Ukraine (HRMMU) and the Office for the Coordination of Humanitarian Affairs (OCHA), monitors violations of the rights of combatants and civilians through reports and Security Council resolutions. During the full-scale war, the UN documented torture and executions of Ukrainian prisoners of war, but its impact is often limited to declarations due to vetoes by major powers (e.g. Russia) in the Security Council. The ICRC and the UN collect data on violations (torture, denial of medical care) through visits, interviews and reports. For example, the HRMMU's 2024 report detailed the conditions of detention of prisoners in Ukraine and Russia (OHCHR, 2024).

Although NATO does not have a direct mandate to monitor the rights of military personnel in conflicts where its member states are not involved, the Alliance has an indirect impact through training, standardisation of procedures for the treatment of prisoners and support to partners such as Ukraine. Its role is more preventive than reactive.

The ICRC has a mandate under the Geneva Conventions to monitor the conditions of detention of prisoners of war, provide humanitarian assistance and disseminate knowledge of IHL. However, its effectiveness is limited by its neutrality and dependence on access granted by parties to the conflict. For example, in 2023, the ICRC repeatedly reported that it did not have access to all places where Ukrainian prisoners were held in Russia, which undermined the organization's credibility in Ukraine.

In turn, in March 2022, the Central Tracing Agency (CTA) of the International Committee of the Red Cross (ICRC) began its work to help find those missing in the Russian-Ukrainian armed conflict and support their families.

Acting as a neutral intermediary, the Bureau collects, analyses and transmits information on the fate and whereabouts of military personnel and civilians who have been captured, killed or lost contact with their families. The main goal is to restore family ties and keep track of these people (CTA-B monthly statistics, 2025).

In practice, these organisations create a legal framework and pressure on states, but their effectiveness depends on the political will of the parties to the conflict, access to war zones, and other reasons.

International courts play a crucial role in holding individuals accountable for violations of the rights of servicemen, shaping precedents and human rights jurisprudence.

The International Criminal Court (ICC) investigates war crimes, including the killing and torture of prisoners (International Criminal Court, 2023). A well-known precedent is the case against Thomas Lubanga (2012) in the Congo, which established responsibility for the use of child soldiers and influenced a broader understanding of the rights of combatants (Jurfem, 2022). In the context of Ukraine, in 2023, the ICC issued arrest warrants for Russian officials for deporting children, but the cases of prisoners are still pending. However, in the current context, the ICC's effectiveness is limited due to the non-participation of key states (Russia and the United States) in the Rome Statute.

The European Court of Human Rights (ECHR) considers complaints about violations of the European Convention on Human Rights, including the rights of prisoners and veterans. A well-known precedent is the case of Cyprus v. Turkey (Cyprus v Turkey, 2001), where the state's responsibility for the disappearance of persons during the occupation was recognised, which influenced approaches to the search for prisoners. In 2024, the ECtHR accepted Ukraine's claims against Russia regarding prisoners of war, which may create a new precedent (European Court of Human Rights, 2025). The effectiveness of the ECHR is high within its jurisdiction, but judgements are slow to be enforced. In 2022, the International Court of Justice (ICJ) ordered Russia to stop its aggression against Ukraine, but this had a direct impact on the rights of combatants due to the lack of enforcement mechanisms.

Many scholars and scientists are discussing the creation of an international tribunal. It should be noted that the real value of international tribunals lies in their influence on international relations. They not only hold individuals accountable, but also indirectly condemn the state policies that led to the crimes. This encourages states to avoid similar violations in the future, strengthening international law and norms of behaviour. In addition, tribunals can help 'rehabilitate' rogue states, allowing them to return to the international community after the guilty parties have been removed. In essence, tribunals serve as an important tool for maintaining international peace and stability (Dumas, 2010).

These ideas are particularly relevant for Ukraine. Russian aggression has been accompanied by numerous crimes, which require international justice. International tribunals in the context of the Ukrainian issue are designed to strengthen international norms by demonstrating that violations such as Russian aggression will not go unpunished; to prevent similar crimes in the future by showing other potential aggressors that they will bear responsibility. Thus, in the context of Ukraine, criminal tribunals are not only an instrument of transitional justice, but also a vital mechanism for strengthening the international order including the protection of the rights of military personnel.

Among the influential precedents are the Tadic case (the International Criminal Tribunal for the former Yugoslavia determined that IHL applies to non-international conflicts, expanding the protection of combatants in civil wars), and the Olenivka case (an explosion in a colony where Ukrainian prisoners were held was investigated by the ICC and the UN, where the case highlighted the need for rapid response mechanisms).

Thus, in the context of modern warfare, Ukraine faces various challenges at the state level: The ICRC and the UN are often not allowed to visit prisoners (Russia blocks access to Ukrainians), the veto in the UN Security Council paralyses actions, autonomous weapons are not regulated by the current IHL, and those responsible for war crimes are rarely held accountable.

Therefore, there is an urgent need to update IHL (to include provisions on autonomous weapons and cyberwarfare), strengthen the ICC (to expand its jurisdiction due to international pressure), and ensure transparency (the ICRC's obligation to publish detailed reports on violations).

After analysing international standards for the protection of the rights of servicemen in armed conflicts in the context of current challenges, we conclude that the role of international organisations in protecting the rights of servicemen is useful, but often limited to declarations due to the lack of enforcement mechanisms and political obstacles. The ICRC, the UN and NATO provide a framework for monitoring and pressure, but real effectiveness depends on the cooperation of states. International courts, such as the ICC and the ECHR, shape human rights practice through precedents, but their impact is hampered by their slowness and limited jurisdiction. In modern conflicts, such as the war in Ukraine, the international community must improve legislation and response mechanisms to ensure that the protection of combatants becomes not just a formality but an effective instrument of justice.

CONCLUSION

The modern world is in a state of constant tension due to the large number of armed conflicts that are taking place in different regions of the planet – from full-scale wars, such as the Russian-Ukrainian war, to localized insurgencies in Africa or Asia. Combatants are the main targets of hostile forces, often suffering violations of international humanitarian law, such as torture, extrajudicial executions or ill-treatment in captivity. In hybrid and asymmetric conflicts, their legal status often remains uncertain, which complicates the application of the Geneva Conventions.

Ukraine's experience in the war with Russia demonstrates both achievements and problems in ensuring the rights of servicemen. The state introduces legislative guarantees, social benefits, rehabilitation programmes and cooperates with international organizations such as the ICRC and the UN to monitor rights violations. However, systematic abuses by the enemy and lack of resources make it difficult to fully protect them. International courts, such as the ICC and the ECHR, play an important role in setting precedents, such as the *Tadych* and *Olenivka* cases, but their effectiveness is limited by their slowness and lack of enforcement mechanisms.

Thus, the protection of the rights of servicemen in modern conflicts is an extremely complex and multifaceted task that requires coordinated efforts at both the national and international levels. An analysis of international standards, in particular the Geneva Conventions and their additional protocols, confirms the existence of a solid legal basis for guaranteeing the rights of combatants and prisoners of war. However, as practice shows, especially in the context of the Russian–Ukrainian war, these norms are often ignored, and their application faces serious challenges related to the technologisation of warfare, asymmetric conflicts and the lack of effective accountability mechanisms. Therefore, although the existing legal instruments are fundamental, they need to be adapted and strengthened in order to respond adequately to today's realities.

Ukraine's experience demonstrates the importance of both legal and social protection for military personnel, which should cover not only the period of active combat operations, but also post-war rehabilitation and reintegration. At the same time, the violations identified, in particular the ill-treatment of prisoners of war and the obstruction of the activities of international organizations, highlight the urgent need to strengthen state control and implement international standards in national legislation. In this context, a key role belongs to the international community, in particular the United Nations, the International Committee of the Red Cross and specialized courts, whose activities are critical for monitoring, documenting and prosecuting war crimes. International courts, such as the International Criminal Court and the European Court of Human Rights, set precedents that over time shape new standards of human rights practice and confirm the inevitability of punishment for the most serious crimes.

To overcome problems in the area of ensuring the rights of military personnel, a number of recommendations should be proposed. First, international monitoring and verification mechanisms for compliance with IHL must be strengthened by ensuring unhindered access for humanitarian missions to conflict zones. Second, it is extremely important to initiate (amendments) to international conventions that take into account modern warfare technologies, in particular the use of autonomous weapons systems and cyber warfare. Thirdly, it is necessary to strengthen the jurisdiction of international criminal courts and simplify the procedures for transferring evidence and testimony in order to bring to justice those guilty of violations of IHL. Fourthly, there is a need to amend Ukrainian legislation. Finally, educational programmes and training for military personnel, lawyers and the civilian population on their rights and obligations in armed conflicts should be intensified, as awareness of the importance of IHL is the first step towards its observance. Only through a combination of diplomatic efforts, legal reforms and educational initiatives can the rights of military personnel be effectively protected and the systemic challenges facing the modern world be overcome.

REFERENCES

AP News (2024), *Russia's torture of Ukrainian civilians, prisoners is a crime against humanity, UN expert panel says*, <https://apnews.com/article/un-ukraine-russia-crimes-rights-violations-commission-7b1cb291e4104a8aa2113c42f2215a65> (13.03.2025).

Cabinet of Ministers of Ukraine (2022), *On the establishment of the Coordination Headquarters for the Treatment of Prisoners of War*, Resolution No. 257, <https://zakon.rada.gov.ua/laws/show/257-2022-%D0%BF#Text> (13.03.2025).

Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949, <https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949> (13.03.2025).

Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.31_GC-II-EN.pdf (13.03.2025).

Council of Europe (1950), *Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)*, https://zakon.rada.gov.ua/laws/show/995_004#Text (13.03.2025).

Council of Europe, *Rights of veterans and personnel of the Armed Forces in Ukraine*, <https://www.coe.int/uk/web/kyiv/rights-of-veterans-and-personnel-of-armed-forces-in-ukraine> (13.03.2025).

Cyprus v Turkey (2001), <https://rm.coe.int/16806b5964> (14.03.2025).

CTA-B monthly statistics (2025), <https://blogs.icrc.org/app/uploads/sites/98/2025/07/CTA-B-monthly-statistics-June-2025-UA.pdf> (16.09.2025).

Dumas G. (2010), *The significance of criminal tribunals in international relations*, <https://nyujilp.org/the-international-relations-value-of-criminal-tribunals/> (16.09.2025).

European Court of Human Rights (2025), *The ECHR has announced its judgment in the interstate case Ukraine v. Russia (concerning Crimea)*, <https://www.kmu.gov.ua/news/yespl-oholosyv-svoie-rishennia-u-mizhderzhavnii-spravi-ukraina-proty-rosii-shchodo-krymu> (14.03.2025).

Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949> (13.03.2025).

Geneva Convention relative to the Treatment of Prisoners of War, 1949, <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949> (13.03.2025).

Institute for Economics and Peace (2024), *Global Peace Index Briefing 2024*, <https://www.economicsandpeace.org/wp-content/uploads/2024/06/GPI-2024-briefing-web.pdf> (12.03.2025).

International Criminal Court (2023), *The ICC at a glance*, <https://www.icc-epi.int/sites/default/files/2023-06/ICCAAtAGlanceUKR-rgb.pdf> (14.03.2025).

Jurfem (2022), *The practice of granting reparations by the International Criminal Court and its potential impact on compensation for victims of international crimes in the context of the Russian-Ukrainian war*, <https://jurfem.com.ua/praktyka-nadannya-reparatsiy-mks/> (14.03.2025).

Liga.net (2024), *Already 133 Russian war criminals have received court sentences – many in person*, <https://news.liga.net/ua/politics/news/uzhe-133-rosiyskykh-voiennykh-zlochyntsiv-otrymaly-realni-sudovi-vyroky-ekshenprokuror> (14.03.2025).

Marko I. Y., Marko E. I., Chernysheva I. M. (2024), *Foreign experience in providing social guarantees for servicemen*, *Historical*, “Social and Organisational Aspects of the Problems of Military Science and Education Research”, pp. 135–142, <http://znp-cvsd.nuou.org.ua/article/view/195500/195901> (13.03.2025).

OHCHR (2024), *Treatment of prisoners of war and an update on the human rights situation in Ukraine*, <https://ukraine.ohchr.org/sites/default/files/2024-11/Ukraine-OHCHR-40th-periodic-report-UA.pdf> (14.03.2025).

President of Ukraine (2024), *An official post office for appeals to protect the rights of servicemen was launched in Ukraine*, <https://president.gov.ua/news/v-ukrayini-zapracyuvala-oficijna-poshta-dlya-zvernen-shodo-z-96573> (13.03.2025).

Radchuk A. A. (2023), *International experience in ensuring the rights of servicemen and its implementation in national law*, „Actual problems of legal science”, pp. 507–511, DOI: <https://doi.org/10.32842/2078-3736/2023.6.75> (12.03.2025).

Radio Svoboda (2024), *A camp for prisoners of war of the Russian army in Ukraine: life and conditions of detention (photo report)*, <https://www.radiosvoboda.org/a/tahir-dlya-rosiyskykh-viyskovopolonenykh/33255452.html> (13.03.2025).

Slovo i Dilo (2023), *UN peacekeepers: in which countries peacekeeping operations are taking place*, <https://www.slovovidilo.ua/2023/06/15/infografika/svit/myrotvorczi-oon-yakyx-krayinax-proxodyat-operacziyi-pidtrymky-myru> (13.03.2025).

Ukrinform (2025), *There are currently five prisoner-of-war camps on the territory of Ukraine*, <https://www.ukrinform.ua/rubric-society/3956368-na-teritorii-ukraini-narazi-roztasovani-pat-taboriv-dla-utrimanna-polonenih.html> (19.03.2025).

United Nations (1949), *Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, https://zakon.rada.gov.ua/laws/show/995_151#Text (13.03.2025).

United Nations (1949), *Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*, https://zakon.rada.gov.ua/laws/show/995_152#Text (13.03.2025).

United Nations (1949), *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, https://zakon.rada.gov.ua/laws/show/995_154#Text (13.03.2025).

United Nations (1949), *Geneva Convention relative to the Treatment of Prisoners of War*, https://zakon.rada.gov.ua/laws/show/995_153#Text (13.03.2025).

United Nations (1977), *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, https://zakon.rada.gov.ua/laws/show/995_199#Text (13.03.2025).

United Nations (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)*, https://zakon.rada.gov.ua/laws/show/995_200#Text (13.03.2025).

Uppsala Conflict Data Program, *Uppsala Conflict Data Program Department of Peace and Conflict Research*, <https://ucdp.uu.se/encyclopedia> (12.03.2025).

Verkhovna Rada of Ukraine (1991), *On social and legal protection of servicemen and members of their families: Law of Ukraine No. 2011-XII*, <https://zakon.rada.gov.ua/laws/show/2011-12#Text> (13.03.2025).

Verkhovna Rada of Ukraine (1991), *On the Armed Forces of Ukraine: Law of Ukraine No. 1934-XII. Vidomosti Verkhovnoi Rady Ukrayiny (VVR)*, 1992(9), p. 108, <https://zakon.rada.gov.ua/laws/show/1934-12#Text> (13.03.2025).

Verkhovna Rada of Ukraine (1996), *Constitution of Ukraine: Law of Ukraine of 28 June 1996, No. 254k/96-BP. Bulletin of the Verkhovna Rada of Ukraine*, 30, p. 141.

ABSTRACT

The article analyzes international standards for protecting the rights of military personnel in armed conflicts, with the primary focus on legal aspects and challenges of the 21st century. It examines the core norms of international humanitarian law (IHL) and their application to military personnel. Special attention is given to the observance of military personnel's rights under the Geneva Conventions and their Additional Protocols. The article assesses the extent to which these provisions are upheld in the context of modern armed conflicts and explores instances of their violation.

A significant place in the article is dedicated to Ukraine's experience in safeguarding the rights of its military personnel in context of armed conflicts. It investigates the measures taken by the state to ensure the rights of military personnel, particularly in terms of legal and social protection, as well as cases of violations of such protection and the mechanisms employed to address them.

Additionally, the role of international organizations such as the United Nations (UN), North Atlantic Treaty Organisation (NATO), the International Committee of the Red Cross (ICRC), and others in monitoring and ensuring compliance with the rights of military personnel in armed conflicts is examined. The mechanisms of the international community's response to violations of military personnel's rights are outlined, along with an evaluation of their effectiveness.

The role of international courts, such as the International Criminal Court (ICC), the European Court of Human Rights (ECHR), and other judicial bodies, in addressing cases related to violations of military personnel's rights is acknowledged. Precedents that have significantly influenced the development of human rights protection practices are explored.

Thus, authors of article provide a comprehensive overview of current legal aspects of protecting military personnel's rights in modern armed conflicts, highlights contemporary challenges, and suggests ways to address legislative gaps amid the dynamic evolution of international law.

Keywords: armed conflicts, international humanitarian law, Geneva Conventions, legal protection, military personnel, prisoners of war, international organizations, international courts

OCHRONA PRAW PERSONELU WOJSKOWEGO W KONFLIKTACH ZBROJNYCH: NORMY MIĘDZYNARODOWE I PRAKTYKA UKRAIŃSKA

STRESZCZENIE

Artykuł analizuje międzynarodowe standardy ochrony praw personelu wojskowego w konfliktach zbrojnych, koncentrując się przede wszystkim na aspektach prawnych i wyzwaniach XXI wieku. Zbadano podstawowe normy międzynarodowego prawa humanitarnego (MPH) i ich zastosowanie do personelu wojskowego. Szczególną uwagę poświęcono przestrzeganiu praw personelu wojskowego wynikających z konwencji genewskich i ich protokołów dodatkowych. Artykuł ocenia zakres, w jakim postanowienia te są przestrzegane w kontekście współczesnych konfliktów zbrojnych oraz analizuje przypadki ich naruszenia.

Istotne miejsce w artykule poświęcono doświadczeniom Ukrainy w zakresie ochrony praw jej personelu wojskowego w kontekście konfliktów zbrojnych. Przeanalizowano środki podjęte przez państwo w celu zapewnienia praw personelu wojskowego, w szczególności w zakresie ochrony prawnej i socjalnej, a także przypadki naruszenia takiej ochrony i mechanizmy zastosowane w celu ich rozwiązania.

Ponadto analizowana jest rola organizacji międzynarodowych, takich jak Organizacja Narodów Zjednoczonych (ONZ), Organizacja Traktatu Północnoatlantyckiego (NATO), Międzynarodowy Komitet Czerwonego Krzyża (MKCK) i inne, w monitorowaniu i zapewnianiu przestrzegania praw personelu wojskowego w konfliktach zbrojnych. Przedstawiono mechanizmy reakcji społeczności międzynarodowej na naruszenia praw personelu wojskowego wraz z oceną ich skuteczności.

Uznano rolę sądów międzynarodowych, takich jak Międzynarodowy Trybunał Karny (MTK), Europejski Trybunał Praw Człowieka (ETPC) i inne organy sądowe, w rozpatrywaniu spraw związanych z naruszeniami praw personelu wojskowego. Przeanalizowano precedensy, które miały znaczący wpływ na rozwój praktyk ochrony praw człowieka.

W ten sposób autorzy artykułu przedstawiają kompleksowy przegląd aktualnych prawnych aspektów ochrony praw personelu wojskowego we współczesnych konfliktach zbrojnych, podkreślają współczesne wyzwania i sugerują sposoby radzenia sobie z lukami legislacyjnymi w dynamicznej ewolucji prawa międzynarodowego.

Slowa kluczowe: konflikty zbrojne, międzynarodowe prawo humanitarne, konwencje genewskie, ochrona prawa, personel wojskowy, jeńcy wojenni, organizacje międzynarodowe, sądy międzynarodowe