# Protection of the Civilian Population from Human Rights Violations through European Mechanisms in Wartime

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## **Abstract**

The problem of protecting the civilian population from human rights violations in wartime becomes especially relevant in the context of current armed conflicts. The effectiveness of European human rights mechanisms plays a crucial role in preventing violations and ensuring accountability for committed crimes. The aim of the article is to study the mechanisms of protection of the civilian population from human rights violations through European institutions. The article analyses the activities of the European Court of Human Rights and other regulatory bodies responsible for human rights protection. The study's results revealed that despite a strong legal framework and institutional structure, the efficiency of the highest instance is questionable - 50%. Statistical analysis showed the need to strengthen international cooperation and adapt existing mechanisms to the needs of the civilian population in the regions of hostilities. The study results emphasise the importance of developing and implementing new strategies for improving human rights protection. Further research should explore the possibilities of integrating the latest technologies into monitoring and recording violations to accelerate the adoption of existing enforcement mechanisms. The study's practical significance is the analysis of the impact of international diplomatic efforts on the prevention of human rights violations in wartime.

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## Introduction

Protecting the civilian population from hostilities is one of the most urgent issues of modern international law and humanitarian policy. The general trend of recent decades shows that local wars and armed conflicts lead to massive violations of human rights. As a result of criminal acts, millions of people lose their homes and become refugees or internally displaced persons faced with critical problems of providing basic life needs. According to Criss et al. (2023), recorded violations require the international community to respond through humanitarian aid and develop effective human rights protection mechanisms capable of ensuring accountability for their commission.

The start of the war in Ukraine in 2022 became a vivid example of the strengthening of international crimes and oppression of the civilian population. The Russian Federation's invasion of Ukrainian territory has led to large-scale human rights violations, attacks on civilian objects and many other crimes against humanity. Muoneke and Nnani (2023) write that the actions of the aggressor country were internationally condemned and required international organisations and states to step up their efforts to protect the victims' rights. The war in Ukraine deepened the humanitarian crisis in the region and revealed gaps in the existing mechanisms of international law. That should ensure the protection of human rights and the civilian population in wartime, emphasising the need for their revision and improvement.

European authorities are leading the way in regulating human rights on the continent and internationally. Legal institutions have powerful tools to influence the human rights situation. They actively use diplomatic, legal, and economic mechanisms to prosecute human rights violators, monitor compliance with international humanitarian law rules, and support victims of conflicts. The problems associated with the war in Ukraine require the development of new, effective approaches to human rights protection, which will take into account modern challenges and ensure a quick response to violations.

The aim of the study is to analyse the effectiveness of European mechanisms in protecting the civilian population from human rights violations in wartime.

## Literature review

The issue of protecting the civilian population from human rights violations through European mechanisms in wartime has been discussed mainly since the beginning of the war in Ukraine in 2022. According to Muoneke and

Nnani (2023), the European Court of Human Rights takes a leading position in protecting the rights of the civilian population. The claim of gaps in the legal system is supported by research (Hryb et al., 2023), which points to the optimisation of handling cases and the strengthening of mechanisms for rapid response to crises. Stahl et al. (2023) draw attention to the importance of international cooperation in solving humanitarian crises. In turn, Litoshenko et al. (2023) analyse the situation of Ukrainian refugees in Europe, which requires the European Union to develop a unified strategy for protecting and supporting refugees. Donald and Leach (2023) identified the problem of evaluating the effectiveness of European human rights protection mechanisms not limited to the judicial system.

Bennett et al. (2023) examines the various monitoring and reporting tools international organisations use to document human rights violations in wartime. Varga (2023) emphasises the importance of collecting reliable data and their analysis for adequate international responses. Khen (2023) focuses on the role of civil society and non-governmental organisations in documenting violations and assisting victims. According to Hogue (2023), the war in Ukraine since 2022 is important for understanding the transformation of European human rights protection mechanisms in the context of a large-scale armed conflict. Kalashnikova and Chorna (2023) analyse in detail how approaches to international protection have changed due to the war, pointing to the need for reforms in the European Court of Human Rights system and other international institutions.

Adamu (2023) suggests ways to strengthen mechanisms for responding to human rights violations, including expanding the powers of international observers. McVey et al. (2023) define the methods of protecting the civilian population from human rights violations through European mechanisms in wartime through international organisations. Riabovol (2023) and Kortukova et al. (2023) indicate the need to reform the European Court of Human Rights to increase its ability to effectively respond to mass human rights violations in wartime. Blockmans (2023) argues that modern challenges require new tools to quickly consider cases and ensure the protection of the rights of conflict victims. Almashi (2023) examines the role of international humanitarian organisations in protecting the civilian population, emphasising the importance of coordination between government agencies and the use of the latest technologies to monitor violations. Trautman and McFarlin (2023) analyse the activities of the European Court and other international organisations during the war in Ukraine, which exposes serious problems in ensuring human rights protection. Criss et al. (2023) focus on the difficulties of documenting war crimes and crimes against humanity. Voitsikhovskyi et al. (2022) studied the impact of migration crises caused by war

on the refugee protection system in Europe, pointing to the insufficiency of existing mechanisms for effective support and integration of refugees.

So, the literature review revealed the importance of an integrated approach to protecting human rights in wartime, including judicial protection, international cooperation, civil society development, and innovative technologies. There is a need to optimise existing mechanisms for new challenges and ensure effective interaction between various subjects of international law to protect the civilian population from human rights violations.

## Research objectives:

- 1. Analyse the quality of the functioning of international legal institutions and their impact on ensuring human rights protection in the regions of hostilities.
- 2. Assess the impact of legal practices and decisions on reducing human rights violations among the civilian population through a comparative analysis of different European mechanisms.
- 3. Based on the obtained data, develop recommendations for improving the existing human rights protection mechanisms, which are aimed at increasing the effectiveness of the response.

## Materials and methods

The research design comprehensively analyses the number of cases submitted to the European Court of Human Rights. An assessment of the effectiveness of its activities in protecting the rights of the civilian population in wartime was carried out. The assessment of migration waves of refugees from Ukraine in Europe was carried out, and the existing European mechanisms for the protection of human rights were described. The information collection included the study of official reports of the ECHR, statistics submitted and analytical materials on the state of refugees in the field of human rights.

The research methods were based on statistical processing of data on the number of cases submitted to the ECHR (2024) and analysis of the effectiveness of the court's response to appeals. The article reviews the activities of international European institutions involved in protecting human rights and refugee support. Quantitative methods were used to assess the volumes and trends of court applications, and qualitative methods were used to assess the substantive factors of ECHR decisions and refugee assistance programmes. The activities of international organisations were reviewed through the analysis of their official publications.

The research sample covers the period from the beginning of the war in Ukraine in 2022 to the beginning of 2024. The military conflict became a catalyst

for a significant surge in human rights violations and the intensification of the activities of European mechanisms for their protection. The war in Ukraine, being the largest armed conflict in Europe in recent decades, caused massive displacement of the population and violations of the international humanitarian and legal order. The current situation requires an in-depth analysis of its impact on the international human rights protection system.

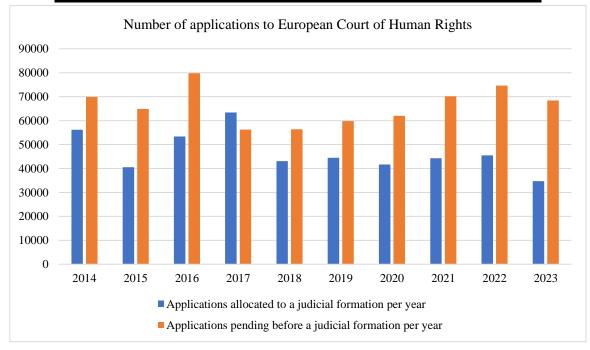
Research tools included statistical processing of data to determine the quantitative indicators of ECHR activity (2024). The research part included an analysis of official documents and reports of international organisations and a critical review of scientific and analytical publications on the war in Ukraine. This approach enabled us to comprehensively study the problem and identify the main challenges and directions for further research. Considerable attention was paid to analysing the effectiveness of existing protection mechanisms and determining the need for their adaptation or development of new approaches.

An important aspect of research is compliance with ethical standards, especially when working with data on refugees and victims of conflict. Confidentiality and anonymity of information were ensured in the collection and analysis of evidence of human rights violations. The research aimed at objective and impartial coverage of facts, considering international standards of human rights and humanitarian law, ensuring its high scientific and practical value.

# Results

Since the beginning of 2022, a military conflict caused by armed aggression on the part of the Russian Federation has been ongoing in Ukraine. The military conflict was marked by numerous violations of international law. It includes a gross disregard for the principles of sovereignty and territorial integrity of Ukraine, as enshrined in the UN Charter and the Budapest Memorandum. Targeted attacks on the civilian population have become regular events that cause serious concern to the international community. The use of weapons of mass destruction through cluster munitions and thermobaric weapons violates international treaties and fundamental principles of humanity. Conflict emphasises the systematic nature of war crimes and crimes against humanity committed against the Ukrainian people. Figure 1 shows the number of applications submitted to the European Court of Human Rights by consideration status.

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**Figure 1.** Number of applications to European Court of Human Rights *Source: created based on the ECHR (2024) report* 

International institutions actively record and respond to human rights violations in Ukraine documented during the conflict. The Office of the UN High Commissioner for Human Rights, the International Criminal Court and numerous human rights NGOs monitor, document, and publicly condemn cases of violations. These efforts help to identify those responsible, promote international understanding of the scale of the crisis, and form the basis for further legal proceedings against the perpetrators. The number of cases during 2022 and 2023 increased significantly, indicating higher court effectiveness. The international community's efforts to protect civilians are manifested through sanctions. They used international investigations and the establishment of legal mechanisms to prosecute those guilty of war crimes and crimes against humanity.

In response to the unprecedented number of human rights violations caused by the armed conflict in Ukraine, the European Court of Human Rights (ECHR) has faced a sharp increase in the number of cases brought against Russia and Ukraine. Given the mass nature of the events requiring legal assessment, the court faced the need to adapt its work to new challenges. Given the attempts to use the judicial system as a manipulation tool by filing unfounded complaints against

Ukraine, the ECHR was forced to take unprecedented measures, prohibiting the admission of cases that could be used for political pressure or discrediting Ukraine. The decision emphasises the difficulty of ensuring justice in wartime and the need to find new approaches to human rights protection. The efficiency of its activity and the ability to protect the civilian population is calculated in Table 1 to assess the effectiveness of the European Court.

**Table 1.** Effectiveness of protection from human rights violations

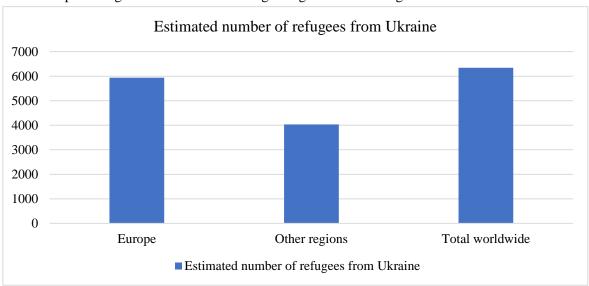
Year	Difference	The percentage of assigned	Resolution	Annual
		to unresolved	ratio	change %
2014	-13,700	80.4%	0.804	0.0%
2015	-24,350	62.5%	0.625	-27.9%
2016	-26,350	67.0%	0.670	31.9%
2017	7,150	112.7%	1.127	18.7%
2018	-13,250	76.5%	0.765	-32.0%
2019	-15,300	74.4%	0.744	3.2%
2020	-20,300	67.3%	0.673	-6.3%
2021	-25,850	63.2%	0.632	6.2%
2022	-29,150	61.0%	0.610	2.7%
2023	-33,700	50.7%	0.507	-23.7%

Source: calculated by the author

Based on the calculations, the ECHR case resolution ratio 0.507 in 2023, which indicates many unresolved cases. This raises concerns about the effectiveness of the judicial system in the context of an increased number of applications. The corresponding trend emphasises the need to find alternative mechanisms of influence of international bodies capable of quickly and effectively responding to human rights violations. The international community has developed and implemented additional tools and procedures that would complement the work of the ECHR. They are implemented by strengthening international legal norms, expanding the mandates of international organisations, and creating specialised structures for prompt response to crisis situations.

The situation with refugees from Ukraine, whose number has reached about 6 million people in Europe and almost 7 million worldwide, requires immediate attention and coordinated actions to ensure their protection and integration. Refugees face numerous challenges, including housing, health care, education, and employment opportunities, which host countries must provide with considerable effort and resources. Protecting the rights of refugees, ensuring their

dignity, and promoting their rapid social adaptation is the international community's responsibility. It's possible only with coordinated actions and the development of long-term integration strategies that consider cultural and social aspects. Figure 2 shows statistics regarding Ukrainian refugees.



**Figure 2.** Estimated number of refugees from Ukraine recorded in Europe and worldwide since February 2022 as of December 31, 2023 (in 1,000s) *Source: based on Statista data* (2024)

On the European continent, several international organisations protect the civilian population from the consequences of war. These include the International Committee of the Red Cross, the United Nations, and its specialised agencies, such as the United Nations High Commissioner for Refugees. Instation provides the necessary humanitarian assistance, support in implementing human rights and protection from violence. The organisations are doing a lot of work to monitor the situation, document violations, and assist victims and their impact on the international community. It needs to attract attention and resources to respond to the crisis. The effectiveness of their work depends on cooperation between organisations, the support of member states' military alliances, and the availability of resources.

In the modern conditions of global conflicts and the growing unpredictability of the geopolitical situation. The issue of developing and improving the mechanisms for protecting the civilian population from war on the European continent is becoming urgent. European institutions, including the

European Court of Human Rights, the Council of Europe, and different intergovernmental and non-governmental organisations, are already taking measures to respond to the existing challenges. The growing complexity and scale of violations require the European community to increase the effectiveness of existing tools and develop new approaches. Wider application of modern technologies for monitoring, early warning of crises and rapid response to them is required. It is also necessary to involve the public in decision-making processes and increase the transparency of international organisations' activities to ensure greater trust and support from the public. There are currently several European mechanisms for protecting civilians, which are presented in Table 2.

**Table 2.**Overview of European mechanisms for the protection of the civilian population

Mechanism	Description	Application	Results
European Court of	Consideration of	Cases against	Appointment of
Human Rights	complaints about	Russia and	compensations,
(ECHR)	human rights	Ukraine	prosecution, but
	violations	regarding rights	limitations in the
	declared in the	violations in the	execution of
	European	conflict zone	decisions in wartime
	Convention		
The European	Inspections of	Visits to places	Identification and
Committee for the	places of	of detention in	recommendations for
Prevention of	detention to	Ukraine to	improving
Torture and	prevent torture	assess	conditions of
Inhuman or	and ill-treatment	conditions and	detention, ensuring
Degrading		prevent	monitoring
Treatment or		violations	
Punishment (CPT)			
Mechanism of	Providing urgent	Requests to	Effective in critical
interim measures	requests to states	Ukraine and	situations for
of the ECHR	to protect	other states	immediate
	individuals from	regarding the	protection, but
	serious violations	protection of	requires compliance
		life and health	by states
		of civilians	
The Parliamentary	Adopting	Resolutions	Increasing
Assembly of the	resolutions that	condemning	international

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Council of Europe	condemn human	military actions	attention but limited
(PACE)	rights violations	and human	direct influence on
resolutions	and call for action	rights violations	domestic events
		in Ukraine	

Source: created by the author

With the beginning of the armed conflict in Ukraine, the increased number of human rights violations has become unprecedented, which has caused an urgent need for Ukrainians to seek protection. The civilian population suffering from violence, abuse, and forced displacement has the opportunity to turn to international organisations for legal protection and humanitarian assistance. However, despite international protection mechanisms, the diversity of cases often makes it difficult for victims to access justice. The work of international and local human rights organisations that help document violations, provide legal support, and organise evidence-gathering campaigns becomes important. Activation of the international community and effective use of international humanitarian law is the key to ensuring the protection of civilians in the regions of conflict.

The geopolitical and legal challenges the European mechanisms face for protecting the civilian population from war require improving existing and new tools. The optimal approach involves the reformation of existing mechanisms and the development of innovative approaches based on the latest achievements in the field of technology, jurisprudence, and international relations. Special attention should be paid to ensuring access to protection mechanisms for the most vulnerable categories of the population, including women, children, and refugees. Integrating the latest technologies helps detect, analyse, and respond to human rights violations in real-time. Strengthening international cooperation is necessary to create a strong and effective system of protection of human rights at the international level.

## **Discussion**

The analysis of protecting the civilian population from human rights violations through European mechanisms in wartime found that modern challenges require significant improvement of the existing mechanisms. The statement of Orel and Galán Vioque (2023) is reflected in the results of our study, which show that the rate of resolution of ECHR cases as of 2023 remains low, confirming the need to seek alternative methods of human rights protection. Compared to Rogerson (2023), who emphasised the role of international humanitarian organisations, the findings emphasise the importance of coordination between different institutions and using the latest technologies to monitor

violations. An analysis of the activities of the ECHR and other organisations in wartime in Ukraine reveals problems like those described by Donald and Leach (2023) regarding the difficulties of documenting war crimes.

Like Erdoğan (2023), it was found that the existing refugee protection mechanisms do not fully meet the needs of the large number of people who were forced to leave their homes because of the conflict. Our study supports recommendations (Mahdanian et al., 2023) regarding developing specialised programmes to protect vulnerable populations, including children and women, and emphasises the importance of information campaigns. Smallhorn-West et al. (2023) draw attention to the need to implement effective monitoring missions in countries with hostilities to facilitate the recording of war crimes. A comparison of data obtained by Loeffler (2023) with his results confirms the hypothesis of the need for an integrated approach to solving the problem of human rights protection. It includes judicial protection, international cooperation, and the development of civil society (Reznik et al., 2022). Genoud (2023) and Kaplina et al. (2022) recommend the strengthening of international legal cooperation and the development of specialised programmes for the protection of particularly vulnerable population groups.

According to Minchenko (2023), the importance of information campaigns to raise public awareness of human rights and their protection mechanisms is increasing. The results are compared to the assertions of Juwita (2023), who calls for cross-sectoral cooperation between governments, international organisations, and civil society to form an effective response system to human rights violations. Therefore, our study reflects the relevance of the identified problems and suggests directions for their solution through strengthening intersectoral interaction and introducing technological solutions into the mechanisms of monitoring and protection of human rights.

# Conclusion

So, the issue of protecting the civilian population from war through European mechanisms covers the need to develop and improve existing protection mechanisms. It is an increasing number of human rights violations because of armed conflicts and the specifics of the response of international organisations to challenges. It was established that despite the significant efforts of international institutions, the existing mechanisms cannot respond promptly and effectively to a wide range of violations. They require the international community to look for new approaches and solutions. Special attention was paid to a critical analysis of the European Court of Human Rights work, which identified the problems

associated with processing many cases. It needs to develop additional tools to ensure more effective human rights protection.

One of the main problems and global challenges faced by the European system of human rights protection in wartime is the increasing number of human rights violations, including war crimes and crimes against humanity. The growing number of refugees and forcibly displaced persons presents Europe with the task of ensuring their basic needs and their integration into new societies. Global Russian aggression against Ukraine emphasised the need for strengthening international cooperation and coordination, recognition, and prosecution for violations of international law. Modern challenges require a global response and adaptation of existing mechanisms to new conditions.

#### Recommendations

Given the foregoing, measures should include strengthening the international legal framework by developing and adopting new international conventions.

- It is necessary to increase the resources and powers of international organisations capable of providing a quick response to crises, including mechanisms for operational monitoring and documentation of violations.
- Special attention should be paid to developing programmes for the support and protection of refugees and the integration of vulnerable population groups.
- The involvement of technologies and innovative solutions should significantly increase the effectiveness of international institutions in human rights protection.
- It remains appropriate to strengthen global coordination and cooperation between states, international organisations, and civil society for a unified and consistent response to the challenges related to the protection of the civilian population during wartime.

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