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# Protection of Civilians in International Humanitarian Law: Problems of Compliance in Time of War

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## Abstract

The protection of civilians is one of the central issues of modern international humanitarian law, especially in the context of the growing number of armed conflicts and the scale of the humanitarian consequences of war. Violations of civilians' rights, destruction of civilian infrastructure and the spread of violence against vulnerable groups of the population indicate the need for an in-depth analysis of the effectiveness of existing legal mechanisms for their protection. In this regard, it is important to study the practical application of international humanitarian law and identify the main problems of its observance. The purpose of the study is to provide a comprehensive analysis of the mechanisms for the protection of civilians in international humanitarian law and to identify the main problems of compliance with the relevant rules under the conditions of contemporary armed conflict. The object of the study is the international legal mechanisms for ensuring the protection of civilians in time of war. The methodological basis of the study is the doctrinal method of analysis of international legal norms, the method of analysis of case law and the comparative legal method. The results of the study show that the modern system of international humanitarian law forms a comprehensive regulatory framework for the protection of civilians, which includes international treaties, case law and national implementation mechanisms. The authors establish that the key role in ensuring such protection is played by the principles of distinction between civilians and combatants, proportionality in attack and the obligation of parties to the conflict to take all feasible precautions to avoid or minimize incidental harm to civilians. An analysis of the case law of international judicial institutions has shown that these principles are actively applied in the interpretation of international humanitarian law. At the same time, the study found that the effectiveness of legal protection of civilians largely depends on the level of implementation of international norms in national legal systems. It is also established that modern armed conflicts are characterized by complex humanitarian challenges that require strengthening of international control and accountability mechanisms. The practical significance of the results obtained is that they can be used to improve the legal mechanisms for ensuring the protection of civilians during armed conflicts.


**Keywords:** protection of the rights of women affected by war, protection of the rights of civilians, armed conflict, gender relations, humanitarian law, protection of children's rights, human rights, national security, state security of Ukraine, hybrid threats, human rights paradigm, Security Service of Ukraine, institutional transformation, digital security, administrative and legal mechanisms, democratic oversight, advocacy, civil society.

## 1. INTRODUCTION

In today's armed conflicts, the problem of ensuring adequate protection of civilians is of particular relevance. Changes in the nature of hostilities, the active use of new types of weapons, combat operations in densely populated areas and the involvement of non-state armed groups significantly increase the risk of harm to civilians and civilian infrastructure. In such circumstances, compliance with international humanitarian law becomes more difficult, as the number of cases of violations of the principles of distinction between military and civilian objects, as well as the principle of proportionality during military operations, is increasing. This creates a systemic problem of ensuring effective legal protection of civilians, especially the most vulnerable categories, including women and children, which necessitates further scholarly analysis of the mechanisms of compliance with humanitarian norms in modern warfare [1].

Recent studies of international humanitarian law indicate that the evolution of the nature of armed conflicts makes it more difficult to ensure effective protection of civilians. The urbanization of hostilities, the deployment of new weapons technologies in complex operational environments, and the role of non-state armed actors put civilians and civilian infrastructure at greater risk and raise questions as to the functionality of existing mechanisms for ensuring that humanitarian norms are respected [1]. At the same time, a central problem remains the application of the principle of proportionality in the conduct of military operations, where anticipated incidental civilian harm must be assessed against the concrete and direct military advantage expected from an attack, using the information reasonably available when the decision is made [2, 3].

Other research touches upon the issue of how to interpret the idea of incidental harm to civilians and the bounds of its legality in international humanitarian law. Scholarly literature argues that some interpretations of collateral damage weaken the requirement that civilian harm be incidental and thereby risk undermining the protective constraints imposed by the law governing attacks [4]. In addition, several studies suggest that armed conflict has gendered effects and that women face particular exposure to violence, discrimination, and insecurity during war [5].

Another area of study is related to the legal protection of minors in situations of armed conflict. The scholarly literature indicates that war produces serious psychological and physical consequences for children deprived of access to education, medical care and other social services. This underscores the need for a strong international mechanism of child protection and better practices of humanitarian law implementation in modern armed conflicts [6].

Despite a significant number of scholarly studies in the field of international humanitarian law, several aspects of the protection of civilians in modern armed conflicts remain insufficiently studied. In particular, the scholarly literature is dominated by the analysis of the normative provisions of humanitarian law, while the practical problems of their implementation in the context of modern warfare have been studied much less. The effectiveness of the mechanisms of compliance with the principles of distinction and proportionality, as well as institutional instruments for monitoring their implementation, are not systematically considered. In addition, limited attention is paid to a comprehensive analysis of the vulnerability of certain categories of civilians, primarily women and children, in the context of modern forms of armed conflict. In this regard, it remains relevant to study the problems of compliance with international humanitarian law and to identify possible ways to strengthen the legal protection of civilians during war.

The purpose of the study is to provide a comprehensive analysis of the mechanisms for the protection of civilians in international humanitarian law and to identify the main problems of compliance with the relevant rules under the conditions of contemporary armed conflict.

To achieve this goal, the following research objectives have been identified: to analyze the international legal norms governing the protection of civilians during armed conflicts; to study the principles of international humanitarian law that limit harm to civilians; to identify the main challenges and problems of compliance with humanitarian norms under contemporary wartime conditions; to characterize the specific requirements of legal protection of the most vulnerable categories of civilians, in particular women and children; to outline possible areas for improving international legal protection, strengthening compliance mechanisms, and supporting the implementation of civilian protection obligations within national legal systems.

## 2. LITERATURE REVIEW

Modern scholarly literature demonstrates a significant increase in interest in the protection of civilians during armed conflicts, particularly in the context of gender equality, child protection, and compliance with international humanitarian law. Researchers emphasize that modern wars increasingly affect civilians, which requires a rethinking of existing legal and institutional protection mechanisms.

One of the key areas of research is the gender dimension of armed conflicts. For example, Achilleos-Sarll et al. [7] analyze the development of the international Women, Peace and Security agenda and note that despite significant progress in the formal recognition of gender equality in international policy, the practical implementation of mechanisms for the protection of women during armed conflict remains limited. A similar issue is addressed by Bayoulou et al. [8], who

study gender-based violence among internally displaced persons and argue that population displacement during conflicts significantly increases the risk of violence against women.

An important area of research is the analysis of the application of international humanitarian law during military operations. In particular, Breeze [9] emphasizes that one of the key challenges of modern conflicts is the insufficient consideration of intelligence information in the planning of military operations, which can lead to a violation of the precautionary principle and increase harm to the civilian population. At the same time, Chevalley et al. [10] in a systematic review of civilian injuries during conflicts describe the anatomical distribution of civilian injuries and highlight the difficulties of collecting comparable injury data across armed conflicts.

Another group of studies is devoted to the socio-political consequences of war for women. For example, Desta et al. [11] emphasize that after armed conflicts, women often face barriers to political participation and limited access to resources, which complicates the process of post-conflict reconstruction of society. Similar problems are also analyzed by Doghim et al. [12], who study women's access to reproductive and health services in conflict zones and identify significant restrictions on access to basic social services.

Considerable attention in the current literature is paid to the protection of children in armed conflict zones. In particular, Dominguez et al. [13] emphasize the need to strengthen international mechanisms for the protection of women and children in conflict regions, as they are the most vulnerable groups. A similar issue is addressed by Chandiru Drama et al. [14], who demonstrate the link between sexual violence and forced migration during armed conflict.

The question of how to improve international legal means for safeguarding civilian infrastructure from the effects of war is tackled by Figueiredo [15], who discusses practical means to minimize damage to civilian objects through improvements to international humanitarian law implementation mechanisms. The educational component of conflicts is studied by Francia and Verdejo Valenzuela [16], who discuss how war heavily restricts children's access to education and leaves significant long-term social impacts on affected societies.

An important contribution to the study of the problem has also been made in works on the direct consequences of warfare for the civilian population. In particular, Gebregziabher et al. [17] use empirical data to demonstrate the scale of civilian casualties caused by airstrikes during the war in Ethiopia. Similar social and humanitarian consequences of conflicts are analyzed by Mahfoud et al. [18], who argue that war has a long-term negative impact on women's mental health and social rights.

The problem of legal protection of children in international humanitarian law is also examined by Pettoello-Mantovani et al. [19], whose work emphasizes the need to strengthen international legal mechanisms of accountability for violations of children's rights in conflict zones. In turn, Tadesse et al. [20] argue that gender-based violence is a systemic problem among refugees and internally displaced persons in conflict regions. Some studies focus on the impact of armed conflict on girls' education. In particular, Tai [21] finds that the presence of conflict in the vicinity of educational institutions significantly reduces girls' school attendance and creates long-term barriers to their educational development.

Thus, the current scholarly literature demonstrates a wide range of studies on the protection of civilians during armed conflict. At the same time, most studies focus on specific aspects of this problem, such as gender-based violence, access to education, or the humanitarian consequences of war. This indicates the need for a comprehensive analysis of the problems of compliance with international humanitarian law and the effectiveness of mechanisms for the protection of civilians in modern armed conflicts.

## 3. MATERIALS AND METHODS

The research was conducted in 2024–2025 by students working under author supervision and examined the problems of compliance with international humanitarian law regarding the protection of civilians during armed conflicts. The research methodology was built on the legal analysis of international legal norms, case law, and scholarly sources, which provided a structured basis for examining of the effectiveness of the mechanisms for the protection of civilians in war.

The study drew on official documents of international law, in particular the Geneva Conventions of 1949 and their additional protocols, analytical material of international organizations and scientific publications on international humanitarian law. Decisions of international judicial institutions – mainly the European Court of Human Rights and international tribunals – on violations of the rights of citizens in connection with the war were also analysed. The analysis of these sources made it possible to identify the main legal approaches to the interpretation of international humanitarian law and assess their practical application.

The methodological basis of the study was formed by three interrelated methods. First, the doctrinal method of legal analysis was applied, which allowed us to study the content of international legal acts regulating the protection of civilians in time of war, as well as to identify existing conflicts and gaps in legal regulation. As part of this method, the provisions of international conventions, resolutions of international organizations and normative documents defining legal standards for the protection of civilians were analyzed.

Second, the method of analyzing judicial practice and case law was used. The research sample included 80 decisions

of international judicial institutions and international tribunals adopted in 2000–2024 and related to violations of civilian rights during armed conflicts. The criteria for inclusion in the sample were the relevance of the case to the protection of civilians, the availability of a legal interpretation of international humanitarian law, and the significance of the court decision for the development of judicial and enforcement practice. The sample did not include judgments that did not contain an analysis of humanitarian law or dealt exclusively with military aspects of the conflict.

Third, the comparative legal method was used to compare the approaches of different states and international organizations to ensuring the protection of civilians during war. For this purpose, the authors analyzed the legislation and official documents of five states with experience in international or internal armed conflicts, as well as international agreements and analytical reports of humanitarian organizations. This approach made it possible to identify common trends in legal regulation and assess the possibility of implementing effective international practices in national legal systems.

The study sample comprised 120 legal documents and judicial rulings that formed the documentary basis for the analysis. The sample was purposive and non-random because it comprised those legal documents and judicial rulings that have a direct bearing on the interpretation of international humanitarian law on the matter of protecting civilians in armed conflicts.

## 4. RESULTS

Normative and legal framework for the protection of civilians in international humanitarian law. The normative system for the protection of civilians in international humanitarian law was formed as a result of the evolution of international treaties aimed at limiting the consequences of armed conflicts for persons not directly involved in hostilities. The basis of this system is the Geneva Conventions of 1949, which enshrined a set of legal guarantees for the protection of war victims and defined minimum standards for the treatment of civilians, the wounded, prisoners of war and other categories of persons affected by armed conflict [22–25].

The study showed that the most systematic protection of civilians is provided for in Geneva Convention IV, which establishes the legal regime for the protection of civilians during international armed conflicts and occupation of territories. The Convention contains 159 articles regulating guarantees of the safety of civilians, the prohibition of collective punishment, restrictions on the destruction of protected property, and the obligation of parties to a conflict to ensure humane treatment of civilians [25]. The norms of this convention form the basis of the modern system of international legal regulation of the protection of civilians in time of war.

Further advances were made with the adoption of the Additional Protocols to the Geneva Conventions of 1949 in 1977. Protocol I elaborated the rules governing hostilities and strengthened civilian protection through distinction between civilians and combatants and between civilian objects and military objectives, proportionality in attack, and precautions to avoid or minimize incidental civilian harm [3]. Protocol II supplemented the protections already established by common Article 3 for non-international armed conflicts meeting its specific conditions of application. It did not introduce humanitarian regulation of internal conflict for the first time; rather, it developed more detailed treaty safeguards for persons affected by such conflicts [26].

The results of the study showed that the central principle of international humanitarian law is the principle of distinction, according to which the parties to the conflict are obliged to distinguish civilians from combatants and direct military operations exclusively against military objectives. Violation of this principle may be qualified as a war crime under international criminal law [27]. The principle of proportionality prohibits attacks expected to cause incidental civilian deaths, injuries, or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated. This assessment concerns anticipated consequences and must be distinguished from the separate prohibition of attacks directed at civilians [3].

The study systematized the key principles of civilian protection that form the regulatory framework of international humanitarian law (Table 1).

**Table 1.** *Key principles of civilian protection in international humanitarian law*

| Principle | International legal source | Main content |
|---|---|---|
| Principle of distinction | 1949 Geneva Conventions; Additional Protocol I | Distinguish civilians and civilian objects from lawful military targets |
| Principle of proportionality | Additional Protocol I | prohibition of excessive harm to the civilian population |
| Principle of precautionary measures | Additional Protocol I | Obligation to minimize harm to civilians |
| Protection of civilians during occupation | Geneva Convention IV | Guarantees of safety and humane treatment |
| Criminal responsibility for war crimes | Rome Statute of the ICC | Bringing the guilty to international justice |

Source: compiled by the authors based on International Committee of the Red Cross [3, 22–25], United Nations [27]
Note: principles systematized on the basis of international treaties in the field of international humanitarian law

International legal mechanisms of criminal liability for violations of humanitarian law are also an important element of the regulatory system for the protection of civilians. The Rome Statute of the International Criminal Court defines war crimes as serious violations of the Geneva Conventions, including intentional attacks against the civilian population,

civilian objects, humanitarian personnel and infrastructure not used for military purposes [27]. Thus, international criminal law performs the function of ensuring compliance with humanitarian law by bringing perpetrators to justice.

A further group of international norms that are relevant are treaties designed to protect the most vulnerable categories of civilians, especially women and children. Among these is the Convention on the Elimination of All Forms of Discrimination against Women, which makes provision for the obligation of states to ensure equal protection of women's rights, including in armed conflict [28]. United Nations Security Council resolutions under the Women, Peace and Security agenda establish international norms for the prevention of sexual violence in war and for engaging women more in peacebuilding processes [29–32].

The protection of children's rights during armed conflict is regulated by the Convention on the Rights of the Child and the Optional Protocol on the Involvement of Children in Armed Conflict, which establish differentiated age thresholds and obligations. The Convention sets a minimum age of fifteen for recruitment and direct participation, whereas the Optional Protocol prohibits compulsory recruitment below eighteen, requires feasible measures to prevent direct participation by armed-force members below eighteen, and sets additional rules for voluntary recruitment and non-state armed groups [33, 34]. The norms of these international acts are aimed at ensuring a special legal regime for the protection of children as the most vulnerable category of civilians.

Further analysis of the application of humanitarian law is provided in the International Committee of the Red Cross report on the challenges of contemporary armed conflicts, prepared for the 32nd International Conference of the Red Cross and Red Crescent in 2015. The report discusses practical difficulties in applying international rules and protecting people affected by armed conflict [35]. An analysis of these documents shows that modern armed conflicts are characterized by growing risks for civilians due to the use of heavy weapons in densely populated areas and the expansion of hostilities in urban areas.

Thus, the results of the study show that international humanitarian law has formed a comprehensive regulatory system for the protection of civilians during war. This system includes international treaties, principles of warfare, mechanisms of international criminal liability and special legal guarantees for vulnerable groups. At the same time, modern armed conflicts demonstrate the existence of significant challenges in the practical enforcement of these norms, which necessitates further development of international legal mechanisms for the protection of civilians.

Interpretation of civilian protection norms in the practice of international courts. The case law of international judicial institutions plays a key role in specifying the norms of international humanitarian law and shaping the standards for the protection of civilians during armed conflicts. The research findings showed that the case law of international courts allows us to clarify the content of the basic principles of humanitarian law, in particular the principle of distinction, proportionality in attack and the responsibility of states for the actions of their armed forces. Of particular importance in this context is the case law of the European Court of Human Rights, which in several cases has considered the protection of civilians during military operations. These judgments apply the European Convention on Human Rights, particularly its right-to-life guarantees, and must not be presented as interchangeable with direct determinations of violations of humanitarian law. Their relevance lies in the interaction between distinct legal regimes and their respective requirements concerning planning, precaution, investigation, and state responsibility.

Further guidance on the protection of life during security operations was provided by the Court in Isayeva v. Russia, in which the Court examined the circumstances surrounding the use of aerial bombs in a populated area during military operations. The heavy use of weapons in a densely populated area led to the deaths of civilians and violated the right to life protected by international law [36]. The judgment stresses that States have a duty to plan military operations in such a manner as to carry the least risk. Similar conclusions were reached in Isayeva, Yusupova and Bazayeva v. Russia, with the European Court of Human Rights finding that indiscriminate strikes during military operations entail serious violations of international standards of protection for civilians [37]. The Court held that states could not escape their responsibilities under the principle of proportionality and control over the use of force.

Further development of the case law on the protection of civilians is reflected in the case of Tagayeva and Others v. Russia, which concerned the responsibility of the state for the events during the hostage-taking in the school in Beslan. In this judgment, the European Court of Human Rights recognized a violation of international standards for the protection of civilian life and emphasized the state's obligation to ensure effective planning of operations aimed at protecting civilians [38].

Interstate cases considered by the European Court of Human Rights have also made a significant contribution to the development of international humanitarian law. In Georgia v. Russia (II), the Court distinguished the active phase of hostilities from the period following their cessation. It found that the relevant events during the active phase fell outside Russia's jurisdiction for Convention purposes, while effective control after hostilities provided a jurisdictional basis for examining violations in the affected territories [39]. A similar approach was applied in the case of Ukraine v. Russia (re Crimea), where the court recognized the jurisdiction of the state over the territory and confirmed the possibility of holding states accountable for violations of civilian rights during military occupation [40].

The practice of international criminal tribunals plays an important role in shaping the standards for the protection of civilians. In its 1995 jurisdiction decision in Prosecutor v. Tadić, the International Criminal Tribunal for the former Yugoslavia clarified the definition of armed conflict and the conditions under which serious violations of humanitarian law may entail individual criminal responsibility. The decision concerned jurisdiction and should be distinguished from the subsequent trial judgment on guilt [41]. This decision became an important authority in the subsequent development and interpretation of international criminal law.

Further clarification of individual criminal responsibility was provided by the International Criminal Court in Prosecutor v. Thomas Lubanga Dyilo. The Court convicted the accused as a co-perpetrator of conscripting and enlisting children under fifteen and using them to participate actively in hostilities during a non-international armed conflict [42]. The significance of international mechanisms of criminal liability for crimes against civilians was affirmed.

The results of the analysis of judicial practice allowed us to systematize the key decisions of international courts on the protection of civilians (Table 2).

**Table 2.** *Key decisions of international courts on the protection of civilians during armed conflicts*

| Court case | Court | Main legal issue | Result |
|---|---|---|---|
| Isayeva v. Russia (2005) | ECtHR | Use of air strikes in a populated area | violation of the right to life established |
| Isayeva, Yusupova and Bazayeva v. Russia (2005) | ECtHR | indiscriminate use of force | violation of international standards established |
| Tagayeva and Others v. Russia (2017) | ECtHR | State responsibility for hostage rescue operations | violation of the right to life established |
| Georgia v. Russia (II) (2021) | ECtHR | State responsibility for actions during an international conflict | violation of the rights of the civilian population established |
| Ukraine v. Russia (re Crimea) (2024) | ECtHR | State jurisdiction in occupied territory | State responsibility confirmed |
| Prosecutor v. Tadić (1995) | ICTY | Jurisdiction over serious IHL violations | Jurisdiction affirmed; legal scope clarified |
| Prosecutor v. Lubanga (2012) | ICC | recruitment of children into armed groups | conviction handed down |

Source: compiled by the authors based on European Court of Human Rights [36–40], International Criminal Tribunal for the former Yugoslavia [41], International Criminal Court [42]

Note: ECtHR – European Court of Human Rights; ICTY – International Criminal Tribunal for the former Yugoslavia; ICC – International Criminal Court

The analysis has shown that international judicial institutions play an important role in shaping the standards of interpretation of international humanitarian law. Judicial practice demonstrates a tendency to strengthen control over compliance with the principles of distinction and proportionality, as well as to expand the possibilities of holding states and individuals accountable for violations of civilian rights during armed conflicts.

Comparative Analysis of the Implementation of International Humanitarian Law in National Legal Systems. A comparative analysis of national legislation has shown that the implementation of international humanitarian law into domestic legal systems is carried out according to two main models: through the adoption of a special act on international crimes or through the inclusion of relevant norms in the criminal code. The comparison suggests that special codification can make offense definitions more visible and internally organized, while implementation through general criminal legislation may require greater reliance on cross-references and judicial interpretation. These observations concern legislative structure; they do not establish that one model necessarily produces better enforcement outcomes without additional evidence on investigations, prosecutions, and remedies.

Germany has implemented the model of special codification through the Code of Crimes against International Law (VStGB), which contains a separate set of rules on genocide, crimes against humanity and war crimes [43]. The results of the analysis showed that the advantage of this model is high normative certainty, since international crimes are separated from the general part of criminal law and are structured with reference to the Rome Statute of the International Criminal Court [27]. This approach simplifies the legal characterization of acts directly related to attacks on civilians, civilian objects and humanitarian personnel.

France uses a different model, integrating war crimes provisions into the Code pénal, where a separate block of articles 461–1 to 461–31 is devoted to them [44]. The study showed that the French approach ensures formal consistency with the general structure of national criminal law, but at the same time retains sufficient detail on war crimes against civilians. The advantage of this model is institutional integration, while its weakness is the dependence of the interpretation of international crimes on general constructions of criminal law.

In the United States of America, international humanitarian law is implemented through the War Crimes Act, which

establishes federal criminal liability for serious violations of the laws or customs of war [45]. The analysis has shown that the American model is narrower in structure, as it does not create a complete autonomous system of international crimes, but focuses on criminalizing certain serious violations. As a result, the legal regulation is more applied, but less fully reflects the entire system of international humanitarian law compared to the model of special codification.

In the United Kingdom, the International Criminal Court Act 2001 provides for cooperation with the Court and domestic prosecution of specified international crimes, principally in England and Wales and Northern Ireland. Scotland has separate implementing legislation; the cited Act should therefore not be treated as an exhaustive statement of implementation throughout the United Kingdom [27, 46]. The results of the analysis showed that the British model is focused primarily on procedural and substantive support for the prosecution of international crimes within national jurisdiction. It has a high level of coherence with international criminal law, but its focus is on accountability mechanisms rather than on a comprehensive regulatory reproduction of the entire system of civilian protection.

Ukraine uses the model of partial implementation of international humanitarian law through the Criminal Code of Ukraine, as well as through special norms in the field of national security [47, 48]. The analysis has shown that Ukrainian legislation establishes liability for war crimes, but does not form such a detailed and systematic structure as German special legislation. This leads to an increased importance of judicial interpretation and international legal sources in the process of legally characterizing violations related to attacks on civilians, civilian infrastructure and other objects protected by international humanitarian law.

The comparative study has also shown that the Geneva Conventions of 1949, the Additional Protocols of 1977, and the Rome Statute provide important comparative benchmarks, although treaty participation and the domestic legal status of these instruments differ among the states examined. In particular, the United States is not a party to the Rome Statute, and the War Crimes Act does not signify accession to that treaty. These differences must be taken into account when assessing domestic provisions for criminalizing the most serious crimes against humanitarian law [3, 22–25, 27]. At the same time, the depth of those instruments' implementation varies considerably. The studied states can be divided into three groups: states with special codification of international crimes, states with integrated codification in the criminal code, states with limited or partial implementation through separate special acts. The study summarized the main models of national implementation of international humanitarian law in national legal systems (Table 3).

**Table 3.** *Models of implementation of international humanitarian law in national legal systems*

| State | Regulatory act | Model of implementation | Main characteristic |
|---|---|---|---|
| Germany | VStGB | Special codification | autonomous regulation of international crimes |
| France | Code pénal | integrated codification | separate block of norms in the criminal code |
| United States | War Crimes Act | partial special implementation | criminalization of certain serious violations |
| United Kingdom | ICC Act 2001 | Implementation of the Rome Statute | focus on prosecuting international crimes |
| Ukraine | Criminal Code of Ukraine; Law "On National Security of Ukraine" | partial integrated implementation | combination of criminal law and security mechanisms |

Source: compiled by the authors based on Federal Ministry of Justice of Germany [43], Legifrance [44], United States Congress [45], UK Parliament [46], Verkhovna Rada of Ukraine [47, 48], United Nations [27]

The results obtained show that particularly detailed in its express definition of offenses is a special model of implementation, where international crimes are codified in a separate legislative act. At the same time, integrated models are more flexible in the system of national criminal law, but more often require more active involvement of international treaties and case law to clarify the content of certain offenses. In the case of partial implementation, there is a risk of gaps in law enforcement, especially with regard to complex forms of attacks on civilians in international or non-international armed conflict.

Thus, the comparative analysis showed that the implementation of international humanitarian law in national legal systems is not unified. Despite the common treaty framework, states use different legislative mechanisms to criminalize war crimes and protect civilians. This indicates the existence of both common trends of harmonization with international standards and significant differences in the structure of national legal regulation.

## 5. DISCUSSION

The results of the study showed that international humanitarian law forms a developed regulatory system for the protection of civilians, but the effectiveness of its implementation depends on international monitoring and national

implementation. The analysis of international treaties and case law has confirmed that the basis of legal protection is the principle of distinction between civilians and combatants, the principle of proportionality in attack and the obligation of parties to the conflict to take all feasible precautions to avoid or minimize incidental harm to civilians.

A comparison of the results obtained with modern international studies shows similar conclusions regarding the vulnerability of the civilian population during war. For example, Tewabe et al. found that armed conflicts are accompanied by an increase in gender-based violence, which increases the risks to civilians [49]. Similar results were obtained by Veronese et al., who showed the systemic nature of violence against women in modern conflicts [50].

The findings are also consistent with global studies of the humanitarian consequences of war. Vesco et al. have shown that armed conflicts significantly worsen human development indicators, including education, health and social security [51]. Similar findings are contained in the study by Wang et al., who show that wars significantly slow down the achievement of the Sustainable Development Goals and worsen the socio-economic situation in conflict regions [52].

At the same time, Wilke et al. note that during conflicts, inequalities in the protection of civilians are created when different groups receive different levels of security and compensation [53]. These findings are broadly consistent with the results of the study, which showed that the effectiveness of humanitarian protection depends on political and institutional factors.

In general, the results of the study confirm that international humanitarian law provides an important legal framework for the protection of civilians, but the effectiveness of this system depends on the practical application of the rules, judicial review and national implementation. Further research should be aimed at analyzing the mechanisms of international responsibility and the effectiveness of international judicial institutions in ensuring the protection of civilians during modern armed conflicts.

## 6. CONCLUSIONS

The study showed that international humanitarian law forms a comprehensive system of normative protection of civilians, but the effectiveness of its practical application depends on the mechanisms of international control and national implementation. The findings confirmed that the principles of distinction, proportionality and limitation of harm to civilians remain the key elements of legal protection. At the same time, the analysis of case law has shown that violations of these principles continue to occur during modern armed conflicts, which indicates the need to strengthen international accountability mechanisms.

The scientific novelty of the study lies in the systematic combination of the analysis of international treaties, case law and national legislation to assess the effectiveness of legal mechanisms for the protection of civilians. The practical significance of the results lies in the possibility of using the findings to improve the mechanisms for implementing international humanitarian law in national legal systems. The limitations of the study are related to the use of a purposive sample of court decisions and legal documents focused mainly on international institutions.

Further research should be directed at analyzing the effectiveness of mechanisms of international responsibility for violations of humanitarian law, as well as at studying the role of international judicial institutions in ensuring effective protection of civilians in modern armed conflicts.

### Author Contributions

Volodymyr Lysyk: Conceptualization, Methodology, Investigation, Writing – Original Draft, Writing – Review & Editing. Alina Pomaza-Ponomarenko: Conceptualization, Formal Analysis, Supervision, Writing – Review & Editing. Lesia Strelbitska: Investigation, Validation, Data Curation, Writing – Original Draft. Ivan Kovalchuk: Resources, Investigation, Visualization, Writing – Original Draft. Ihor Korzh: Methodology, Validation, Writing – Review & Editing. All authors contributed to the development of the study, critically reviewed the manuscript, approved the final version, and agreed to be accountable for all aspects of the work.

### Conflict of Interest

The authors declare no conflicts of interest.

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### Data Availability

The documentary materials supporting the findings of this study are available from the corresponding author upon reasonable request.

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