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2. Зигрій О., Русняк В. Правові механізми захисту довкілля під час збройних конфліктів: виклики XXI століття. *Актуальні проблеми правознавства*. 2025. № 2 (42). С. 89-96. URL : <https://appj.wunu.edu.ua/index.php/appj/article/view/2131>.

3. Про охорону навколишнього природного середовища : Закон України від 25.06.1991 № 1264-XII URL: <https://zakon.rada.gov.ua/laws/show/1264-12#Text> (дата звернення: 02.04.2026)

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**Tetiana Drakokhrust,**  
*Doctor of the Science of Law,*  
*Professor,*  
*Professor at the Department of Theory of Law,*  
*and Constitutionalism,*  
*West Ukrainian National University*

## **HUMAN RIGHTS PROTECTION IN WAR-INDUCED DISPLACEMENT**

The contemporary system of international law is increasingly challenged by the intersection of armed conflict, forced displacement, and environmental degradation, which together create complex and protracted threats to human rights. War-induced displacement has become one of the most pressing global issues, significantly undermining the effective realization of fundamental rights and freedoms. The scale of forced displacement has reached unprecedented levels in recent years, particularly in the context of ongoing armed conflicts such as the war in Ukraine, which has resulted in millions of refugees and internally displaced persons (IDPs). These developments raise critical questions regarding the adequacy of existing international legal frameworks designed to protect affected populations.

The protection of displaced persons is grounded in a fragmented yet interconnected system of international legal norms. The 1951 Convention

Relating to the Status of Refugees and its 1967 Protocol establish the legal definition of a refugee and enshrine the principle of non-refoulement as a cornerstone of international protection [1; 2]. At the same time, international human rights law, particularly the International Covenant on Civil and Political Rights, guarantees fundamental rights applicable to all individuals regardless of status [3]. International humanitarian law, notably the Geneva Conventions, provides additional protections for civilians during armed conflict [4]. For internally displaced persons, the UN Guiding Principles on Internal Displacement serve as an important, albeit non-binding, normative framework [5].

Despite the existence of these legal instruments, significant protection gaps persist. The distinction between refugees and IDPs remains a major issue, as IDPs do not benefit from a dedicated binding international protection regime and remain under the jurisdiction of their home states. In situations of armed conflict, such states may be unable or unwilling to guarantee the protection of fundamental rights, resulting in heightened vulnerability and exposure to human rights violations.

Armed conflicts systematically undermine the enjoyment of basic human rights. Displaced persons frequently experience violations of the right to life, personal security, and human dignity. Access to essential services, including healthcare, education, and adequate housing, is often severely limited. Discrimination, marginalization, and barriers to justice further exacerbate their situation. Certain groups, including women, children, older persons, and persons with disabilities, are particularly vulnerable and may face gender-based violence, exploitation, and trafficking [6].

The war in Ukraine illustrates both the scale of modern displacement and the potential for adaptive legal responses. The European Union activated the Temporary Protection Directive, enabling displaced persons to access protection without undergoing lengthy asylum procedures [7; 8]. This mechanism demonstrates a flexible and collective approach to mass displacement, although challenges related to long-term integration and protection of IDPs within Ukraine remain significant.

Environmental factors increasingly intersect with armed conflict, contributing to displacement and compounding human rights risks. Environmental damage caused by warfare, including destruction of infrastructure and pollution, has long-term consequences for human health and livelihoods. Climate change further exacerbates these challenges by intensifying resource scarcity and increasing the likelihood of conflict and displacement [9]. However, international law still lacks a comprehensive framework for the protection of environmentally displaced persons, highlighting a critical normative gap.

The effectiveness of international protection mechanisms is further limited by systemic challenges. Fragmentation between different branches of international law complicates their implementation, while state sovereignty continues to restrict external intervention in internal displacement situations.

Weak enforcement mechanisms and insufficient accountability contribute to persistent implementation gaps. Additionally, the politicization of migration has led to increasingly restrictive policies in many regions, undermining access to protection and the core principles of international refugee law [10].

Addressing these challenges requires a more integrated and human-centered approach. Strengthening coordination between legal regimes, enhancing the role of international and regional organizations, and developing legal recognition for environmentally displaced persons are essential steps. Improved access to justice and stronger accountability mechanisms are also crucial. In this regard, the concept of human security provides a useful framework, shifting the focus from state-centric approaches to the protection of individuals.

In conclusion, war-induced displacement, compounded by environmental and political factors, represents a major challenge to the international human rights system. While existing legal frameworks provide a solid foundation, they are increasingly insufficient to address the complexity of contemporary crises. Strengthening international cooperation and adapting legal norms to evolving global realities are necessary to ensure effective protection of displaced populations.

#### LITERATURE:

1. United Nations General Assembly. (1951). *Convention Relating to the Status of Refugees*. URL: <https://www.unhcr.org/3b66c2aa10> (Accessed: April 3, 2026).

2. United Nations General Assembly. (1967). *Protocol Relating to the Status of Refugees*. URL: <https://www.unhcr.org/3b66c2aa10> (Accessed: April 13, 2026).

3. United Nations General Assembly. (1966). *International Covenant on Civil and Political Rights*. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (Accessed: April 3, 2026).

4. International Committee of the Red Cross. (1949). *Geneva Conventions of 12 August 1949*. URL: <https://www.icrc.org/en/law-and-policy/geneva-conventions> (Accessed: April 3, 2026).

5. United Nations. (1998). *Guiding Principles on Internal Displacement*. URL: <https://www.unhcr.org/internal-displacement> (Accessed: April 3, 2026).

6. Office of the United Nations High Commissioner for Human Rights. (2022). *Human rights and displacement*. URL: <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons> (Accessed: April 13, 2026).

7. Council of the European Union. (2001). *Council Directive 2001/55/EC*. URL: <https://eur-lex.europa.eu/legal->

content/EN/TXT/?uri=CELEX:32001L0055  
(Accessed: April 3, 2026).

8. European Commission. (2022). *Temporary protection for people fleeing Ukraine*. URL: [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en) (Accessed: April 11, 2026).

9. Intergovernmental Panel on Climate Change. (2022). *Climate Change 2022: Impacts, Adaptation and Vulnerability*. URL: <https://www.ipcc.ch/report/ar6/wg2/> (Accessed: April 10, 2026).

10. United Nations High Commissioner for Refugees. (2023). *Global Trends: Forced Displacement*. URL: <https://www.unhcr.org/global-trends> (Accessed: April 3, 2026).

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**Чудик Н. О.**  
доктор юридичних наук, професор,  
завідувач кафедри теорії права та  
конституціоналізму юридичного факультету  
Західноукраїнського національного університету

### **ТРИ ВИМІРИ СУЧАСНОЇ КРИЗИ: ЗБРОЙНА АГРЕСІЯ, ВИМУШЕНА МІГРАЦІЯ ТА ЕКОЛОГІЧНА КАТАСТРОФА КРИЗЬ ПРИЗМУ ПРАВ ЛЮДИНИ**

Повномасштабне вторгнення Російської Федерації на територію України, розпочате 24 лютого 2022 року, є безпрецедентним викликом для міжнародної системи захисту прав людини. Збройна агресія формує багатовимірну правозахисну кризу, яка охоплює одночасно порушення права на життя, права на недоторканність житла, свободу пересування та цілу низку інших фундаментальних прав, гарантованих як міжнародним гуманітарним правом, так і міжнародним правом прав людини [1].

Відповідно до положень Женевських конвенцій 1949 року та Додаткових протоколів до них, сторони збройного конфлікту зобов'язані розрізняти цивільне населення і комбатантів, захищати цивільних осіб від наслідків воєнних операцій та забезпечувати гуманне поводження з усіма особами, які перебувають під їхньою владою [2]. Численні задокументовані факти свідчать про систематичне порушення цих норм з боку збройних сил РФ: цілеспрямовані удари по об'єктах цивільної інфраструктури — лікарнях, школах, об'єктах енергетики, — а також масові вбивства мирних жителів у Бучі, Ірпені, Херсоні та інших населених пунктах [3].

Міжнародний кримінальний суд у березні 2023 року видав ордери на арешт Президента РФ Владіміра Путіна та Уповноваженого з прав дитини Марії Львової-Белової у зв'язку з незаконною депортацією українських дітей [4]. Цей крок став важливим сигналом щодо невідворотності міжнародно-правової відповідальності, хоча й поставив питання про ефективність механізмів примусового виконання рішень МКС у ситуаціях, коли держава-порушниця є постійним членом Ради Безпеки ООН і фактично блокує будь-які колективні