

Effect of the Russian aggression against Ukraine on the protection of human rights: social and labour dimension

Olga Butkevych*

Summary: In the article, the author analyzes the impact of the Russian aggression against Ukraine, which began in February 2014, and the subsequent occupation of part of the Ukrainian territory on the implementation of social and labor rights of the local population. A historical review of the formation of the category of human rights in international law and their correlation with armed conflicts is conducted. The situation with the restriction of labor and social human rights in Ukraine in connection with the armed conflict is shown, primarily in the occupied territories. The essence of collaboration activities as a serious crime is revealed. The state of implementation of labor and social rights of internally displaced persons is analyzed.

Keywords: international armed conflict, human rights, labor rights, social rights, refugees, internally displaced persons, armed aggression, occupation regime

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1. Introduction

The 20th century was a turning point both in the transformation of the law of armed conflicts (which was influenced by the UN Charter's principles, especially on the prohibition of the use or threat of force and the prohibition of war), and for the sphere of human rights, since the branch of international human rights law was finally formed in the middle of the century. Rethinking of war in international

* Doctor of Jur. Sciences (Dr. hab), President of the Ukrainian Association of International Law, Professor of the Chair of international law of the Taras Shevchenko National University of Kyiv, Educational and Scientific Institute of International Relations. butkevych.o@gmail.com

legal consciousness during the 20th century took place under the influence of the adoption of relevant documents and stunning events in international relations of that period – the “age of extremes”, as scholars put it (Douglas Johnston)¹. International law had to respond accordingly to these extremes, setting at that time the following goals: a) the fight against violence in international relations (which, accordingly, led to the formation, in particular, of the field of international security law, the formation of the institution of international atomic law and the principles of non-use of force, prohibition of aggression, etc.); b) the struggle for the protection of a person, its life, dignity and rights (which led to the formation of the field of international law for the protection of human rights, recognition of individual as a subject of international law, etc.).

It is clear that human rights are the area that suffers most from the war. Application of the law of armed conflicts (or in a narrower sense, international humanitarian law) during an armed conflict is primordial. The field of human rights does not lose its importance, but in the event of conflicts it may give way to the norms of international humanitarian law. And although the latter has developed a number of provisions on the protection of victims of war, in particular, civilians (namely: the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and the Additional Protocols thereto of 1977, the Hague Conventions on the Laws and Customs of War on Land of 1899 and 1907, etc.), this set of rules is not always (or even rarely) respected by the parties to the conflict.

The armed conflict itself is the event that can legitimately suspend the operation of a whole range of human rights rules, or significantly restrict them (see Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms – “In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law”; or Article 4(1) of the International Covenant on Civil and Political Rights – “In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin”).

¹ JOHNSTON, D. M. *The Historical Foundations of World Order. The Tower and the Arena*. Leiden, Boston: Martinus Nijhoff Publishers, 2008, p. 689.

And if such a restriction is unacceptable, for example, with regard to the human right to life, or with regard to such absolute rights as the prohibition of slavery, torture, degrading treatment or punishment, human rights in the social and labour spheres may be subjected to significant restrictions or suspension for the wartime.

Since many misconceptions regarding the emergence and development of the idea of protecting human rights still prevail in the doctrine to this day, the impact of armed conflicts on the domain of human rights in general will be considered below, and then we will single out the issue of the implementation of social and labour rights in the wartime.

2. Human rights in the time of the armed conflict

Most international law scholars are generally unanimous in dating the appearance of international protection of human rights in a relatively recent period – the stage of classical international law. As to formation of human rights, scientists consider them not in the international legal aspect, but as a political and legal category, from the point of view of the general theory of state and law, often even with a civilist approach to the subject. Speaking about the formation of human rights, such events as the French Revolution of 1789, the War of Independence and the Declaration of Independence of the United States of America 1775-1778 are mentioned, as well as such sources as the English Bill of Rights 1689, the French Declaration of the Rights of Man and of the Citizen 1789, the US Declaration of Independence 1776 and the US Constitution 1787 and works of such thinkers as B. Spinoza, J. Locke, T. Hobbes, T. Jefferson, T. Paine, S. Montesquieu, J.-J. Rousseau, I. Kant et al.

Not denying the significant influence of these documents on the development of international law and the ideas of these thinkers on international legal practice and thought, one should still recognize the municipal nature of such acts and the goal of these humanist thinkers to determine the best political system, to give an interpretation to the laws of the development of politics and society.

Paradoxically, it is the history of the law of war that shows that the idea of human rights is a product of international law, and not a derivative of serious political changes in states. The very idea of the inherent nature of certain rights to a person, the possibility of their legal consolidation and protection is a product of international law.

For the first time, individuals received protection under international treaties or customs of the ancient period. At that time protection of human rights was manifested in the law of war (in the institution of asylum, the exclusion of certain categories of the population from the war and the prohibition of causing harm

to them, rules regarding the humanization of warfare). The idea of international protection of human rights in the 19th century deepened and was embodied in the formation of the branch (at the end of the century) of international humanitarian law, a component of which is a set of rules for the protection of human rights in conditions associated with armed conflicts. The main manifestations of its formation are the conclusion of relevant treaties (the Convention for the Amelioration of the Condition of the Wounded and Sick in Active Armies of 1864, the Hague Peace Conferences of 1899 and 1907 and the conventions adopted at them, etc.) and the creation of the International Committee of the Red Cross in 1863. Finally, the branch of international protection of human rights is finally formed in the middle of the 20th century.

The right to life is actually first enshrined in the law of war, in the prohibition of killing civilians and worshippers, which belongs to ancient international law. It was in this domain that the concept of legal protection of human life took shape for a long time. The culmination of ideas about the international protection of human rights in classical international law can be considered the of F. Martens clause, adopted as a provision of the preamble to the Hague Convention on the Laws and Customs of War of 1899, according to which “Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience”. The field of war gave impetus to the development of other human rights.

Throughout history, the laws and customs of war developed by nations, especially in terms of its limitation and humanization, have become a strong unifying factor for creating a common understanding of human rights by these nations². In the absence of a set of rules directly devoted to the observance of human rights in these periods, the basic principles of their protection are included in international treaties concluded on the subject of war or contained in international customs regarding the procedure for conducting hostilities. In order to avoid excessive bloodshed and expense of wars in the ancient and medieval periods, principles of humanization of war were developed (the main of which is the protection of the individual at the international level): these were the institutions of divine peace and divine truce, the replacement of large-scale military actions by duels (battles) of rulers or military leaders, the result of which determined the winner

² BAUMAN, R. A. *Human Rights in Ancient Rome*. London, New York: Routledge, 2000, pp. 10–11, 28–44.

in the war as a whole, the replacement of the destruction of the population of a region by its siege or economic blockade, etc.³

For countries, the protection of foreigners (ambassadors, traders, etc.) in a wartime is a requirement, first of all, of economic expediency. Therefore, in the course of the development of the laws and customs of war, not only the concept of the protection of relevant human rights is formulated, but also the imperativeness of such norms.⁴

Forms and means of humanizing war in pre-classical international law show that it was in the law of war that the idea of protecting human rights was born, which then grew into the formation of international human rights law of the twentieth century. The latter also occurred, including under the influence of international humanitarian law.

Thus, it can be argued that the idea of legal protection of human rights is a product of international, not national law. It arose from the need to regulate the conduct of wars and prevent the total extermination of humanity. However, in the modern period, human rights during armed conflict are a vulnerable object – they are both violated by the warring parties and can be quite legitimately limited.

3. Impact of Russian aggression on social and labour rights

Many aspects have been touched by 11-years Russian-Ukrainian armed conflict. Human rights in general and social and labour rights particularly are of no exclusion here. Before the full-scale Russian invasion in 2022, the main problems in the field of labour relations were: the closure of enterprises and the growth of unemployment, as an objective consequence of the war; the decline of the social level, economic well-being due to the redirection of basic resources to defence; the problem of employment and social security of IDPs; violations of labour and social human rights in the occupied territories. Since 2022, the following problems have been added: active migration of the working part of the population (including abroad), the deepening of the economic crisis and the expansion of territories that are beyond the control of Ukraine, and therefore, where the implementation of labour and social rights cannot be guaranteed.

³ ISHAY, M. R. *The History of Human Rights. From Ancient Times to Globalization Era*. Berkeley, Los Angeles, London: University of California Press, 2004, pp. 40–41.

⁴ LAUREN, P. G. *The Evolution of International Human Rights: Visions Seen*. Philadelphia: University of Pennsylvania Press, 1998, p. 4–36.

The main instruments regulating labour relations in Ukraine in peacetime are the Constitution (especially Articles 36, 42–48, etc.), the Labor Code and a number of laws devoted to the regulation of social or labour issues. However, in general, the labour legislation of Ukraine is criticized as outdated and irrelevant.⁵ During the period of the large-scale Russian invasion, many of the rights provided for by these acts are suspended or cannot be exercised.

During martial law, labour relations are regulated by the Law of Ukraine “On the Organization of Labor Relations in Martial Law” (adopted in 2022). This Law “determines the features of civil service, service in local government bodies, the features of labour relations of employees of all enterprises, institutions, organizations in Ukraine, regardless of the form of ownership, type of activity and industry affiliation, representative offices of foreign economic entities in Ukraine, as well as persons working under an employment contract concluded with individuals (employees), during the period of martial law”.

The law imposes certain restrictions on the realization of labour and social rights, as well as on their guarantee by the state. In particular, during the period of martial law, restrictions on the constitutional rights and freedoms of a person and citizen provided for by Articles 43 (“Everyone has the right to labour, including the possibility to earn one’s living by labour that he or she freely chooses or to which he or she freely agrees”) and 44 (“Those who are employed have the right to strike for the protection of their economic and social interests”) of the Constitution of Ukraine.

The Law stipulates, that other rules of labour legislation do not apply to the relations regulated by this law, that is, it takes precedence over the labour legislation of Ukraine, designed for peacetime.

During the period of martial law, the rules of labour legislation, some provisions of the laws of Ukraine “On State Service”, “On Service in Local Self-Government Bodies”, other legislative acts regulating the activities of civil servants and local self-government officials are not applied or suspended.⁶

The Law on Amendments to Certain Legislative Acts of Ukraine on Simplifying the Regulation of Labour Relations in the in the Small and Medium-Sized

⁵ See on it: VENEDIKTOV, S. The impact of the armed conflict on labour law: the case of Ukraine. *Access to Justice in Eastern Europe*. 2023, no 4 (21), pp. 280–281 [online]. Available at: <https://ajee-journal.com/the-impact-of-the-armed-conflict-on-labour-law-the-case-of-ukraine>; YAROSHENKO, O., LUTSENKO, O. Working in War: The Main Changes in Labour Relations and Working Conditions Under Martial Law in Ukraine. *Special Issue Access to Justice in Eastern Europe*. 2022, no 4–2(17), pp. 140–141 [online]. Available at: <https://ajee-journal.com/working-in-war-the-main-changes-in-labour-relations-and-working-conditions-under-martial-law-in-ukraine>

⁶ More detailed see: YAROSHENKO, O., LUTSENKO, O. Working in War: The Main Changes in Labour Relations and Working Conditions Under Martial Law in Ukraine. *ibid.*, pp. 143–150.

Business Area and Reducing the Administrative Burden on Business Activity (adopted in 2022) provided a so-called “simplified regime for the regulation of labour relations”, which means “that the parties entering into an employment contract may, at their own discretion, determine the grounds for the emergence and termination of employment relationship, the remuneration system, labour standards, working hours and rest periods. Moreover, employers applying the simplified regime are not subject to the obligation to adopt local regulations and administrative documentation such as employee handbooks and leave schedules. The simplified regime is of limited application and can only be extended to the regulation of employment relationship between an employee and an employer who is a small or medium-sized business entity or between an employer and an employee whose monthly salary exceeds eight minimum wages”.⁷

Other restrictions and further limitations in the domain labour relations are envisaged by other newly-adopted legal instruments.

That is, Ukraine introduces legitimate restrictions on labour and social rights, stipulated by Article 15 of the European Convention on Human Rights and Article 4(1) of the International Covenant on Political and Civil Rights.⁸

Another issue that arises is the problem of collaboration. The Geneva Convention on the Protection of the Civilian Population in Time of War of 1949 and the additional protocols to it, ratified by Ukraine, do not contain a general prohibition on the continued work of hired workers in conditions of occupation.

For citizens of Ukraine living in the temporarily occupied territory, the exercise of employment rights is carried out in accordance with the legislation of Ukraine (Article 7 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine” as of 05.07.2022). However, this article of the Law mostly provides for the social (and only to a very minimal extent – the labour) rights: “For citizens of Ukraine living in the temporarily occupied territory, the implementation of the rights to employment, pension provision, mandatory state social insurance in case of unemployment, in connection with temporary loss of working capacity, from an accident at work and an occupational disease that caused loss of working capacity, to the provision of social services is carried out in accordance with the

⁷ See on it: VENEDIKTOV, S. The impact of the armed conflict on labour law: the case of Ukraine. *Access to Justice in Eastern Europe*. 2023, No 4(21), p. 284 [online]. Available at: <https://ajee-journal.com/the-impact-of-the-armed-conflict-on-labour-law-the-case-of-ukraine>

⁸ Although labour legislature during the martial time is often criticized by the scholars: “The martial law labour legislation stresses the fact that it was enacted in the first months of the full-scaled aggression. Since then, it has not been significantly revised and, subsequently, does not reflect the current realities in the country, which are quite different from those that prevailed during the first months”. See: VENEDIKTOV, S., *ibid.*, p. 285.

legislation of Ukraine”; as well as about pension provision, special social needs, education, social protection. This is understandable, because work in the occupied territories is often on the verge of two legal regimes – labour and social law (the need for persons in the occupied territories to work for a living, to provide for their family, etc.) and criminal law (collaborative activities).

Based on the content of Article 111-1 of the Criminal Code of Ukraine, one could single the following cases as examples of collaborative activity:

1. Public calls for cooperation with the aggressor state, armed formations or the occupation administration of the aggressor state;
2. Voluntary occupation of a position not related to the performance of organizational and managerial or administrative and economic functions in illegal authorities established in the temporarily occupied territory, including in the occupation administration of the aggressor state;
3. Carrying out propaganda in educational institutions, regardless of the types and forms of ownership, in order to promote the implementation of armed aggression against Ukraine, the establishment and consolidation of the temporary occupation of part of the territory of Ukraine, evasion of responsibility for the implementation of armed aggression against Ukraine by the aggressor state, as well as actions of citizens of Ukraine aimed at implementing the educational standards of the aggressor state in educational institutions;
4. Conducting economic activities in cooperation with the aggressor state, illegal authorities established in the temporarily occupied territory, including the occupation administration of the aggressor state;
5. Voluntary occupation of a position related to the performance of organizational and managerial or administrative and economic functions in illegal authorities established in the temporarily occupied territory, including the occupation administration of the aggressor state, or voluntary election to such bodies;
6. Carrying out information activities in cooperation with the aggressor state / or its occupation administration, aimed at supporting the aggressor state, its occupation administration or armed formations or at evading responsibility for armed aggression against Ukraine;
7. Voluntary occupation by a citizen of Ukraine of a position in illegal judicial or law enforcement bodies established in a temporarily occupied territory, as well as voluntary participation in illegal armed or paramilitary formations established in a temporarily occupied territory, or in armed formations of the aggressor state, or providing such formations with assistance in conducting hostilities against the Armed Forces of Ukraine.

Collaboration is a deliberate or voluntary activity and this is the main characteristics of collaborationism as a criminal crime.

The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War established general principle according to which occupied power should maintain in maximum status quo concerning civil population in the occupied territories.

However, practically all the requirements of this Convention are violated by the occupier: forcing teachers to teach the ideology of the “Russian world” and other pseudo-scientific subjects; using people’s labour on military objects, forced passportization with the aim to get job, or salary (pension) to be paid, not saying about involvement of children in paramilitary activities, violation of the rights of national and religious minorities, etc.

Collaboration activities are subject to the field of criminal law, therefore, when determining a person’s involvement in it, such activities should not be characterized from the standpoint of social or labour rights. Of course, in the occupied territories, the labour rights of the local population are violated (which, accordingly, is a violation, first of all, of the IHL), but social and labour rights of a person cannot serve as an excuse for collaboration activities. Those guilty of committing this crime will be subject to criminal prosecution, which provides for quite severe sanctions for the convicted person (from deprivation of the right to hold certain positions or engage in certain activities for a period of ten to fifteen years to life imprisonment – Article 111-1 of the Criminal Code of Ukraine).

Another aspect is the set of social and labour rights of internally displaced persons. The problem of employment of internally displaced persons has become apparent in Ukraine since 2014, when this category of people actually emerged. Ukrainian human rights activists describe this problem as follows: «Finding a job in a new place is often quite difficult, especially for IDPs. Particular difficulties may arise if a person was previously officially employed, but does not have a connection with the previous employer to terminate the employment relationship. ...An internally displaced person who has resigned from work, in the absence of documents confirming the fact of dismissal, periods of employment and insurance experience, is registered as unemployed and receives unemployment benefits, social and other services under mandatory state social insurance in accordance with the law.»⁹

Due to the Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced persons and other persons affected by the armed aggression of the Russian Federation against Ukraine “As of mid-2024, more than 2 million of the 4.7 million

⁹ Guarantees for internally displaced persons in the field of public employment [online]. Available at: <https://www.adra.ua/en/guarantees-for-internally-displaced-persons-in-the-field-of-public-employment/>

IDPs were of working age, of whom 128,000 were in need of employment; 26,500 IDPs received unemployment benefits. While in 2023, on average, about 4,000 IDPs applied to employment centres every month, in 2024 their number increased: in February – to 11,000, and in March – to 15,000. ... Employment remains at the top of the list of challenges for IDPs.”¹⁰

Problems arise in various areas – from the inability to formally register the end of their employment in their previous place (usually in the occupied territories), to financial needs, the need for additional training for employment in a new place, obtaining documents that could often be lost, proper bureaucratic registration of their stay in a new place, obtaining a job based on qualifications, obtaining a job with proper pay, small number of vacancies, the possibility of concluding a new employment contract for a term that would meet the needs of IDP, difficulties with employment for people of preretirement age, etc.

That’s why “The Strategy of State Policy on Internal Displacement for the period up to 2025 and the operational plan of measures for its implementation in 2023-2025 were approved by the Order of the Cabinet of Ministers of Ukraine of April 7, 2023, No. 312-p, among the key tasks are the implementation of measures for vocational training/retraining, employment support and self-employment of internally displaced persons, including through the implementation of relevant non-state projects and support programs. ... In addition, based on the results of the analysis of national and regional programs in the field of IDP employment, the Government decided that the Ministry of Reintegration is developing a draft Strategy for Promoting Employment of Internally Displaced Persons and Persons Who Left Ukraine as a Result of the Armed Aggression of the Russian Federation and Return to Ukraine – for the period up to 2027”¹¹

However, as Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced persons have noted out among the main problems for the IDPs remain

¹⁰ Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced persons and other persons affected by the armed aggression of the Russian Federation against Ukraine. Analytical report “Employment of internally displaced persons”. Kyiv, 2024, p. 4 [online]. Available at: <https://www.rada.gov.ua/uploads/documents/75655.pdf>. See also: ZHURAVEL, V., DASHUTIN, I., DENEHA, O., VITRUK, V., BIELOUSOV, V. The right to social security for internally displaced persons: the experience of Ukraine. *Estudios constitucionales*. 2023, vol. 21 no. 2 [online]. Available at: https://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-52002023000200145

¹¹ Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced persons and other persons affected by the armed aggression of the Russian Federation against Ukraine., *ibid.*, pp. 5, 6.

following: there is no comprehensive state employment strategy that would identify IDPs as a separate priority group and IDPs face specific barriers to employment.¹²

According to Article 7 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”, IDPs have the right to: a simplified procedure for granting unemployed status; payment of unemployment benefits without providing documents on insurance experience and earnings at the last place of work; a simplified procedure for registering an individual entrepreneur and terminating self-employment. In addition, employers are encouraged to support IDPs, they may receive compensation for labour costs for employing IDPs under the state support program.¹³

After the full-scale Russian invasion in 2022, a special government program “Platform for Business Relocation to Safer Regions” was introduced (it is implemented under the auspices of the Ministry of Economy of Ukraine).

Another problem for internally displaced persons, in addition to promoting their labour rights, is the issue of their social protection. This is a broader set of norms and measures to improve the lives of IDPs. As scholars state: “In the challenging circumstances of forced displacement, the state bears several obligations to enhance the protection of the human rights of IDPs, in accordance with international human rights norms. ... These issues present a significant challenge for both the state and the field of modern social security law. The examination of the status of IDPs as a distinct subject within social security law, along with the peculiarities of their legal regulation, is an essential component of the comprehensive system of social protection for internally displaced persons.”¹⁴

In addition, these issues are interconnected, because proper protection of the entire spectrum of social human rights also affects the realization of one’s labour potential and enjoyment of one’s labour rights: “Social protection plays a vital role in maintaining social stability and promoting human resource development by safeguarding population health, well-being, and the quality of the labour

¹² Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced persons and other persons affected by the armed aggression of the Russian Federation against Ukraine., *ibid.*, p. 6.

¹³ Due to Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced persons and other persons affected by the armed aggression of the Russian Federation against Ukraine “In 2023, the state compensated employers UAH 181 million for hiring IDPs. In total, more than 8,000 entrepreneurs have hired 14,400 IDPs as part of the state program to stimulate the employment of IDPs”. See: *ibid.*, p. 11.

¹⁴ ZHURAVEL, V., DASHUTIN, I., DENEHA, O., VITRUK, V., BIELOUSOV, V. The right to social security for internally displaced persons: the experience of Ukraine. *Estudios constitucionales*. 2023, vol. 21 no. 2 [online]. Available at: https://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-52002023000200145

force. Additionally, it contributes to economic development through the growth of human capital and the stimulation of consumption”.¹⁵

4. Conclusion: Prospects of post-conflict regulation

There may be identified several domains of post-conflict settlement, which are most close to social and labour fields, and which consist of different interrelated issues. The post-conflict settlement may be divided into main domains as follows (the list is not complete and it is a subject to further clarifications and additions): 1) security, 2) human rights, 3) economics, 4) criminal prosecution, etc. As it could be noticed all domains of post-conflict settlement include human rights dimension.

The main “pure” human rights areas of the post-conflict settlement may be identified as follows:

- 1) compliance of international obligations of Ukraine;
- 2) development of relevant national legislation in the domain of human rights with the view to post-conflict needs;
- 3) specific issues of human rights protection during the course of post-conflict settlement.

Among the latter a huge number of humanitarian problems should be highlighted. These are: restoration of rights (including property rights) of refugees, internally displaced persons and victims of occupation of Ukrainian territory; guaranteeing of security of people in post-conflict regions; protection of indigenous people in Crimea and full restoration of their rights; protection and fulfilment of the rights of national minorities in annexed and occupied territories including labour and social; inclusive approach to persons from occupied territories including internally displaced persons, promotion of their full integration to post-conflict national society; fulfillment of legitimate interests of persons living (originating from) in occupied territories; providing legal assistance for Ukrainian individuals and legal entities wishing to appeal to international judicial bodies as to restoration of their rights and compensation for damages; criminal prosecution of those responsible for violation of the IHL and other international commitments (especially former Ukrainian state officials) and those responsible for the grave violation of human rights during the conflict, etc.

¹⁵ ZHURAVEL, V., DASHUTIN, I., DENEHA, O., VITRUK, V., BIELOUSOV, V. The right to social security for internally displaced persons: the experience of Ukraine. *Estudios constitucionales*. 2023, vol.21 no. 2 [online]. Available at: https://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-52002023000200145

Each armed conflict reveals certain gaps in the law and the inconsistency of the existing legal regulation with the emerging needs. The peculiarity of the Russian-Ukrainian conflict is that, on the one hand, the aggressor violates almost all basic principles of human rights, in particular in the occupied territories. On the other hand, this is the first armed conflict taking place on the territory of a state that is a party to all universal and, more importantly, regional European instruments for the protection of human rights (in particular, within the framework of the most progressive system of protection of such rights in the modern world within the framework of the Council of Europe). Before the Russian aggression in Ukraine, a rather high standard of such protection was set. The domain of labour and social human rights is no exception. The inability to properly ensure their implementation as a result of Russian aggression has become a challenge.

Therefore, the field of the protection of social and labour human rights needs to be improved, taking into account the lessons of the ongoing Russian-Ukrainian armed conflict.

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