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## Civilian Protection Under International Humanitarian Law: Analysing Violations In The Russia-Ukraine Conflict

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### Abstract

A key component of international humanitarian law is the principle of civilian protection, which aims to reduce the human cost of armed conflicts. However, there have been numerous instances of this principle being broken during the Russia-Ukraine conflict, such as blind targeting, forced relocation, and attacks on civilian infrastructure. This study looks at how well both sides of the conflict have complied with IHL's provisions protecting civilians, highlighting known offences and their impact on communities affected by the conflict. Additionally, it assesses the extent to which international organisations, like the United Nations and the International Committee of the Red Cross (ICRC), have addressed these violations. The paper outlines the difficulties in guaranteeing compliance with IHL and offers practical suggestions to improve civilian protection in contemporary warfare by examining major events and enforcement tactics.

**Keywords:** Civilian Protection; International Humanitarian Law; Russia-Ukraine Conflict; Compliance and Violations; and International Organisations.

### Introduction

International Humanitarian Law (IHL) prevents any impact of war on citizens, particularly those not involved in any hostile activities.<sup>1</sup> Its main principle is to safeguard civilians, prevent direct assaults on them, and maintain the distinction between military and civilian objectives. These laws create a binding legal framework for state and non-state actors engaged in armed conflict under the Geneva Conventions and their Additional Protocols.

In February 2022, Russia's all-out offensive on Ukraine not only strengthened the conflict but also led to a significant and wide-ranging global reaction against the war. International bodies published numerous reports indicating the existence of energy infrastructure, residential buildings, and hospitals that were targeted by the military, thus raising very serious legal and humanitarian issues.<sup>2</sup> The incidents point out how urgent it is to re-evaluate the effectiveness and usability of IHL in contemporary conflicts

<sup>1</sup> International Committee of the Red Cross. (2020). What is international humanitarian law?

<sup>2</sup> Office of the High Commissioner for Human Rights. (2022). Report on the human rights situation in Ukraine.

This paper intends to examine the adoption of IHL about civilian protection in the setting of the Russia-Ukraine conflict. It points out particular trends in violations, assesses the function of international institutions in enforcing responsibility, and emphasises structural issues guaranteeing compliance. Through this concentrated case study, the paper adds to the more general knowledge of how IHL is applied—or disregarded—in contemporary conflict.

### Objectives

1. To analyse the extent of compliance with IHL principles regarding civilian protection during the Russia-Ukraine conflict.
2. To document and evaluate key violations of IHL, including attacks on civilians and civilian infrastructure.
3. To assess the role of international organisations in monitoring and addressing civilian protection violations.
4. To identify challenges to enforcing civilian protection and recommend measures to strengthen IHL adherence in contemporary conflicts.

### Methodology

This research adopts a qualitative, doctrinal approach, relying on analysis of primary legal instruments such as the Geneva Conventions and customary IHL, alongside secondary sources including UN reports, NGO documentation, and ICC findings. A case study method is employed to examine reported civilian protection violations in the Russia-Ukraine conflict, highlighting legal implications and enforcement challenges.

### Legal Framework for Civilian Protection under IHL

Protecting civilians during armed conflict is a cornerstone of International Humanitarian Law (IHL). Central to this legal regime are the Geneva Conventions of 1949, particularly the Fourth Geneva Convention (GC IV)<sup>3</sup>, which specifically protects civilians in times of war, both in occupied territories and active conflict zones. It outlines the rights of civilians and the obligations of occupying powers, including the prohibition of collective punishment, deportations, and targeting of non-combatants.

The Additional Protocols I and II (1977) develop these protections. Protocol I<sup>4</sup>, applicable to international armed conflicts, mandates the principle of distinction—requiring parties to distinguish between civilians and combatants—and prohibits indiscriminate and disproportionate attacks. Protocol II<sup>5</sup>, relevant to non-international conflicts, extends similar protections in civil wars, though its scope is narrower.

In addition to treaty law, Customary International Humanitarian Law reinforces these principles, applying them universally regardless of ratification.<sup>6</sup> It upholds the immunity of civilians, affirms the obligation to take precautions in attacks, and prohibits the use of weapons that cannot discriminate between civilian and military targets.

Under IHL, a civilian is defined as any person not taking a direct part in hostilities, while protected persons include those in enemy hands, such as refugees or the wounded. Indiscriminate attacks—those not directed at a specific military objective or employing means unable to distinguish between civilians and combatants—are strictly prohibited.

Both state and non-state actors are bound by these obligations. They must respect and ensure respect for

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<sup>3</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), August 12, 1949, 75 U.N.T.S. 287.

<sup>4</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), June 8, 1977.

<sup>5</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol II), June 8, 1977.

<sup>6</sup> International Committee of the Red Cross. (2005). *Customary international humanitarian law*.

IHL by avoiding attacks on civilian objects, minimising harm through precautionary measures, and facilitating humanitarian assistance. Violations may constitute war crimes and attract international legal accountability.

### Documented Violations of Civilian Protection in the Russia-Ukraine Conflict

Since the onset of Russia's full-scale invasion in February 2022, numerous documented incidents have revealed serious breaches of International Humanitarian Law (IHL), particularly concerning the protection of civilians. Verified reports from the United Nations, Human Rights Watch, Amnesty International, and the International Criminal Court (ICC) have highlighted repeated and systematic violations by Russian forces, with some incidents also implicating Ukrainian forces.

One of the most alarming aspects of the conflict has been the widespread attacks on civilian infrastructure. According to the UN Office of the High Commissioner for Human Rights (OHCHR), residential areas, schools, and hospitals have been frequently targeted, particularly in urban centres like Mariupol, Kharkiv, and Kyiv. The World Health Organisation (WHO) verified over 1,300 attacks on health care facilities and personnel by the end of 2023<sup>7</sup>. The siege of Mariupol alone resulted in the destruction of the city's maternity hospital in March 2022, a violation that garnered international condemnation and is under ICC investigation.

Indiscriminate shelling and missile strikes have devastated densely populated areas, raising serious concerns about the proportionality and distinction principles under IHL. Human Rights Watch reported the use of explosive weapons with wide-area effects in civilian neighbourhoods, including Grad rockets and artillery systems, causing mass civilian casualties.<sup>8</sup> The bombardment of Bucha and Irpin, followed by the discovery of civilian mass graves, points to potential war crimes.

Further compounding these concerns is the use of prohibited weapons, such as cluster munitions and thermobaric explosives. Amnesty International has documented repeated use of cluster munitions by Russian forces in populated areas, which are banned under the Convention on Cluster Munitions—though neither Russia nor Ukraine is a party to the treaty, their use in civilian areas still violates customary IHL.<sup>9</sup> The deployment of thermobaric weapons, known for their devastating impact on enclosed spaces, was reported near Kharkiv and Mariupol.

The conflict has also resulted in the forced displacement and deportation of civilians, particularly from eastern and southern Ukraine. The UN estimates that over 14 million Ukrainians have been displaced, with more than 2.5 million forcibly relocated to Russia or Russian-controlled territories, including children. These acts may constitute forced transfers under Article 49 of the Fourth Geneva Convention and could amount to crimes against humanity.

These violations, while varied, reflect a broader pattern of disregard for civilian protection under IHL. The ICC has issued arrest warrants, including against Russian officials, for crimes such as the unlawful deportation of children. However, enforcement remains limited due to geopolitical obstacles, underlining the urgent need for strengthened international mechanisms to uphold civilian protections in armed conflict.

### Accountability and Enforcement Challenges

Enforcing International Humanitarian Law (IHL) during ongoing armed conflicts presents significant challenges, especially in the context of the Russia-Ukraine war. One of the primary issues is the difficulty of attributing responsibility in real time. In the fog of war, obtaining reliable evidence, verifying the chain of command, and distinguishing between lawful military action and violations are complex tasks. While modern technologies such as satellite imagery and digital forensics have improved monitoring capacities, gathering admissible and credible evidence for legal proceedings remains resource-intensive and politically sensitive.

<sup>7</sup> World Health Organization. (2023). *Surveillance system for attacks on health care (SSA)*.

<sup>8</sup> Human Rights Watch. (2022, March 30). *Ukraine: Russian cluster munitions kill civilians in Kharkiv*.

<sup>9</sup> Amnesty International. (2022, June 9). *Ukraine: Evidence of Russian war crimes in Mariupol*.

The limited authority and enforcement reach of international institutions further complicates accountability. The International Criminal Court (ICC), though it has opened investigations and issued arrest warrants—including against Russian President Vladimir Putin for the unlawful deportation of Ukrainian children—lacks direct enforcement mechanisms<sup>10</sup>. It relies on state cooperation to apprehend and extradite suspects, which is virtually impossible when the accused are high-ranking officials in a non-member state like Russia.

Similarly, the United Nations Security Council (UNSC) faces a deadlock due to Russia's veto power, which has been used to block resolutions that could lead to punitive action or the establishment of special tribunals<sup>11</sup>. This severely undermines collective international responses and fosters a culture of impunity for powerful violators.

Moreover, organisations like the International Committee of the Red Cross (ICRC), while active in humanitarian assistance and dialogue, do not have enforcement mandates. Their role is limited to confidential engagement and facilitation of aid rather than legal accountability.

These limitations reveal the vulnerabilities of the current enforcement framework in deterring or responding to serious IHL violations by major powers. The selective application of international justice and geopolitical interests frequently overrides legal principles, undermining the legitimacy and effectiveness of IHL. Addressing these systemic gaps necessitates reforming global accountability mechanisms, enhancing legal cooperation, and strengthening the independence of investigative and judicial bodies.

### Role of International Organisations

International organisations have been critical in monitoring, reporting, and responding to International Humanitarian Law (IHL) violations during the Russia-Ukraine conflict. Agencies such as the United Nations (UN), the International Committee of the Red Cross (ICRC), and the Organisation for Security and Co-operation in Europe (OSCE) have been at the forefront of documenting violations and advocating for the protection of civilians.

The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has released periodic reports detailing indiscriminate attacks, civilian casualties, and destruction of essential infrastructure<sup>12</sup>. Similarly, the OSCE Special Monitoring Mission (SMM) provided crucial early documentation of human rights violations before its operations were suspended in 2022 due to the conflict's escalation.<sup>13</sup>

While maintaining its neutrality, the ICRC has facilitated humanitarian access and evacuation corridors, provided medical assistance, and visited detainees to ensure compliance with IHL standards<sup>14</sup>. However, humanitarian operations have faced severe challenges due to active hostilities, restricted access, and a lack of security guarantees.

International bodies have also supported initiatives aimed at documenting evidence for legal accountability. The UN and ICC have collaborated with NGOs and national authorities to preserve digital evidence, interview witnesses, and compile forensic data. These efforts are essential for future prosecutions and for upholding IHL in the face of systematic violations.

Despite limitations, the continued engagement of these organisations underscores the importance of multilateral efforts in promoting IHL compliance and protecting civilians in modern conflicts.

### Analysis and Key Findings

An in-depth analysis of the Russia-Ukraine conflict reveals systemic and recurring violations of

<sup>10</sup> International Criminal Court. (2023, March 17). *Warrants of arrest issued for Vladimir Putin and Maria Lvova-Belova*.

<sup>11</sup> United Nations News. (2022, April 7). *Security Council paralysed by Russia's veto on Ukraine*.

<sup>12</sup> Office of the High Commissioner for Human Rights. (2023). *Ukraine: Human Rights Monitoring Reports*.

<sup>13</sup> Organization for Security and Co-operation in Europe. (2022). *OSCE Special Monitoring Mission to Ukraine: Final status report*.

<sup>14</sup> International Committee of the Red Cross. (2023). *Ukraine: ICRC operations and updates*.



International Humanitarian Law (IHL), particularly regarding the protection of civilians. Patterns of deliberate or reckless targeting of civilian infrastructure, such as residential buildings, hospitals, and energy systems, suggest more than incidental collateral damage—they indicate strategic use of civilian suffering as a tool of warfare<sup>15</sup>. These actions violate the core IHL principles of distinction and proportionality.

One of the key complexities in the conflict has been the blurring of lines between military and civilian targets, a hallmark of hybrid warfare<sup>16</sup>. The use of civilian buildings for military purposes by some Ukrainian units, and Russia's indiscriminate attacks in response have muddled targeting clarity. While such conditions do not absolve parties of IHL obligations, they complicate attribution and legality assessments. This grey area is often exploited to justify unlawful attacks, further endangering civilian populations.

Additionally, the conflict has exposed double standards in international responses and enforcement. While Western nations have quickly mobilised political and legal mechanisms to support Ukraine, similar urgency has not always been observed in other global conflicts involving IHL violations. This selective enforcement undermines the universality of humanitarian law and erodes global trust in international legal institutions.

These findings underscore the urgent need for more consistent enforcement, enhanced protective measures for civilians, and reforms to address the geopolitical limitations that hinder IHL's effectiveness in asymmetric and high-intensity conflicts.

## Conclusion

The Russia-Ukraine conflict has highlighted significant gaps in the enforcement of International Humanitarian Law (IHL), particularly regarding the protection of civilians. Documented violations—including attacks on civilian infrastructure, indiscriminate shelling, and forced displacement—demonstrate both the scale and systematic nature of IHL breaches in modern warfare. International organisations have played a crucial role in monitoring these violations, but their efforts are hindered by political constraints and limited enforcement authority.

To address these challenges, strengthening international enforcement mechanisms is vital. Greater cooperation with the International Criminal Court (ICC), enhanced support for independent investigations, and UN Security Council reform—particularly addressing the use of veto power in mass atrocities cases—are essential<sup>17</sup>. Moreover, facilitating safe humanitarian access and improving evidence-gathering processes in real-time can bolster accountability efforts.

Finally, it is imperative to ensure consistency in the application of civilian protection standards across all conflicts, regardless of political interests. Selective responses undermine the credibility of international law and weaken the global commitment to humanitarian principles<sup>18</sup>. A more principled and uniform approach is necessary to uphold the fundamental tenets of IHL and protect vulnerable populations in future conflicts.

<sup>15</sup> Amnesty International. (2022, March 1). *Ukraine: New evidence of war crimes during Russian assault on Kharkiv*

<sup>16</sup> International Committee of the Red Cross. (2021). *Urban warfare and the challenge of distinction*.

<sup>17</sup> Human Rights Watch. (2023, February 23). *Ukraine: Time to fix accountability mechanisms*.

<sup>18</sup> International Crisis Group. (2022). *The double standards trap in IHL enforcement*.

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