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Human rights violations during Russia's full-scale war against Ukraine. Selected aspects

Abstract: This article reviews human rights violations committed by Russians in Ukraine from February 24, 2022 to June 1, 2022. It argues that the system of human rights protection did not have a significant impact on Russia and turned out to be ineffective during the war. The article considers the rules of international human rights law and international humanitarian law that can be applied during the wartime.

Key words: Human rights, Ukraine, Russia, war

Introduction

On 24 February 2022, all “masks” were removed. Russia openly attacked Ukraine at about five o'clock in the morning and showed the world its real intentions. Their army crossed the Ukrainian border in the northern, southern, and eastern parts of the country. Explosions and sirens were heard in many cities. There was also some symbolism in these actions. The Nazis started bombing Kyiv at about the same time in 1941.

War is always about violence, murders and suffering. Nonetheless, no one expected to see the level of cruelty that Russia has demonstrated. The main idea of this paper is to show that the system of human rights protection did not have a significant impact on Russia and turned out to be ineffective during the war. The main research method is secondary data analysis. The main sources of data collection include news materials, social media posts, reports, and official documents available on the Internet. First, the author lists articles of international law violated by Russia. Second, specific examples of the violations are given. The focus is on the period from February 24, 2022 to June 1, 2022, which is characterized by a high level of combat activity. The Russian side wanted to achieve all its

strategic goals during this time. However, the Ukrainian army prevented this development of events.

Russia and human rights

The concept of human rights is not new to Russia. The Soviet Union, which was the predecessor of the current state, signed and ratified the International Covenant on Civil and Political Rights (18.03.1968¹; 16.10.1973²; 49 years³), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10.12.1985; 03.03.1987; 35 years), and the Convention on the Rights of the Child (26.01.1990; 16.08.1990; 32 years). In contrast, it abstained during the vote for the Universal Declaration of Human Rights in 1948 (Glass, 2015).

As an independent state, Russia was a member of the UN Human Rights Council 4 times (2006–2009, 2009–2012, 2014–2016, 2021–2023). It was expelled during the last term because of the military aggression against Ukraine (Macias, 2022). In addition, Ukraine's eastern neighbor was a party to the Convention for the Protection of Human Rights and Fundamental Freedoms (28.02.1996; 05.05.1998; 24 years). However, the country decided to denounce this treaty after being removed from the Council of Europe (*Russia...*, 2022). Moreover, Russia has never become a party to the International Convention for the protection of All Persons from Enforced Disappearance.

Since the author selected only documents relating to wartime, it is important to mention the Geneva Conventions. In 1993, the UN Security Council included them in the norms of international humanitarian law. It means that they became mandatory for all parties to an armed conflict (Shtohrin, 2019). It is clearly stated in the second article of the Geneva Conventions. Russia has known about these decision and article for 29 years. The country also ratified (04.08.1989) the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), but withdrew the statement made by the Soviet Union in 2019 (30 years).

Actually, from the very beginning of the Russian Federation's existence, it has been a party to the most important legal acts of the interna-

¹ Signature.

² Accession, Succession, Ratification.

³ Overall participation experience.

tional human rights protection system. To paraphrase it a little, all this period the ruling elites managed to deceive the world community under the label of human rights development. After all, the table below demonstrates that Russians have violated at least 67 articles from 7 documents since the beginning of their full-scale invasion into Ukraine. The most striking examples of these violations were selected for the article.

Table 1

Articles of international law violated by Russia

Document	Article number
International Covenant on Civil and Political Rights	1, 4, 6, 7, 9, 10, 17, 19, 20, 21, 27
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2, 16
Convention on the Rights of the Child	2, 6, 9, 11, 13, 16, 30, 34, 35, 37
Convention for the Protection of Human Rights and Fundamental Freedoms	2, 3, 5, 8, 10, 11, 14
Geneva Convention (III) Relative to the Treatment of Prisoners of War	13, 14, 16, 17, 22
Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War	13, 18, 20, 27, 31, 32, 33, 49, 53, 54, 56, 70
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	12, 21, 35, 40, 48, 51, 52, 53, 54, 55, 56, 57, 58, 75, 76, 77, 78, 79, 81, 87
Total	67 articles

Source: Own elaboration based on international reports and media coverage.

Russia and human rights violations (selected cases)

Bucha, Hostomel, Irpin, Mariupol are cities that could be known for their landmarks. Instead, the news is full of stories about tragic events that took place there (Mirovalev, 2022; Zinets, 2022; Shovkopliias, 2022). Kramatorsk, Izum, Avdiivka, Trostyanets, Severodonetsk, Lysychansk, Rubizhne and many other places also suffered from the cruelty of the Russian army (Voitovych, Hodge, 2022; Sommerville, 2022).

The facts speak for themselves. Their soldiers shot at cars with civilians. A large number of these cases occurred directly near the checkpoints. According to Human Rights Watch Senior Researcher Belkis Wille, they did not even try to check whether a driver and passengers were civilians

MORE CIVILIANS WERE KILLED IN 3 MONTHS THAN IN 8 YEARS

THREE MONTHS OF WAR

Russia calls the **reason** for the invasion of Ukraine "to protect civilians in Donbas from the Nazis." But statistics show that **20–30 people per year** have recently been killed in the Donbas, and the Russians have killed **over 4,000 civilians** within three months of the full-scale invasion. So who are the **Nazis** here?

Number of civilians who died as a result of hostilities during the Russian-Ukrainian war*

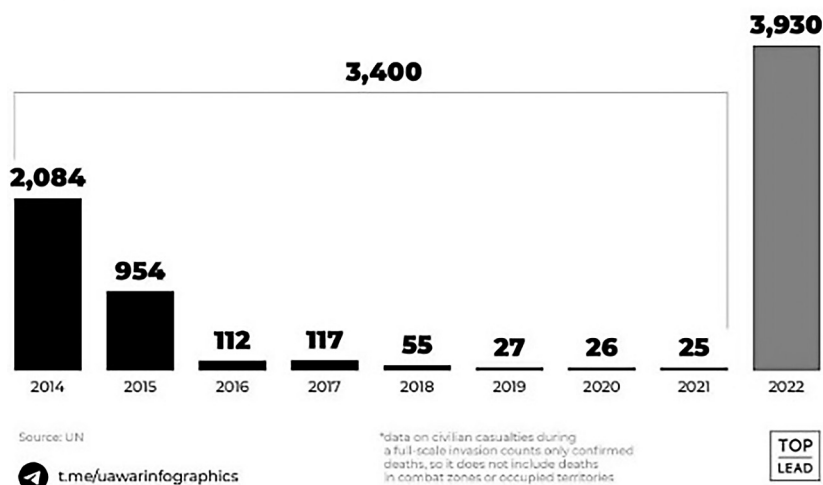


Figure 1. Approximate statistics of killed civilians during the Russian-Ukrainian war

Source: UA War Infographics, *More civilians were killed in 3 months than in 8 years*, Telegram post, 24.05.2022, <https://t.me/uawarinfographics/602?fbclid=IwAR3dRvZNPgukqfFb0faqeJp5DYnwDvjot9myyRgz-5Sqm71j8WnVZLz9nfQ>, 26.07.2022.

(*Ukraine: Russian...*, 2022). Their armed forces also fired on humanitarian aid lines. On 16 March 2022, they killed about 10 people who were peacefully waiting for bread in Chernihiv (Petrenko, 2022). Russians undressed civilians, tied their hands, blindfolded them, and execute. They tortured and raped women as well as men. After that, their bodies were set on fire (Bida, 2022). According to UN-confirmed data, more civilians

were killed in 3 months of full-scale war than in 8 years of war in eastern Ukraine (Figure 1). It is important to note that the real numbers are much higher.

In the case of civilians, Russia violated the most important rules of international human rights law and international humanitarian law (European Convention on Human Rights, International Covenant on Civil and Political Rights, the Torture Convention, Geneva Convention IV, Additional Protocol I):

The right to life (Article 2 of the European Convention on Human Rights, Article 6 of the International Covenant on Civil and Political Rights).

Prohibition of torture, reprisals, corporal punishment, encroachment on personal dignity, and all other acts violence (including prohibition of any form of attack on women's honor and their protection) (Article 3 of the European Convention on Human Rights, Article 7 of the International Covenant on Civil and Political Rights, the Torture Convention, Article 32 of the Geneva Convention IV)

The importance of distinguishing between the civilian population and combatants and between civilian objects and military objects. Combatants and military objects shall be the only target of attacks (Article 48 of the Additional Protocol I).

Russian soldiers abused not only adults, but also their children. As of 27 May 2022, they killed 242 and injured more than 440 of them (Office of the Prosecutor General, 2022). They raped even babies. This information was confirmed by the President of Ukraine Volodymyr Zelenskyy. "Even this person, this Russian soldier Bychkov has been identified. From Pskov. A paratrooper or special services officer who sent a video of it to his friends. A video of what he was doing to the infant," he stated (Zelenskyy, 2022).

Many children were kidnapped or separated from their parents. However, the Russian Ministry of Defense preferred to call these actions "evacuation." According to Head of the National Defense Control Center of the Russian Federation Mikhail Mizintsev, they had taken about 200 thousand Ukrainian children to Russia (Bohdanyok, 2022).

The following norms of the Convention on the Rights of the Child were violated in this case:

- i. The right to life (Article 6).
- ii. A child shall not be separated from his or her parents against their will. State parties ensure this provision (Article 9).

- iii. Illicit transfer and non-return abroad that shall be combated by state parties (Article 11).
- iv. Protection of the child from all forms of sexual exploitation and sexual abuse (Article 34).
- v. Prevention of the abduction by state parties (Article 35).
- vi. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. No child shall be deprived of his or her liberty unlawfully or arbitrarily (Article 37).

In this case, it is important to mention the first warrant that was issued against President of Russia, Vladimir Putin, and Commissioner for Children's Rights in the Office of the President of the Russian Federation, Maria Lvova-Belova. According to the verdict of the International Criminal Court (2023), they were "allegedly responsible for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation (under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute)." This decision obliges any country that has signed and ratified the Rome Statute to arrest Putin on its territory. However, not all of them are willing to do this.

Additionally, the Russian armed forces came from the authoritarian country and immediately began to impose their rule in Ukraine. They shot at peaceful demonstrations. Weapons and stun grenades were used against pro-Ukrainian protesters in Kherson (Collier, 2022). Moreover, soldiers abducted and killed officials. One of the known cases was Ivan Fedorov, the Mayor of Melitopol. He was captured by them after refusing to cooperate (Alfonso III, 2022). In the end, the agreement on his exchange was reached.

The Russian Ministry of Defense "evacuated" adults. Their number was around 1.1 million people, including children (Bohdanyok, 2022). In particular, they relocated almost 100 thousand Ukrainians to the Siberia and beyond the Arctic Circle (Sharma, 2022).

If we take the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the Geneva Convention IV, the following provisions were violated:

- i. Right to liberty and security (Article 5 of the European Convention on Human Rights, Article 9 of the International Covenant on Civil and Political Rights).
- ii. Freedom of expression (Article 10 of the European Convention on Human Rights, Article 19 of the International Covenant on Civil and Political Rights).

- iii. Prohibition of individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, regardless of their motive (Article 49 of the Geneva Convention IV).
- iv. The status of public officials that may not be altered by the occupying power. Furthermore, it could not apply sanctions, coercion or discrimination against them (Article 54 of the Geneva Convention IV).
- v. The right of peaceful assembly (Article 11 of the European Convention on Human Rights, Article 21 of the International Covenant on Civil and Political Rights).

Ukrainian infrastructure was one of the main targets for Russians to attack. They fired at the Zaporizhzhia nuclear power plant, which is the largest one in Europe (Heintz, Karmanaum, Chernov, 2022). Their soldiers destroyed more than 1873 educational institutions, about 40 medical facilities, and damaged other 460 objects (Ukrinform TV, 2022; Kyrylyuk, 2022). Russian troops launched an airstrike on a maternity hospital in Mariupol. As a result, 3 people died, including a child, and 17 were injured (*Ukraine war...*, 2022). Ukraine also partially or completely lost about 250 cultural monuments in this period. Churches, museums, monuments, nature reserves, cultural buildings, theaters, libraries and historical buildings were among them (Honcharenko, 2022).

Russian side damaged entire cities, shelled residential buildings, and allowed its soldiers to loot Ukrainian homes. According to the Ombudsman Lyudmyla Denisova, almost 38 thousand houses were destroyed (*Russian*, 2022; Walker, Roth, 2022).

The rules from the International Covenant on Civil and Political Rights, the Geneva Convention IV, and Protocol Additional to the Geneva Conventions (Protocol I) were violated. They include:

- i. Freedom from interference with privacy, family, home and correspondence or reputation (Article 17 of the International Covenant on Civil and Political Rights).
- ii. Protection of hospitals (Article 18 of the Geneva Convention IV).
- iii. Protection of the civilian population (Article 51 of the Additional Protocol I).
- iv. General protection of civilian objects (Article 52 of the Additional Protocol I).
- v. Protection of cultural objects and of places of worship (Article 53 of the Additional Protocol I).

- vi. Protection of works and installations containing dangerous forces (Article 56 of the Additional Protocol I).

Conclusion

To summarize, the main cases of human rights violations by Russia were shown in this paper. Some people equate these actions with “genocide,” others prefer to name them as “terrorism,” and still other people choose the concepts of “violence,” “cruelty,” or “brutality.” This is the decision that each of us makes individually. However, the most important fact is that these events have already taken place in Ukraine. Russians have acted intentionally and the human rights protections system have not been able to prevent them, save the lives of people.

The Russian-Ukrainian war did not start in February. It have been continuing since 2014. According to President Zelenskyy, Russia has violated about 400 international treaties during these 8 years (*President...*, 2022). Human Rights Watch (2022) stated, “Today, Russia is more repressive than it has ever been in the post-Soviet era.” After all, the main purpose of human rights protection system has not been achieved. The mechanism of its implementation shall be reviewed in order to minimize the level of cruelty and human losses in the future. There is no more time for idleness.

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Naruszenia praw człowieka podczas rosyjskiej wojny przeciwko Ukrainie. Wybrane aspekty

Streszczenie

W artykule dokonano przeglądu naruszeń praw człowieka popełnionych przez Rosjan w Ukrainie w okresie od 24 lutego 2022 r. do 1 czerwca 2022 r. Argumentuje się w nim, że system ochrony praw człowieka nie miał istotnego wpływu na Rosję i okazał się nieskuteczny w czasie wojny. Artykuł dotyczy zasad międzynarodowego prawa człowieka i międzynarodowego prawa humanitarnego, które mogą być stosowane w czasie wojny.

Słowa kluczowe: prawa człowieka, Ukraina, Rosja, wojna

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