

## HUMAN RIGHTS IN THE FIELD OF DEFENSE IN THE CONTEXT OF MILITARY CHALLENGES

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### INTRODUCTION

Article 3 of the Constitution of Ukraine enshrines the fundamental legal postulates regarding the primacy of human rights and freedoms, the human-centric orientation of the state's activities. At the same time, we would like to emphasize that modern constitutional and legal doctrine distinguishes between human rights into absolute rights that cannot be limited under any circumstances (the right to life, dignity and respect; the presumption of innocence; the right to a fair trial; the prohibition of slavery and forced labor (except for obligations defined by law); the right to appeal to authorities; the right to professional legal assistance; the right to education), and rights that may be temporarily limited by authorized subjects of power in the interests of national security<sup>1</sup>.

The Law of Ukraine “On the Legal Regime of Martial Law” stipulates that the decree of the President of Ukraine on the introduction of martial law shall, among other things, specify an exhaustive list of constitutional rights and freedoms of a person and a citizen that are temporarily restricted in connection with the introduction of martial law, indicating the term of validity of these restrictions, as well as temporary restrictions on the rights and legitimate interests of legal entities, indicating the term of validity of these restrictions (clause 5 of part 1 of Article 6). In accordance with paragraph 3 of the Decree of the President of Ukraine “On the Introduction of the Legal Regime of Martial Law” dated February 24, 2022 No. 64/2022, it is established that in connection with the introduction of martial law in Ukraine, for the period of the legal regime of martial law, the constitutional rights and freedoms of a person and a citizen provided for in Articles 30–34, 38, 39, 41–44, 53 of the Constitution of Ukraine may be temporarily restricted, as well as temporary restrictions may be imposed on the rights and legitimate interests of legal entities within the limits and scope necessary to ensure the possibility of introducing and implementation of measures of the legal regime of martial law, which are provided for by part one of article 8 of the Law of Ukraine “On the Legal Regime of Martial Law”. It is noteworthy that this decree of the President of Ukraine refers to the instruction of the Ministry of Foreign Affairs of Ukraine to ensure the information of the UN Secretary-General and officials of foreign states about the introduction of martial law in

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<sup>1</sup> Про Національну поліцію: Закон України від 2 липня 2015 р. № 580-VIII / Верховна Рада України. URL: <http://zakon.rada.gov.ua/laws/show/580-19> (дата звернення: 10.06.2026).

Ukraine, about the restrictions on the rights and freedoms of man and citizen, which is a deviation from the obligations under the International Covenant on Civil and Political Rights, and about the extent of these deviations and the reasons for making such a decision. The specified norm correlates with part 1 of article 4 of the International Covenant on Civil and Political Rights, adopted on December 16, 1966 by the General Assembly of the United Nations, which recognizes the possibility of the application by a state party to this pact “during a state of emergency in a state in which the life of the nation is threatened and the existence of which is officially declared”.

According to Article 1 of the Law of Ukraine “On the Legal Regime of Martial Law”, martial law is interpreted as a special legal regime introduced in Ukraine or in its individual localities in the event of armed aggression or a threat of attack, a danger to the state independence of Ukraine, its territorial integrity and provides for the provision of the relevant state authorities, military command, military administrations and local self-government bodies with the powers necessary to avert the threat, repel armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine, its territorial integrity, as well as temporary, due to the threat, restrictions on the constitutional rights and freedoms of man and citizen and the rights and legitimate interests of legal entities, indicating the period of validity of these restrictions<sup>2</sup>.

### **1. Restrictions on human rights in conditions of martial law**

In Ukraine or in certain areas where martial law has been imposed, the military command together with military administrations may, independently or with the involvement of executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, and local self-government bodies, introduce and implement within the framework of temporary restrictions;

Constitutional rights and freedoms of man and citizen, as well as the rights and legitimate interests of legal entities, provided for by the decree of the President of Ukraine on the introduction of martial law, the following restrictive measures of the legal regime of martial law:

- introduce compulsory labor for able-bodied persons not involved in work in the defense sector and the protection of critical infrastructure and not reserved for enterprises, institutions and organizations for the period of martial law in order to perform work of a defensive nature, as well as to eliminate the consequences of emergencies that arose during the period of martial law, and involve them in the conditions of martial law in socially useful work performed to meet the needs of the Armed Forces of Ukraine, other military formations, law enforcement agencies and civil defense forces, ensure the functioning of the national economy

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<sup>2</sup> Про судоустрій і статус суддів : Закон України від 02.06.2016 р. № 1402-VIII / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/1402-19> (дата звернення: 11.06.2026).

and the protection of critical infrastructure. According to paragraph 3 of clause 3 of the Procedure for engaging able-bodied persons in socially useful work during martial law, approved by the resolution of the Cabinet of Ministers of Ukraine dated July 13, 2011 No. 753, labor obligation is interpreted as a short-term labor obligation during the period of martial law for the purpose of performing work of a defensive nature, as well as eliminating emergencies of a technogenic, natural and military nature that arose during martial law and their consequences, which does not require the mandatory consent of the person in respect of whom such labor obligation is introduced. It is prohibited to involve young children and children aged fourteen to fifteen, women with children under three years of age, as well as pregnant women in socially useful work if the performance of such work may adversely affect their health;

- use the capacities and labor resources of enterprises, institutions and organizations of all forms of ownership for defense needs, change their work regime, make other changes to production activities, as well as working conditions in accordance with labor legislation<sup>3</sup>;

- forcibly alienate property that is in private or municipal ownership, in particular objects of the civil defense defense facilities fund, seize property of state enterprises, state economic associations for the needs of the state under the legal regime of martial law in accordance with the procedure established by law and issue relevant documents of the established sample about this. According to Article 1 of the Law of Ukraine “On the Transfer, Forced Alienation or Seizure of Property under the Legal Regime of Martial Law or a State of Emergency”, the legal definitions of “forced alienation of property” (as the deprivation of the owner of the right of ownership of individually defined property that is in private or communal ownership and passes into the ownership of the state for the needs of the state under the legal regime of martial law or a state of emergency) and “seizure of property” (as the deprivation of state enterprises, state non-profit associations, state economic associations, other entities of the state sector of the economy of the right of economic management, the right of operational management of individually defined state property or the right of usufruct of individually defined state property for the purpose of its transfer for the needs of the state under the legal regime of martial law or a state of emergency) are distinguished;

- introduce a curfew (a ban on being on the streets and in other public places during a certain period of time without specially issued passes and certificates), as well as establish a special regime of light and other types of camouflage. The introduction of a curfew and the establishment of a special light-blocking regime

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<sup>3</sup> Про Конституційний Суд України : Закон України від 13.07.2017 р. № 2136-VIII / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/2136-19> (дата звернення: 11.06.2026).

are carried out only in the presence of a real threat to the life and safety of individuals, the interests of society or the state, as well as to ensure public order;

Orders of the military command and military administration on the introduction of a curfew and the establishment of a special light-masking regime are brought to the attention of enterprises, institutions, organizations and the population by village, settlement, city councils, military administrations or defense councils of the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol and through the media;

- establish a special regime of entry and exit, restrict the freedom of movement of citizens, foreigners and stateless persons, as well as the movement of vehicles, restrict entry (entry), stay in settlements from which a general mandatory evacuation is being carried out. According to paragraph 4, item 3 of the Procedure for establishing a special regime of entry and exit, restrictions on the freedom of movement of citizens, foreigners and stateless persons, as well as the movement of vehicles in Ukraine or in its individual localities where martial law has been introduced, a special regime is a set of measures taken in Ukraine or its individual localities where martial law has been introduced in order to prevent the unauthorized movement of citizens of Ukraine, foreigners and stateless persons, as well as the movement of vehicles;

- check documents of persons, and if necessary, conduct an inspection of things, vehicles, luggage and cargo, official premises and housing of citizens, with the exception of restrictions established by the Constitution of Ukraine. The right to conduct document checks on individuals, inspect items, vehicles, luggage and cargo, official premises and housing of citizens is granted to the relevant authorized persons of the National Police, the Security Service of Ukraine, the State Security Department of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, the State Migration Service of Ukraine, the State Customs Service of Ukraine and the Armed Forces of Ukraine;

- prohibit peaceful assemblies, rallies, marches and demonstrations, and other mass events;

- raise, in accordance with the procedure established by the Constitution and laws of Ukraine, the issue of banning the activities of political parties and public associations if they are aimed at eliminating the independence of Ukraine, changing the constitutional order by force, violating the sovereignty and territorial integrity of the state, undermining its security, illegally seizing state power, promoting war, violence, inciting interethnic, racial, and religious hatred, encroaching on the stability of critical infrastructure, human rights and freedoms, and the health of the population;

- establish a ban or restriction on the choice of a person's place of stay or residence in the territory where martial law is in effect. The decision to introduce a ban or restriction on the choice of a person's place of stay or residence shall specify the circumstances that have developed in Ukraine or in its individual

localities, and adverse factors of a military nature that pose a threat to the population and significantly reduce the level of their livelihoods, as well as ways to counteract such factors;

- establish military and housing obligations for individuals and legal entities for the quartering of military personnel, members of the rank and file and command staff of law enforcement agencies, personnel of civil defense forces, evacuated population and placement of military units, subdivisions and institutions in accordance with the procedure determined by the Cabinet of Ministers of Ukraine;

- intern (forcibly settle) citizens of a foreign state that threatens an attack or carries out aggression against Ukraine, etc.

Article 34 of the Constitution of Ukraine enshrines the right to freedom of thought and speech, free expression of views and beliefs. This right is not absolute (in accordance with Part 3 of Article 34 of the Constitution of Ukraine, the possibility of restricting the exercise of these rights by law in the interests of national security, territorial integrity or public order is provided for). According to Article 36 of the Law of Ukraine “On Media”, it is prohibited to distribute in the media and on video sharing platforms on the territory of Ukraine: calls for violent change, overthrow of the constitutional order, initiation or conduct of an aggressive war or military conflict, violation of the territorial integrity of Ukraine, elimination of independence

Ukraine, information that justifies or promotes such actions; propaganda or calls for terrorism and terrorist acts, information that justifies or approves such actions; instructions or advice on the manufacture, purchase or use of explosives, narcotics or psychotropic substances; information containing propaganda of the Russian totalitarian regime, armed aggression of the Russian Federation as a terrorist state against Ukraine, as well as symbols of the military invasion of the Russian totalitarian regime, except for cases provided for by the Law of Ukraine "On the Prohibition of Propaganda of the Russian Nazi Totalitarian Regime, Armed Aggression of the Russian Federation as a Terrorist State against Ukraine, Symbols of the Military Invasion of the Russian Nazi Totalitarian Regime into Ukraine".

In conditions of martial law, freedom of speech is partially restricted. The statement of the Verkhovna Rada of Ukraine on the value of freedom of speech, guarantees of the activities of journalists and the media during martial law dated April 14, 2022, emphasized that one of the key tasks of the Ukrainian state should be to ensure the guarantees of freedom of speech, free receipt, collection and dissemination of information established by the Constitution of Ukraine, taking into account the restrictions established by the laws of Ukraine related to martial law. According to paragraph 4 of the Rules for the work of a media representative in the area of combat operations, specified in Appendix 4 to the order of the Commander-in-Chief of the Armed Forces of Ukraine “On the organization of

interaction between the Armed Forces of Ukraine, other components of the defense forces and representatives of the media during the legal regime of martial law” dated March 3, 2022 No. 73, a media representative is not subject to disclosure of information that may become known to him during his work in areas of combat operations and is specified: in Article 17 of the Law of Ukraine “On Combating Terrorism” (it is prohibited to disseminate through the media or in any other way information that: reveals special technical techniques and tactics of conducting an anti-terrorist operation; may complicate the conduct of an anti-terrorist operation and (or) create a threat to the life and health of hostages and other people who are in the area of the specified operation or beyond its borders; is aimed at propagating or justifying terrorism, contains statements by persons who resist or call for resistance to the conduct of an anti-terrorist operation; contains data on objects and substances that can be directly used to commit acts of technological terrorism; discloses data on the personnel of special units and members of the operational headquarters participating in the conduct of the anti-terrorist operation, as well as on persons who facilitate the conduct of the specified operation (without their consent); The Summary of Information Constituting a State Secret, approved by Order of the Security Service of Ukraine dated December 23, 2020 No. 383; The List of Information of the Ministry of Defense of Ukraine Containing Official Information, approved by Order of the Ministry of Defense of Ukraine dated October 17, 2023 No. 605; The List of Information of the Armed Forces of Ukraine Constituting Official Information, approved by Order of the General Staff of the Armed Forces of Ukraine dated January 30, 2023 No. 12 (document marked “For Official Use”); approved in Appendix 2 to this order by the List of information, the disclosure of which may lead to the enemy's awareness of the actions of the Armed Forces of Ukraine and other components of the defense forces, negatively affect the progress of the tasks assigned during the legal regime of martial law (we emphasize that it is prohibited to disclose information about: the actual names of military units (subunits) of the Armed Forces of Ukraine, other components of the defense forces of Ukraine, personal data of servicemen performing combat (special) tasks, coordinates of their locations and concentrations; combat and numerical composition of military units (subunits) of the Armed Forces of Ukraine, the available number, type of combat (special) equipment and its technical composition; places (areas)

concentration, deployment and restoration of combat readiness of military units (subunits) of the Armed Forces of Ukraine, with reference to settlements (geographical objects); current and future plans (intentions) of commands (commanders), combat (special) tasks and the progress of their implementation by military units (subunits) of the Armed Forces of Ukraine; effectiveness (experience) of the use by military units (subunits) of the Armed Forces of Ukraine, other components of the defense forces of Ukraine of means of destruction, test (special) equipment, as well as methods of conducting combat

(tactical) actions; location (deployment location) of starting (firing) positions of air defense units and the results of their performance of combat tasks; results of operations and conduct of combat actions by military units (subunits) of the Armed Forces of Ukraine and other components of the defense forces of Ukraine, if such information has not been disseminated in open access by the General Staff of the Armed Forces of Ukraine or other components of the defense forces of Ukraine; results of operations by units of the Special Operations Forces and reconnaissance units of the Armed Forces of Ukraine, if such information was not publicly available by the General Staff of the Armed Forces of Ukraine and (or) other management bodies of the defense forces of Ukraine; information on losses of combat (special) equipment (tanks, self-propelled artillery installations, aircraft, helicopters, anti-aircraft missile sets, ships (boats), especially foreign-made) and personnel, if such information was not publicly available by the General Staff of the Armed Forces of Ukraine and (or) other management bodies of the defense forces of Ukraine; results of enemy missile and air strikes on military facilities (targets), critical infrastructure facilities if such information was not publicly available by the General Staff of the Armed Forces of Ukraine, other management bodies of the defense forces of Ukraine and (or) state authorities of Ukraine; movement (deployment) of combat (special) equipment, routes of their movement, types and quantity; carrying out security measures for the use of troops (forces) (information on measures to mislead, conceal the activities of troops (forces) and military facilities), forces and means that were involved in their implementation, as well as filmed photo and video materials depicting mock-ups and simulation means used by military units (subdivisions) of the Armed Forces of Ukraine, other components of the defense forces of Ukraine; information on conducted, ongoing and planned information and psychological operations (actions, influence measures); information on servicemen of reconnaissance, missile, artillery units, electronic warfare units, unmanned aerial vehicle units, flight and engineering and technical staff of aircraft and helicopters, as well as the Special Operations Forces of the Armed Forces of Ukraine; photo and video materials depicting mutual recognition marks, onboard numbers and state license plates on combat (special) equipment, target designation, combat control and reconnaissance equipment, design features on combat (special) equipment; photo and video materials inside tanks, self-propelled artillery installations, anti-aircraft missile systems, armored combat vehicles and tactical aircraft, especially foreign-made; on delivery dates, types, quantities, logistical support, current and future locations of concentration (storage) of weapons and military equipment provided as part of logistical assistance from partner countries, especially missiles, ammunition, and aircraft destruction equipment, if such information was not posted on the official pages (representatives) of the Ministry of Defense of Ukraine and the General Staff of the Armed Forces of Ukraine or by the departments of partner countries; information on awareness of the enemy, tactics of his actions, places (areas) of concentration (location) of important military facilities. In accordance with the Law of Ukraine dated March

24, 2022 No. 2160-IX, the Special Part “Crimes against the Fundamentals of National Security of Ukraine” of the Criminal Code of Ukraine was supplemented by Article 114-2 on the introduction of criminal liability for unauthorized dissemination of information about the sending, movement of weapons, armaments and ammunition to Ukraine, the movement, movement or deployment of the Armed Forces of Ukraine or other military formations formed in accordance with the laws of Ukraine, committed in conditions of martial law or a state of emergency. The consequence of the amendment of domestic legislation during the full-scale invasion of the Russian Federation was a significant change in the “volume of media consumption”. Thus, according to Part

Article 15 of the Law of Ukraine “On Culture” prohibits public performance, public showing, public demonstration, public announcement of phonograms, videograms and music videos made by a singer who is or was at any time after 1991 a citizen of a state recognized by the Verkhovna Rada of Ukraine as an aggressor state. According to Article 15-1 of the Law of Ukraine “On Cinematography”, Ukraine prohibits the distribution and demonstration of films that contain popularization or propaganda of the bodies of the aggressor state and their individual actions, that create a positive image of employees of the aggressor state, employees of Soviet state security bodies, justify or recognize the legitimate occupation of the territory of Ukraine, contain propaganda of the Russian totalitarian regime, armed aggression of the Russian Federation as a terrorist state against Ukraine, as well as films produced by individuals and legal entities of the aggressor state. According to Article 28-1 of the Law of Ukraine “On Publishing”, it is prohibited to import into the customs territory of Ukraine and/or distribute on its territory publishing products originating or manufactured and/or released into the world, and/or imported from the territory of the aggressor state, the Republic of Belarus, the temporarily occupied territory of Ukraine.

## **2. Rights of military personnel**

It is axiomatic that military personnel exercise human rights and freedoms taking into account the specifics of military service as a state service of a special nature, related to the defense of Ukraine, its independence and territorial integrity. According to paragraph 3 of part 1 of Article 1 of the Law of Ukraine “On Military Duty and Military Service”, military personnel are persons undergoing military service. Section 1 “Duties, Rights and Responsibilities of Servicemen” of the Statute of the Internal Service of the Armed Forces of Ukraine enshrines the postulates important for understanding the rights of servicemen regarding: servicemen being under the protection of the state and granting them “the full range of rights and freedoms enshrined in the Constitution of Ukraine”; guaranteeing by the state to servicemen and members of their families social and legal protection in accordance with laws and regulatory legal acts adopted in accordance with them; granting servicemen, while performing their official duties, the right to apply measures of physical influence, as well as to carry, store and use special means, weapons in the manner established by law (the application

of measures of physical influence, special means and weapons is allowed if other measures have proven ineffective or if the application of other measures is impossible due to circumstances). According to Art. 1-2 and 2 of the Law of Ukraine “On Social and Legal Protection of Military Personnel and Members of Their Families” establish the following: military personnel enjoy all the rights and freedoms of man and citizen, the guarantees of these rights and freedoms enshrined in the Constitution of Ukraine and the laws of Ukraine, taking into account the features established by this and other laws; due to the special nature of military service, which is related to the defense of the Fatherland, military personnel are provided with privileges, guarantees and compensations specified by law; no one has the right to restrict military personnel and members of their families in the rights and freedoms specified by the legislation of Ukraine). Section II of this law “Rights of Servicemen” regulates the provision of civil rights and freedoms of servicemen and the exercise by servicemen of the right to freedom of worldview and religion, enshrines the inviolability of a serviceman, defines the basic rights of servicemen related to service, enshrines the right of servicemen to choose their place of residence and travel abroad, defines the principles of exercising the right of servicemen to information, guarantees the financial support of servicemen, food, clothing and other support of servicemen, establishes remuneration for servicemen during.

martial law (special period), determined the working hours and rest time of servicemen, established the right of servicemen to vacation, the right of servicemen to health care, medical care and biological paternity (maternity) and the right of servicemen and their family members to education, determined the legal algorithm for providing housing for servicemen and their family members, established benefits for servicemen and their family members, as well as the principles of pension provision and assistance, etc.

Thus, in the handbook, prepared in 2020 by the joint efforts of the Ministry of Defense of Ukraine and the Project Coordinator in Ukraine of the Organization for Security and Cooperation in Europe, the following basic rights of servicemen based on legal provisions are highlighted: the right to public and political activity; the right to profess any religion or not to profess any; the right to choose a place of residence and travel abroad; the right to receive monetary support; the right to food and material support; the right to receive a moving allowance and daily allowance when moving to a new place of service; the right to determine the duration of service time and rest time; the right to vacations; the right to health care, medical and socio-psychological assistance; the right to housing; the right to education; the right to free travel; the right to reimbursement of business trip expenses; the right to priority installation of an apartment telephone and priority installation of an apartment security alarm; the right to exemption from fines and penalties for failure to fulfill obligations; the right of persons discharged from military service to pension provision; the right of persons discharged from service to receive a lump-sum cash benefit; the right to receive cash benefits for rehabilitation and state assistance to families with the elderly; the right to receive

a lump-sum cash benefit; the right to compensation for damage caused; the right to appeal against unlawful decisions and actions; the right to legal aid; the right to work and equal rights in the socio-economic sphere; the right to receive the status of a combatant; the right to care for a child; equal rights and opportunities for women and men during military service in the Armed Forces of Ukraine; the right of servicemen of both sexes to receive assistance and protection in the event of their being victims of gender-based violence; the right to appeal discrimination on the basis of gender and sexual harassment, gender-based violence; the right to non-discrimination.

In the annual reports of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on the state of observance and protection of human and civil rights and freedoms, published in the context of the ongoing full-scale armed aggression of the Russian Federation against Ukraine, special attention is invariably paid to the protection of the rights of servicemen. The special section “Human Rights in the System of Security and Defense Sector Bodies” of the annual reports of the Parliamentary Ombudsman analyzes the status of ensuring the rights of military conscripts and draftees, observance of the rights of citizens during a medical examination by a military medical commission, alternative service during martial law, realization of the rights of military personnel and law enforcement officers, observance of the rights of veterans, family members of deceased war veterans, Defenders of Ukraine, observance of the rights of military personnel – foreign citizens, stateless persons and members of their families. The Annual Report of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on the state of observance and protection of human and civil rights and freedoms in Ukraine in 2025 contains information on ensuring the rights of conscripts and conscripts (observance of the rights of citizens during mobilization measures and sending to places of military service; violation of the rights of citizens who have grounds for deferment from military service during mobilization; violation of the rights of citizens when maintaining military records of conscripts, conscripts and reservists; violation of the rights of citizens when conducting military medical examinations); alternative service during martial law (currently, a conflict persists in this area due to the preservation of the validity of Part 4 of Article 35 of the Constitution of Ukraine in conditions of martial law regarding the possibility of citizens performing alternative (non-military) service, performing military obligations that contradict their religious beliefs, and the absence in the Law of Ukraine “On Alternative (Non-Military) Service” of a norm that would provide for sending citizens to alternative (non-military) service instead of their conscription to military service during mobilization for a special period); implementation of the rights of military personnel and law enforcement officers (violation of the right to adequate financial security; violation of the right of military personnel to medical care; violation of the rights of military personnel when appointed to positions; violation of the right of military personnel to be discharged from military service), observance of the rights of veterans, family members of deceased war veterans, Defenders of Ukraine (violation of the rights

of families of deceased war veterans and families of deceased Defenders of Ukraine; violation of the rights of veterans – participants in hostilities; violation of the rights of veterans – persons with disabilities as a result of the war.

Based on the results of the analysis of the state of observance of the rights of military personnel in 2025, the Commissioner for Human Rights of the Verkhovna Rada of Ukraine formulated a number of substantiated proposals:

- To the Cabinet of Ministers of Ukraine:
  - ensure the processing and submission to the Verkhovna Rada of Ukraine in accordance with the established procedure of the draft amendments to Article 10-1 of the Law of Ukraine "On Social and Legal Protection military personnel and their family members", providing for the possibility of maintaining monetary and material support for military personnel who, by decision of the military medical commission, are in healthcare institutions and on leave for treatment due to illness or on leave for treatment after injury (concussion, trauma or mutilation) for more than 12 consecutive months;
  - ensure the processing and submission to the Verkhovna Rada of Ukraine in accordance with the established procedure of a draft amendment to Article 26 of the Law of Ukraine "On Military Duty and Military Service" regarding the grounds for exemption from military service in the event of illegal mobilization; to process a draft amendment to the Law of Ukraine "On Alternative (Non-Military) Service", providing for the possibility of involving a certain category of citizens during martial law to perform tasks related to the construction of fortifications, evacuation and care for the wounded, replacement of rear positions in military units, work at defense enterprises, etc.; to implement the operational plan of measures for the implementation of the Veteran Policy Strategy for the period until 2030, to ensure processing of the current regulatory and legal framework regulating the implementation of veteran policy in the state, in order to modernize and improve it;
  - ensure the processing and submission to the Verkhovna Rada of Ukraine in accordance with the established procedure of the draft Law of Ukraine "On Amendments to the Law of Ukraine "On Compulsory State Social Insurance" regarding strengthening the social protection of certain categories of insured persons";
- To the Ministry of Defense of Ukraine:
  - ensure that collection points are brought into full compliance with the requirements of the Resolution of the Cabinet of Ministers of Ukraine "On the issue of conscription of citizens for military service during mobilization, for a special period" dated May 16, 2024 No. 560 and stop the practice of illegal restriction of freedom of citizens on the territory of territorial recruitment and social support centers;
  - process and implement an administrative act on the issues of streamlining military registration and entering up-to-date information into the Unified State Register of Conscripts, Conscripts and Reservists regarding Conscripts and

reservists who are in the reserve of the Security Service of Ukraine and intelligence agencies;

- ensure that territorial recruitment and social support centers are staffed with employees who have proper training for communication with civilians. Organize their psychological testing and training on a regular basis;

- provide territorial recruitment and social support centers with technical devices that have photo and video recording functions and devices with the function of scanning information from military registration documents in electronic form in order to avoid violations of the rights of citizens and their groundless delivery to territorial recruitment and social support centers;

- to develop an administrative act on the prohibition of the use by alert groups of employees of territorial recruitment and social support centers of means for masking the face, removing identification marks from military uniforms and committing other actions aimed at violating the rights of citizens;

- to ensure the implementation of quarterly inspections of compliance by military medical commissions with the established deadlines when approving decisions of non-staff military medical commissions and complaints against such decisions. If necessary, consider the issue of increasing the number and expansion of the staff of military medical commissions;

- to work out the issue of amending the order of the Ministry of Defense of Ukraine “On approval of the Procedure and conditions for the appointment and payment of one-time cash assistance in the event of death (death) of servicemen of the Armed Forces of Ukraine during the period of martial law” dated January 21, 2023 No. 45 regarding the establishment of the appropriate period during which the command of the military unit must provide the necessary documents at the request of the territorial recruitment and social support centers;

- to determine the maximum periods of stay of servicemen in areas of combat operations and ensure the rotation of units;

- together with the General Staff of the Armed Forces of Ukraine, the Command of the Armed Forces of Ukraine, within the limits of competence, ensure compliance by commanders of military units and military management bodies with the requirements of departmental regulatory acts regulating the issue of dismissal of servicemen from military service due to family circumstances and health;

- The General Staff of the Armed Forces of Ukraine:

together with the Command of the Armed Forces of Ukraine, within the scope of its competence, ensure compliance by commanders of military units and military command bodies with the recommendations of the military medical commission and health care institutions regarding the referral of servicemen subordinate to them for a medical examination by the military medical commission, in order to determine the degree of their fitness for military service;

- The Main Directorate of the Military Law and Order Service in the Armed Forces of Ukraine:

- ensure control over compliance by the command with the requirements of orders and instructions of the military command, which regulate the issue of releasing servicemen from military service. In case of non-compliance with the latter, – take measures within the scope of its competence to bring the commanders guilty of failure to comply with these requirements to legal liability;

- The Ministry of Veterans of Ukraine:

- approve joint orders of the Ministry of Veterans and the Ministry of Defense of Ukraine, the Ministry of Education and Science of Ukraine, the Ministry of Youth and Sports of Ukraine, the Ministry of Health of Ukraine, the Ministry of Internal Affairs of Ukraine, the Administration of the State Special Communications Service, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine and other agencies involved in the implementation of veterans' policy, which regulate certain procedures for the interaction of specialists in the support of veterans and demobilized persons with the relevant support services and officials of the specified bodies and agencies;

- develop and approve methodological recommendations on the standardization and application of a unified approach to honoring the memory of the fallen Defenders of Ukraine;

- comprehensively work out the issue of determining ways to resolve the problem of non-compliance with the norms of the legislation of Ukraine regarding extraordinary provision of housing within two years from the date of registration persons with disabilities as a result of war, including within the framework of the development of the draft Veterans Code;

- The Ministry of Health of Ukraine:

- conduct a comprehensive check of compliance by the Center for the Assessment of the Functional State of a Person of the State Institution "Ukrainian State Research Institute of Medical and Social Problems of Disability" with the deadlines for considering documents on establishing disability and appealing decisions of expert teams, with a special emphasis on the cases of active military personnel and persons discharged from military service who have the status of a participant in hostilities;

- develop and normatively fix the deadlines for considering documents in cases on establishing disability, in particular for participants in hostilities and persons discharged from military service;

- develop and implement a priority procedure for assessing daily functioning for participants in hostilities, as well as a mechanism for constant monitoring of the deadlines for considering cases by expert teams with the provision of personal responsibility of officials for unreasonable delays;

- to provide effective mechanisms for informing applicants about the progress and terms of consideration of their cases, as well as the possibility of prompt administrative appeal of the inaction of the Center for Assessment of the Functional State of a Person of the State Institution "Ukrainian State Research Institute of Medical and Social Problems of Disability";

- The Ministry of Social Policy, Family and Unity of Ukraine:

– together with the Pension Fund of Ukraine, to develop and implement a mechanism for proper control over the prevention of unjustified reductions by territorial bodies of the Pension Fund of Ukraine of the amount of pensions assigned to war veterans, starting from April 12, 2023.

The protection of the rights of military personnel is a particularly significant social and legal imperative in the civil service system. Currently, attention is paid to increasing the functional capacity of relevant public institutions and deepening the professional competencies of officials/service personnel authorized to ensure the protection of the rights of military personnel. Thus, in August 2024, the Council of Europe HELP training course “Human Rights in the Armed Forces” was launched, covering the standards of the European Convention on Human Rights on the right to life, the prohibition of torture and other forms of ill-treatment, the prohibition of forced labor and the prohibition of slavery in accordance with Articles 2, 3 and 4 of the ECHR, respectively.

## **CONCLUSIONS**

Human rights in the field of defense have three strategic dimensions, namely: restrictions on human rights in martial law; ensuring the rights of military personnel; compliance with international humanitarian law.

Freedom of speech is an important social value, a fundamental element of democracy. Military personnel retain all the rights and freedoms enshrined in the Constitution of Ukraine, however, their implementation is conditioned by the specifics of military service, i.e. the hierarchy of service relations, the obligation to execute lawful orders/instructions of commanders (chiefs), service in conditions of excessive physical and psycho-emotional stress, and the performance of combat missions in conditions of real danger to life and health. Currently, there is no systematized catalog of military personnel’s rights. The rights of military personnel are enshrined in the Law of Ukraine “On Social and Legal Protection of Military Personnel and Members of Their Families” and other legislative acts. Monitoring of the state of observance of the rights of military personnel is carried out by separate human rights institutions, primarily by the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, who invariably devotes a separate section of the annual report on the state of observance of human rights to the rights of military personnel. It is important that the annual reports of the parliamentary ombudsman formulate substantiated proposals and recommendations on the proper protection of the rights of military personnel. The military ombudsman is vested with significant human rights protection powers in the field of defense as an official through whom the head of state exercises democratic civilian control over the security and defense sector.

## **SUMMARY**

Human rights in the field of defense are defined through the prism of ensuring parity between the need to fulfill constitutional military duty and respect for fundamental human rights. The problem of ensuring human rights in the field of

defense is complex, which is objectively determined by the specifics of the legal status of military personnel, the consolidation in emergency legislation of the imperative regarding the temporary restriction of certain human rights and the temporary expansion of the powers of certain subjects of public administration. In conditions of martial law, human rights in the field of defense have three strategic dimensions, namely: restriction of human rights in conditions of martial law; ensuring the rights of military personnel; compliance with the norms of international humanitarian law. The rights of military personnel are not systematized in domestic legislation. As a result, the doctrinal classification of the rights of military personnel prevails in professional discourse and law enforcement practice.

### **References**

1. Про Національну поліцію: Закон України від 2 липня 2015 р. № 580-VIII / Верховна Рада України. URL: <http://zakon.rada.gov.ua/laws/show/580-19> (дата звернення: 10.06.2026).
2. Про судоустрій і статус суддів : Закон України від 02.06.2016 р. № 1402-VIII / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/1402-19> (дата звернення: 11.06.2026).
3. Про Конституційний Суд України : Закон України від 13.07.2017 р. № 2136-VIII / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/2136-19> (дата звернення: 11.06.2026).

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