
 <p>REVISTA MOLDOVENEASCĂ DE DREPT INTERNAȚIONAL ȘI RELAȚII INTERNAȚIONALE Chișinău, Republica Moldova</p>	<p>Revista Moldovenească de Drept Internațional și Relații Internaționale / Moldavian Journal of International Law and International Relations / Молдавский журнал международного права и международных отношений</p> <p> </p> <p>2026, Issue 2 Volume 22, Pages 195-200. ISSN 1857-1999 EISSN 2345-1963</p> <p>Submitted: 05.05.2026 Reviewed 12.05.2026 Accepted: 20.05.2026 Published: 01.06.2026 https://doi.org/10.61753/1857-1999/2345-1963/2026.22-2.14</p>
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**TRIBUNA TÎNĂRULUI CERCETĂTOR
THE TRIBUNE OF YOUNG SCIENTISTS
ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

**THE PROTECTION OF HUMAN RIGHTS IN ARMED CONFLICTS:
CHALLENGES, VIOLATIONS, AND LEGAL MECHANISMS WITH
A FOCUS ON WOMEN AND CIVILIANS**

**PROTECȚIA DREPTURILOR OMULUI ÎN CONFLICTELE ARMATE:
PROVOCĂRI, ÎNCĂLCĂRI ȘI MECANISME JURIDICE, CU ACCENT
PE FEMEI ȘI CIVILI**

**ЗАЩИТА ПРАВ ЧЕЛОВЕКА В ВООРУЖЕННЫХ КОНФЛИКТАХ:
ВЫЗОВЫ, НАРУШЕНИЯ И ПРАВОВЫЕ МЕХАНИЗМЫ
С АКЦЕНТОМ НА ЖЕНЩИН И ГРАЖДАНСКОЕ НАСЕЛЕНИЕ**

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ABSTRACT:

**THE PROTECTION OF HUMAN RIGHTS IN ARMED CONFLICTS:
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A FOCUS ON WOMEN AND CIVILIANS**

This article examines the protection of human rights in armed conflicts through the evolving interaction between international humanitarian law (IHL) and international human rights law (IHRL). It focuses on the systemic vulnerabilities of civilians and women, analyzing both normative frameworks and practical enforcement gaps.

Drawing on the jurisprudence of the European Court of Human Rights and international criminal law, the article advances the concept of *selective activation* as a structural limitation within the current legal system.

It argues that the principal failure lies not in the absence of norms, but in their fragmented and inconsistent application. The article concludes that improving protection requires a structural shift from normative expansion toward coordinated and non-selective enforcement mechanisms.

Keywords: International Humanitarian Law; International Human Rights Law; Armed Conflict; Civilians; Women; ECtHR; Accountability; Geneva Conventions; ICC

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JEL Classification: K10, K33; K36; F51

Universal Decimal Classification: 341.3; 341.2; 341.231.14

<https://doi.org/10.61753/1857-1999/2345-1963/2025.22-2.14>

РЕЗУМАТ:

**PROTECȚIA DREPTURILOR OMULUI ÎN CONFLICTELE ARMATE:
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Acest articol examinează protecția drepturilor omului în conflictele armate prin interacțiunea în evoluție dintre dreptul internațional umanitar (DIU) și dreptul internațional al drepturilor omului (DIDO). Se concentrează pe vulnerabilitățile sistemice ale civililor și femeilor, analizând atât cadrele normative, cât și lacunele practice în aplicarea acestora.

Bazându-se pe jurisprudența Curții Europene a Drepturilor Omului și a dreptului penal internațional, articolul promovează conceptul de activare selectivă ca o limitare structurală în cadrul sistemului juridic actual.

Acesta susține că principalul eșec nu constă în absența normelor, ci în aplicarea lor fragmentată și inconsistentă. Articolul concluzionează că îmbunătățirea protecției necesită o trecere structurală de la extinderea normativă la mecanisme de aplicare coordonate și neselective.

Cuvinte cheie: Drept internațional umanitar; Dreptul internațional al drepturilor omului; Conflict armat; Civili; Femei; CEDO; Responsabilitate; Convențiile de la Geneva; CPI

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CZU: 341.3; 341.2; 341.231.14

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РЕЗЮМЕ:

**ЗАЩИТА ПРАВ ЧЕЛОВЕКА В ВООРУЖЕННЫХ КОНФЛИКТАХ:
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В данной статье рассматривается защита прав человека в вооруженных конфликтах в контексте развивающегося взаимодействия международного гуманитарного права (МГП) и международного права прав человека (МППЧ). Основное внимание уделяется системной уязвимости гражданского населения и женщин, анализируются как нормативные рамки, так и практические пробелы в обеспечении соблюдения прав.

Опираясь на судебную практику Европейского суда по правам человека и международное уголовное право, статья выдвигает концепцию избирательной активации как структурного ограничения в существующей правовой системе.

В ней утверждается, что основная проблема заключается не в отсутствии норм, а в их фрагментарном и непоследовательном применении. В заключение делается вывод о том, что улучшение защиты требует структурного сдвига от расширения норм к скоординированным и неизбирательным механизмам обеспечения соблюдения прав.

Ключевые слова: международное гуманитарное право; международное право прав человека; вооруженный конфликт; гражданское население; женщины; ЕСПЧ; подотчетность; Женевские конвенции; МУС

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УДК: 341.3; 341.2; 341.231.14

<https://doi.org/10.61753/1857-1999/2345-1963/2025.22-2.14>

1. Introduction: The Fallacy of Normative Insufficiency

The protection of human rights during armed conflict is frequently framed as a question of legal adequacy - specifically, whether existing norms are sufficient to regulate modern violence. This framing, however, is increasingly detached from reality. Contemporary international law does not suffer from a lack of rules; rather, it faces a crisis of coherence and a deficit in consistent application.

The coexistence of IHL and IHRL creates a dual-layered legal regime that is, in principle, comprehensive. While the Geneva Conventions provide the *lex specialis* governing conduct during hostilities, instruments such as the European Convention on Human Rights ensure that fundamental protections remain applicable even in times of conflict. Yet, the simultaneous operation of these regimes often results in fragmentation, interpretative ambiguity, and jurisdictional gaps.

This article challenges the conventional assumption that further codification will inherently improve protection. Instead, it argues that the central crisis lies in the selective activation of legal frameworks, where enforcement is contingent upon political alignment, jurisdictional reach, and institutional capacity. This structural selectivity disproportionately affects civilians and women, whose protection becomes contingent rather than guaranteed.

2. The Interaction of IHL and IHRL: Parallelism vs Fragmentation

The four Geneva Conventions of 1949 and their Additional Protocols establish the foundational protections applicable in armed conflict, including the principles of distinction, proportionality, and military necessity.¹ These norms form part of customary international law and apply irrespective of the legality of the use of force.

At the same time, it is well established that IHRL continues to apply during armed conflict, subject to lawful derogations. The jurisprudence of the European Court of Human Rights has clarified that human rights obligations may extend extraterritorially where states exercise authority and control over individuals.

The traditional view of IHL as *lex specialis* has evolved into a more nuanced model of complementarity. As the International Court of Justice recognised, the right to life continues to apply during hostilities, though its interpretation is informed by IHL standards.² However, this theoretical coherence is often undermined in practice, particularly where different legal bodies interpret similar concepts inconsistently.

3. ECtHR Jurisprudence: The Crisis of Extraterritoriality

The case law of the European Court of Human Rights reflects an evolving approach to the extraterritorial application of human rights in armed conflict.

In *Banković v Belgium*, the Court adopted a restrictive interpretation of jurisdiction, emphasising the territorial limits of the Convention.³ This approach was later reconsidered in *Al-Skeini v United Kingdom*, where the Court recognised that jurisdiction may arise when a state exercises authority and control over individuals abroad.⁴

This principle was further developed in *Jaloud v Netherlands*, where the Court confirmed that operational control by state agents may be sufficient to trigger Convention obligations.⁵

In *Georgia v Russia (II)*, the Court significantly limited the practical applicability of the Convention during the active phase of hostilities, citing the complexity and intensity of the conflict environment.⁶ This approach illustrates a broader structural issue: legal protections may be effectively reduced in situations where they are most needed.

¹ Protocol additional to the Geneva Conventions of 12 August 1949. [On-line:] https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/icrc_002_0321.pdf (Accessed 24.04.2026).

² International standards. OHCHR: Protecting human rights during conflict situations. [On-line:] <https://www.ohchr.org/en/protecting-human-rights-conflict-situations/international-standards> (Accessed 24.04.2026).

³ ECHR, *Bankovic and Others v. Belgium and 16 Other States*. [On-line:] <https://casebook.icrc.org/case-study/echr-bankovic-and-others-v-belgium-and-16-other-states> (Accessed 24.04.2026).

⁴ *Al-Skeini v United Kingdom* (2011) 53 EHRR 18. [On-line:] <https://international.vlex.com/vid/v-united-kingdom-494666054> (Accessed 24.04.2026).

⁵ Case of *Jaloud v. The Netherlands*. [On-line:] <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-148367%22%5D%7D> (Accessed 24.04.2026).

⁶ Case of *Georgia v. Russia (II)*. [On-line:] <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-207757%22%5D%7D> (Accessed 24.04.2026).

4. Civilian Harm: The Gap Between Norm and Reality

Civilians remain the primary victims of contemporary armed conflicts, particularly in increasingly urbanised battlefields. Despite clear legal prohibitions against indiscriminate attacks, patterns of destruction affecting civilian infrastructure and displacement persist.

This persistent harm reflects not only instances of non-compliance, but also systemic weaknesses in monitoring, enforcement, and access to remedies. International law provides robust protections in principle, yet lacks the institutional mechanisms required for their consistent implementation.

The result is a protection gap in which rights exist in formal terms but fail to deliver effective safeguards in practice.

5. Gender-Specific Risks: Beyond the Akayesu Legacy

Armed conflict is not gender-neutral. Women face distinct risks, including sexual violence, forced displacement, and the collapse of essential support systems.

The international legal framework has evolved significantly, particularly through *Prosecutor v Akayesu*, which recognised sexual violence as an international crime.¹ In addition, UN Security Council Resolution 1325 established the importance of integrating gender perspectives into conflict prevention and resolution.²

However, these developments have not translated into consistent enforcement. Structural barriers, including evidentiary challenges and social stigma, continue to limit accountability. As a result, gender-based violations remain both underreported and under-prosecuted.

6. Institutional Constraints and Selective Accountability

The International Criminal Court plays a central role in addressing serious violations of international law.³ However, its effectiveness is constrained by jurisdictional limitations and reliance on state cooperation.

Similarly, the European Court of Human Rights provides an important forum for accountability, but lacks direct enforcement powers. This creates a system in which access to justice varies significantly depending on jurisdiction and political context.⁴

Such disparities contribute to selective accountability, undermining both the deterrent function and the perceived legitimacy of international law.

7. Selective Activation as a Structural Problem

The central argument of this article is that the primary weakness of human rights protection in armed conflicts lies not in normative insufficiency, but in selective activation.

Legal frameworks are not applied uniformly; their operation depends on political alignment, jurisdictional accessibility, and institutional capacity. This results in an uneven distribution of protection, where some victims have access to legal remedies while others do not.

Addressing this structural imbalance requires a shift from expanding legal norms toward ensuring their consistent and coordinated application across jurisdictions and institutions.

¹ The Prosecution of Sexual Violence in conflict: The Importance of Human Rights as Means of Interpretation. [On-line:] https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/Paper_Prosecution_of_Sexual_Violence.pdf (Accessed 24.04.2026).

² Landmark resolution on Women, Peace and Security. [On-line:] <https://www.un.org/womenwatch/osagi/wps/> (Accessed 24.04.2026).

³ The International Criminal Court (ICC). [On-line:] <https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf> (Accessed 24.04.2026).

⁴ The European Court of Human Rights. [On-line:] <https://cglj.org/human-rights-oversight/regional/europe/european-court-of-human-rights/> (Accessed 24.04.2026).

8. Conclusion

The protection of human rights in armed conflicts is constrained not by the absence of legal norms, but by the conditions under which those norms are applied. While IHL and IHRL provide a comprehensive legal framework, their effectiveness is undermined by fragmentation and selective enforcement.

This article has argued that the crisis of protection is structural in nature, rooted in the selective activation of legal regimes. Until this imbalance is addressed, the promise of international law will remain contingent rather than universal.

Bibliography:

Table of Cases

- 1) Al-Skeini v United Kingdom (2011) 53 EHRR 18. [On-line:] <https://international.vlex.com/vid/v-united-kingdom-494666054> (Accessed 24.04.2026).
- 2) ECHR, Bankovic and Others v. Belgium and 16 Other States. [On-line:] <https://casebook.icrc.org/case-study/echr-bankovic-and-others-v-belgium-and-16-other-states> (Accessed 24.04.2026).
- 3) Case of Jaloud v. The Netherlands. [On-line:] <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-148367%22%7D> (Accessed 24.04.2026).
- 4) Case of Georgia v. Russia (II). [On-line:] <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-207757%22%7D> (Accessed 24.04.2026).
- 5) Prosecutor v Akayesu (Trial Judgment) ICTR-96-4-T (2 September 1998). [On-line:] <https://www.refworld.org/jurisprudence/caselaw/ictr/1998/19275> (Accessed 24.04.2026).
- 6) The Prosecution of Sexual Violence in conflict: The Importance of Human Rights as Means of Interpretation. [On-line:] [https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/Paper Prosecution of Sexual Violence.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/Paper%20Prosecution%20of%20Sexual%20Violence.pdf) (Accessed 24.04.2026).

Table of Treaties and International Instruments

- 1) Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949) 75 UNTS 287. [On-line:] <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war> (Accessed 24.04.2026).
- 2) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. [On-line:] <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977> (Accessed 24.04.2026).
- 3) European Convention on Human Rights (1950). [On-line:] https://www.echr.coe.int/documents/d/echr/convention_ENG (Accessed 24.04.2026).
- 4) United Nations Security Council Resolution 1325 (2000), S/RES/1325 (2000). [On-line:] <https://www.un.org/shestandsforpeace/content/united-nations-security-council-resolution-1325-2000-sres1325-2000> (Accessed 24.04.2026).
- 5) Landmark resolution on Women, Peace and Security. [On-line:] <https://www.un.org/womenwatch/osagi/wps/> (Accessed 24.04.2026).
- 6) The International Criminal Court (ICC). [On-line:] <https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf> (Accessed 24.04.2026).
- 7) The European Court of Human Rights. [On-line:] <https://cglj.org/human-rights-oversight/regional/europe/european-court-of-human-rights/> (Accessed 24.04.2026).
- 8) International standards. OHCHR: Protecting human rights during conflict situations. [On-line:] <https://www.ohchr.org/en/protecting-human-rights-conflict-situations/international-standards> (Accessed 24.04.2026).

Books:

- 1) Meron Y, *The Conduct of Hostilities under the Law of International Armed Conflict* (3rd edn, CUP 2016)
- 2) Sassòli M, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare* (Edward Elgar 2019)
- 3) Crawford J, *Brownlie's Principles of Public International Law* (9th edn, OUP 2019)
- 4) Bassiouni MC, *International Criminal Law* (Brill 2008)

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