

Legal Protection of Women and Children Against Impacts of Armed Conflict: A Case Study of the Russia-Ukraine War

Eze Onyekachukwu Ijeoma*

Uzoamaka Gladys Eze**

Nneka Obiamaka Umejiaku***

Abstract

In every war or conflict situation, women and children are usually at the receiving end. The Russian invasion of Ukraine has had a devastating impact on women and children. Millions have been displaced, with women and children comprising the majority of refugees. This displacement has left them vulnerable to exploitation, trafficking, and gender-based violence. As the war rages on the concern of the various human rights abuses especially on women and children and exploitation of the minority ethnic arises. This paper aims to examine and bring to the fore the Humanitarian and Human Rights challenges and the efforts of the international organizations in combating them. Using doctrinal research methodology this paper examined the exploitation, trafficking, rape, neglect and gender-based violence experienced by women and children in the Russia –Ukraine war. The paper found out that despite the efforts of the international bodies, much legal enforcement of International Human Rights and Humanitarian norms needs to be done. The conflict has also disrupted access to essential services, including healthcare and education, further impacting the well-being of women and children. Furthermore, the paper underscores the role of international oversight, the interventions of international bodies and accountability in ensuring that the use of force does not lead to violations of humanitarian norms. Ultimately, the effective integration of IHL and IHRL into refugee management strategies and humanitarian services are crucial for safeguarding human rights and promoting the rule of law while addressing the pervasive threat of the negative and devastating impact of the Russia Ukraine war.

Keywords: Russia- Ukraine war, Crimean Tatars, Gender Based Violence (GBV) and Rape.

1.0 Introduction

The Russian military invasion on February 24, 2022 came as a shock to the country and the world (CARE, 2022) and is causing significant risks (including risk of GBV) to the affected population in Ukraine.¹

One month of war in Ukraine has led to the displacement of 4.3 million children, more than half of the country's estimated 7.5 million child population. This includes more than 1.8 million children who have crossed into neighboring countries as refugees and 2.5 million who are now internally displaced inside Ukraine. Despite intensive efforts to ensure safe, rapid and unimpeded humanitarian access and child protection, significant challenges remain in the most affected the areas across the country.²

UNFPA report that only 29 out of 65 local health care facilities that cater to survivors of GBV, providing shelter or crisis solutions for women and girls are operational and one-third of the cities in which it operates are now occupied by Russian forces.³ In the current conflict, there is a significant risk of double or triple displacement of those who were already displaced .⁴ As of November, the UN had recorded 28,711 civilian casualties since Russia's full-scale invasion in February 2022, including 10,058 deaths . A total of 376 cases of sexual violence have been

* Eze Onyekachukwu Ijeoma Doctoral Research Student, Faculty of Law Nnamdi Azikiwe University, Awka. 08032607060. onyekachukwu.Eze120@gmail.com

** Uzoamaka Gladys Eze Professor, Faculty of Law, Nnamdi Azikiwe University Awka.

*** Nneka Obiamaka Umejiaku Reader, Faculty of Law, Nnamdi Azikiwe University, Awka. Email: no.umejiaku@unizik.edu.ng.

¹ <https://kyivindependent.com/un-records-over-3...> Accessed 21/1/25.

² Available at <https://kyivindependent.com/ukrainian-women-share-their-accounts-of-rape-by-russian-forces-as-reporters-investigate-their-assailants>. UNICEF, March 30,2022.

³ Ibid (Lei Ravelo, March 11,2022)

⁴ Ibid (CARE,2022)



documented during Russia's full-scale war against Ukraine, the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) reported on Nov. 25.

Women and girls in Ukraine need urgent action to prevent GBV and respond to its life-threatening consequences. The numbers of people in need including internally displaced people and refugees increase daily.⁵

Women's Rights Organizations have a key role to play in disseminating information on risks and GBV services available within Ukraine and across borders into neighboring countries.

There is little sex disaggregated data on the humanitarian profile since the Russian invasion of February 2022. Available data includes:

- 59% of IDPs are female (from IOM survey, although absence of credible sources of IDP data).⁶
- 90% of refugees are women and children.⁷
- Women of reproductive age: 8% of IDPs are pregnant or breastfeeding.⁸

According to the United Nations Population Fund, about 1,000 deliveries among Ukrainians are expected per week. The World Health Organization (WHO) estimates that 15% of pregnancies, in a war zone or not, will require skilled medical care for a potentially life-threatening complication.⁹

Since the invasion of February 24, 2022, the health system is collapsing and access to essential health services including sexual and reproductive health care is drastically reduced in those parts of Ukraine that are under severe attack, and is acutely jeopardized in other parts of the country.¹⁰

The vast majority of refugees fleeing the country are women and children - believed to be 90%¹¹ - including minoritized women and children such as Roma.¹² There are challenges for members of vulnerable groups, for example, the LGBT community, including trans and non-binary people, whose gender according to their legal documents becomes a deciding factor in whether they remain in Ukraine or have the scope to flee the country.¹³

While the world watches the unfolding geopolitical drama, it is crucial to remember that the human cost of this war is immeasurable, particularly for the most vulnerable members of the society.

1.1. Brief Overview of the Russia – Ukraine Conflict and its Humanitarian Crisis

The Russo-Ukrainian War began in February 2014. Following Ukraine's Revolution of Dignity, Russia occupied and annexed Crimea from Ukraine and supported pro-Russian separatists fighting the Ukrainian military in the Donbas War.¹⁴ These first eight years of conflict

⁵ Ibid (UNHCR, 2022)

⁶ *Op cit* (IOM April 1,2022).

⁷ Ibid (UN Website)

⁸ Ibid (IOM April 1,2022).

⁹ Ibid (Levy, 2022)

¹⁰ Ibid (UNFPA press conference, March, 10, 2022)

¹¹ Ibid (UN Website)

¹² *Ibid* (Deutsche Welle, 2022)

¹³ *Ibid* (OHCHR, March 22,2022)

¹⁴ UN Women. <https://www.unwomen.org/publications/2022/09/po...> Global Gendered Impacts of the Ukraine Crisis on Energy...

also included naval incidents and cyberwarfare. In February 2022, Russia launched a full-scale invasion of Ukraine and began occupying more of the country, starting the biggest conflict in Europe since World War II. The war has resulted in a refugee crisis and tens of thousands of deaths.¹⁵ Beginning in 2021, there was a massive Russian military buildup near Ukraine's borders, including within neighboring Belarus. Russian officials repeatedly denied plans to attack Ukraine. Russia's president Vladimir Putin expressed irredentist views and denied Ukraine's right to exist. He demanded that Ukraine be barred from ever joining the NATO military alliance. In early 2022, Russia recognized the DPR and LPR as independent states.¹⁶

The Russian invasion that followed was internationally condemned; many countries imposed sanctions against Russia, and sent humanitarian and military aid to Ukraine. In the face of fierce resistance, Russia abandoned an attempt to take Kyiv in early April. In August, Ukrainian forces began recapturing territories in the north-east and south. In late September, Russia declared the annexation of four partially-occupied provinces, which was internationally condemned. From then through 2023, Russian offensives and Ukrainian counteroffensives gained only small amounts of territory. The invasion has also led to attacks in Russia by Ukrainian and Ukrainian-backed forces, among them a cross-border offensive into Russia's Kursk Oblast in August 2024. Russia has repeatedly carried out deliberate and indiscriminate attacks on civilians far from the frontline.¹⁷ The International Criminal Court (ICC) opened an investigation into war crimes and issued arrest warrants for Putin and several other Russian officials.

For far too long, sexual violence was considered an unfortunate result of war and often kept silent. Yet rape has been a serious breach of the rules of war since the mid-nineteenth century. One of the first attempts to codify the law of armed conflict took place during the American Civil War, with the publication of the Lieber Code in February 1863. Sexual assault was explicitly mentioned as a punishable act and rape prohibited on pain of death.¹⁸

Thereafter, there was a semantic regression when it came to qualifying such abuses in law. Although the act was still punishable, the word 'rape' disappeared from the texts. Perhaps out of a sense of modesty, legislators preferred to speak of an attack on the 'honour of the family', as in the Hague Peace Conventions. This term of honour is found again in the Fourth Geneva Convention of 1949, but with two important innovations: first, women are specifically indicated as being persons 'to be protected'; second, rape makes a reappearance, being expressly mentioned as an example constituting an attack on the 'honour' of women.¹⁹

The International Committee of the Red Cross (ICRC) was instrumental in drafting the Geneva Conventions of 1949, and is its guarantor today. From the moment it was founded in 1863, the ICRC immediately set about relieving the brutalities of war. Surprisingly, however, it was not until the late 1990s that the ICRC became concretely involved in the issue of sexual violence committed during situations of armed conflict – it took resolutions from the International Conferences of the Red Cross and Red Crescent in 1996 and 1999 for the institution to take that step.²⁰

¹⁵ Ibid

¹⁶ Ibid (International recognition of the Donetsk People's Republic and the Luhansk's People's Republic)

¹⁷ Ibid

¹⁸ ICRC <https://blogs.icrc.org/sexual-violence-icrc-20th> century. Sexual Violence in Armed Conflict: the Historical Limits of ...accessed 15/12/2024

¹⁹ Ibid

²⁰ Ibid



Allegations of rape and sexual violence in Ukraine have been numerous since Russian troops invaded Ukraine in February 2022, and do not appear to be subsiding. A report released on October 18 examined human rights violations that took place in the first two months of the 2022 war in Ukraine. The United Nations found that Russian forces have committed the "vast majority" of human rights violations during the conflict. These crimes include the widespread perpetration of rape and sexual violence.²¹ Victims of sexual violence range in age from four to eighty-years-old.²² The report details a four-year-old child being forced to perform oral sex on a Russian soldier. Other documented violence includes gang rape and forcing family members to watch while their children and mothers were sexually assaulted.²³

Most of the cases of sexual violence also qualify as torture or cruel or inhumane treatment.

Pramila Patten, UN special representative of the secretary-general on sexual violence in conflict, called the use of rape by Russian forces a "military strategy," and stated that it is being used as a "deliberate tactic to dehumanize the victims." According to Patten, the United Nations has verified more than one hundred cases of rape since the onset of the conflict. The real number is likely much higher.²⁴ The commission is still investigating whether the sexual and gender-based violence amount to a more widespread pattern. Following the late March liberation of the Kyiv region and reports of gang rape, gunpoint sexual assaults, and rapes in front of children, The Guardian said that Ukrainian women were facing a threat of rape as a weapon of war.²⁵ As of May 2022, about 82.4% of cases of sexual violence related to the conflict that were reported by the United Nations were alleged to have been perpetrated by Russian or Russian-aligned combatants, while about 9.25% were reported to have been committed by the Ukrainian Armed Forces or law enforcement.²⁶ ²⁷On 29 June, 2022, the OHCHR reported that it had received 108 allegations of conflict related sexual violence and it had verified 23 cases.²⁸ On 2 December, 2022, the OHCHR reported that it had documented 86 cases of conflict-related sexual violence, including rape, gang rape, forced nudity and forced public stripping, most of which were perpetrated by members of the Russian armed forces or police authorities.²⁹ The OHCHR also reported that Ukrainian law enforcement authorities were investigating 43 cases of sexual violence.³⁰

²¹NPR. <https://www.npr.org/2022/04/30/Ukraine-Russia-rape> ... War in Ukraine: How rape has reportedly become a weapon. accessed 15/12/24.

²² *Op cit*

²³ *Ibid*

²⁴ *Ibid*

²⁵ McKernon, Bethan (4th April 2022). "Rape as a Weapon: Huge Scale of Sexual Violence Inflicted in Ukraine Emerges". The Guardian. Archived from the original on 14th April 2022. Retrieved 10th January 2023. Accessed 15/12/24.

²⁶The situation of human rights in Ukraine in the context of the armed attack by the Russian Federation, 24th February to 15th May 2022(Report). OHCHR. 29th June 2022.par96-102. Archived from the original on 2nd July 2022.Retrieved 4th August 2022. Accessed 15/12/24.

²⁷Ukraine: Apparent War Crimes in Russia- Controlled Area. Human Rights Watch. 3rd April 2022.Archived from the original on 3rd April 2022. Retrieved 18th April 2022.accessed 15/12/24.

²⁸ *Op cit*, number 11.

²⁹Update on the human rights situation in Ukraine. 1st August – 31st October 2022 PDF Report. OHCHR 2nd December 2022. Retrieved 26 December 2022.

³⁰ *Ibid*

Modern warfare employs technologically sophisticated means and types of weaponry. But other forms of violence with a painfully ancient and tragic history continue to be used in 2023: rape and sexual violence.³¹ It is important to note that **19 June marks the International Day for the Elimination of Sexual Violence in Conflict. On this occasion, learn about the work of Kateryna, a crisis psychologist who has been providing assistance to people who have experienced sexual violence in Russia's war against Ukraine.**³²

Kateryna Rakytyanska has been working as a crisis psychologist at the United Nations sexual and reproductive health agency's (UNFPA) Survivor Relief Centres in Zaporizhzhia for almost a year.³³

Rape and sexual violence have short and long-term physical effects, but also deep psychological consequences for the survivors.³⁴

The EU helps the conflict-affected population in Ukraine access sexual and reproductive health services through partners like UNFPA, including survivors of sexual violence. This includes physical and psychosocial support, counselling, and medical follow-up.³⁵

“With the onset of a full-scale invasion, the need for psychological support for Ukrainians has increased dramatically. The number of requests from people who have survived various forms of violence by Russian military, including sexual, has grown as well,” she explained further, *“Now, men and women who have experienced this trauma are seeking new meaning in life, because living with the previous one has become impossible,”* Kateryna opined.³⁶

Therapy is critically important for survivors, but the trauma they have experienced is deep and complex.

Therapy, if conducted skilfully, truly heals the souls and brings these people back to a fulfilling life,” Kateryna explains. *“However, as their fundamental sense of safety has been shattered, it is crucial to approach all actions with caution and ethics, avoiding pushing boundaries or going where the person is not yet ready to venture.”*³⁷

The specialist explains that society plays a significant role in the recovery of those who have experienced sexual violence. *“We need to eliminate the stigmatisation of survivors, refraining from condemning and pushing them away, currently, the pain from the endured trauma is still too intense for many survivors, and they are not ready to speak. However, these people will seek help later. It may take years, but it will happen, and we must be prepared for it,”* explains Kateryna.³⁸

³¹ European Civil Protection and Humanitarian Aid Operations. <https://civil-protection-humanitarian-aid.ec.europa.eu>>... Healing Souls: how sexual violence survivors in Ukraine. Date accessed 15/12/24.

³² Ibid

³³ Ibid

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

³⁷ Story by Ivanna Bedei, Information and Communication Assistant in Ukraine, EU Civil Protection and Humanitarian Aid Operations. Publication date :19/06/2023. Accessed 15/12/24.

³⁸ Ibid.



1.2 The Situation of Ukrainian Roma Before the War

Roma have faced discrimination and marginalization throughout Europe; Ukraine is no exception. Before Russia's most recent invasion of Ukraine, Ukrainian Roma faced problems similar to those Roma face elsewhere, including discrimination. One major issue that affects many areas of Roma life is a lack of official documentation among some of the Roma community.

Of the estimated 400,000 Roma living in Ukraine, about [30,000](#)³⁹ do not have any official identification. [Shifting borders](#)⁴⁰ after the dissolution of the Soviet Union, internal displacement from Russia's illegal annexation of Crimea, and general discrimination means that it difficult for Roma to register for the documentation that proves they are Ukrainian. Due to discrimination in the health care system and the high price that non-citizens must pay for services, many undocumented Roma women [have birth at home](#)⁴¹ and as a result, many of their children never receive Ukrainian birth certificates. Citizenship is essential because it provides basic government support and protection that is necessary for meeting fundamental human requirements. As a result, Roma without proof of Ukrainian citizenship are forced to [live on the margins of society](#)⁴² and face significant challenges when securing housing, or when seeking education, healthcare, and employment.

Fleeing Ukraine

When Roma women, children, and elders tried to flee to safety after Russia invaded Ukraine, [reports indicate](#)⁴³ they were not treated with the same dignity as other Ukrainian refugees. Anti-Roma discrimination began at the Ukrainian border, where there were accounts of Roma families being denied exit. For example, a mother and her two children were repeatedly turned back from Ukraine's border with Hungary while [facing threats](#)⁴⁴ from a border guard over the course of the week of March 20, until a new guard finally granted them permission to leave. The original border guard that turned the family away threatened to confiscate all their belongings, accusing them of only attempting to enter Hungary to falsely take advantage of the refugee benefit system that was available at the time.

Segregation in Short-Term Reception Centers

Anti-Roma discrimination continued beyond the Ukrainian border and into neighboring countries that welcomed large numbers of Ukrainian refugees into reception centers in the initial weeks of the war. Often Roma were [segregated](#)⁴⁵ from the rest of the refugee population and forced into substandard living conditions, with officials claiming it was for their safety and the protection of their culture.

³⁹ <https://ukraine.un.org/en/106824-about-30000-roma-ukraine-have-no-documents-story-roma-activist> .accessed 18/12/24.

⁴⁰ <https://www.travellerstimes.org.uk/features/stateless-roma-ukraine-have-nowhere-turn> . accessed 18/12/24

⁴¹ *ibid*

⁴² <https://www.coe.int/en/web/roma-and-travellers/-/roma-from-ukraine-we-hear-you->. Accessed 18/12/24

⁴³ <https://www.coe.int/en/web/roma-and-travellers/-/roma-from-ukraine-we-hear-you>. Accessed 18/12/25.

⁴⁴ <https://www.errc.org/news/romani-family-deniedexit-from-ukraine-border-guards-acuse-roma-of-wrongdoings-in-hungary>. Accessed 18/12/25.

⁴⁵ <https://urldefence.com/v3/> <https://www.hrw.org/news/2022/05/25/moldova-romani-refugees-ukraine-face-segregation> !! Accessed 18/12/25.

In Moldova, Roma suffered through the winter cold [without heating or hot water](#)⁴⁶ in a reception center specifically created for them. In the Czech Republic, Roma were [deprived of](#)⁴⁷ hot food and forced to sleep in unsanitary conditions on the floor of a train station, separated from other refugees. Some Roma reported that workers and volunteers at reception centers in both Moldova and the Czech Republic repeatedly accused them of [lying](#)⁴⁸ about being Ukrainian to steal humanitarian aid intended for ‘real’ refugees.

Exclusion of Roma from Long-Term Housing Solutions

Volunteers who were tasked with finding homes for all refugees—including Roma—in reception centers often reported that more permanent facilities and local families would specifically request to house [only white refugees](#).⁴⁹ Some went as far as explicitly [refusing to accept Roma](#)⁵⁰ and demanding confirmation of refugees’ ethnicities before taking them in.

Without access to private accommodations, Roma refugees had to rely on host country governments to provide longer term housing. This resulted in segregated facilities that housed mainly Roma refugees for weeks or even months in reception centers meant for short term transit. In Moldova, Roma lived in an [abandoned university dormitory](#).⁵¹ In the Czech Republic, Roma were transferred to a former detention camp in [Vyšní Lhot](#),⁵² where displaced mothers and children were surrounded by barbed wire and armed security. Roma who refused to move to Vyšní Lhot had no other choice but to [live in tents in Brno](#),⁵³ where there was no medical assistance or protection from the elements. In July, a school near the Polish border town of Medyka that had been used to house refugees was closed, and with few other viable options, the 144 Roma who had been living there returned to Ukraine.

1.3. Economic Disruption and Gender Inequality.

The war in Ukraine has had devastating impact on women and girls worldwide, widening gender gaps, and increasing rates of food insecurity, malnutrition and energy poverty. The ensuing cost-of-living crisis has acutely threatened women’s livelihoods, health, and wellbeing and stymied progress on the Sustainable Development Goals. It has been propelled by the war’s disruptions of oil and gas supplies and staple food commodities, including wheat, corn, and sunflower oil, alongside the skyrocketing food, fuel, and fertilizer prices. Alarming increases in gender-based violence, transactional sex for food and survival, child marriage (with girls forced to leave school), and women’s and girls’ unpaid care and domestic workloads are further endangering women’s and girls’ physical and mental health.⁵⁴

⁴⁶ *ibid*

⁴⁷ <https://urldefence.com/v3/> <https://www.theguardian.com/global-development/2022/may/25/they-wont-accept-us-roma-refugees-forced-to-camp-at-prague-train-station> !!! Accessed 18/12/25.

⁴⁸ *Ibid*

⁴⁹ <https://urldefense.com/v3/> <https://www.hrw.org/news/2022/05/25/moldova-romani-refugees-ukraine-face-segregation> !! Accessed 18/12/24

⁵⁰ *Ibid*

⁵¹ *Ibid*

⁵² https://ushouse-my.sharepoint.com/personal/mollie_blum_mail_house_gov/documents/livingintents. Accessed 18/12/24.

⁵³ *Ibid*

⁵⁴ UN Women. <https://www.unwomen.org/publications/2022/09/po...> Global gendered impacts of the Ukraine Crisis on energy. Accessed 18/12/24.



1.4 Challenges in Accessing Healthcare and Reproductive Services.

Ongoing military conflicts in various regions of the world have a significant negative impact on women's health, including access to health services, maternal mortality and general well-being. The main problems include insufficient transport connections, financial constraints, poor quality of medical services and cultural norms. The destruction of the health care infrastructure, the lack of medicines and personnel significantly limit the availability of reproductive health care services. These factors contribute to an increase in the number of home births without qualified support, which increases the risk of maternal and child mortality. Also important is the psychological impact of war, including stress, depression and post-traumatic stress disorder, which are common among pregnant women.⁵⁵

In addition, malnutrition and environmental toxins further complicate the situation, undermining the health of women and newborns. Thus, conflict-induced food insecurity leads to malnutrition among pregnant and lactating women, causing adverse health outcomes such as anemia, low birth weight, and increased susceptibility to infections.⁵⁶ Exposure to environmental toxins from modern weapons, such as heavy metals, poses long-term health risks to pregnant women and their babies. In particular, toxins can affect the emotional and cognitive development of children.

1.5 Displacement and Refugee Crisis

1.5.1 Increased Risk of Trafficking and Exploitation

Whenever children are driven from their homes by conflict, their exposure to danger escalates. This is particularly the case for children separated from their parents or caregivers. As fighting continues, they have few – or no – options to move through safe pathways, whether on their own or with their families.⁵⁷

While in flight or when arriving at their destination, children face threats to their protection, safety and well-being. In transit, children may be exposed to grave violations against their rights, including the risk of being injured or killed by weapons and explosive munitions. They may be caught up in violence, while cut off from essential medical care, clean water and food. Children may be involuntarily moved or relocated—sometimes to areas far from their home, community, or family. They may have challenges in accessing resources and essential services and are at a heightened threat of abuse, violence, and exploitation, with children outside of parental care or unaccompanied at greater risk of human trafficking and child labour. Displaced women and girls are especially at risk of gender-based violence when sheltering or seeking asylum.⁵⁸

The war in Ukraine is exacting a harrowing toll on children. UNICEF is on the ground in Ukraine and refugee-hosting countries, scaling up life-saving support for children and their families.⁵⁹

⁵⁵ Problem of access to healthcare services in the armed... <https://reproduct-endo.com>article>view> . accessed 18/12/24.

⁵⁶ Ibid

⁵⁷ UNICEF. <https://www.unicef.org>emergencies>guidance-protection> ..., Guidance for protecting displaced and refugee children in....

⁵⁸ Ibid

⁵⁹ Ibid

Many displaced children in and outside of Ukraine are unaccompanied or have been separated from their parents, family members, or legal guardians.⁶⁰ Children without parental care and children with disabilities face a higher risk of family separation, violence, abuse and exploitation. Without an adult to take care of them, children who are unaccompanied may have challenges navigating border crossing and asylum procedures.⁶¹

This makes them more vulnerable to smuggling, trafficking, or other forms of exploitation. Children without parental care or who are unaccompanied may also be at heightened risk of adoption which should never occur during or immediately after an emergency. When these children move across borders with limited child safeguarding measures in place or limited capacity of responders at borders to identify specific risks for vulnerable children, the threats multiply.⁶²

Unaccompanied and separated children who have crossed international borders, should be assigned a legal guardian who is able to support them in navigating the support and rights they are entitled to. This will include recognizing an existing care arrangement (where possible and appropriate), or identifying a suitable alternative care arrangement for the child while initiating family tracing and reunification procedures.⁶³

2.0 Targeting of Minority Groups

Russia's ethnic minorities continue to suffer outsized fatalities in the country's two-year war in Ukraine, a trend that analysts warn will have long-term destructive impacts on these communities. Data provided by Vyushkova shows that their worst projections have materialized.

The outsized losses are the result of a combination of factors such as disproportionate mobilization of ethnic minorities,⁶⁴ regional inequalities,⁶⁵ structural discrimination and the Kremlin's efforts to minimize discontent among the country's politically active Russian majority, Vyushkova said.⁶⁶ According to their tally, at least 45,123 Russian soldiers have been killed in the two years since the Kremlin ordered its troops over the Ukrainian border.

Together with indigenous activists and volunteers, Vyushkova takes this research a step further, using available information to identify the ethnic identity of deceased soldiers.

One's last and first name, place of birth and the language in which their obituary is written can all offer hints to their ethnic origin.⁶⁷

Buryats, a Mongolic ethnic group native to southeastern Siberia, are most overrepresented among Russia's war casualties, closely followed by Tyvans, Kalmyks, Chukchis and Nenets peoples,

⁶⁰ Ibid

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

⁶⁴ <https://www.themoscowtimes.com/2022/9/27/ethnic-minorities-hit-hardest-by-russias-mobilization-activists-say-97889>. Accessed 18/12/24.

⁶⁵ <https://www.themoscowtimes.com/2022/07/02/russias-remotecomunites-feel-fallout-from-ukraine-invasion-a77942>. Accessed 18/12/24.

⁶⁶ The Moscow Times. <https://www.themoscowtimes.com/features>. 2 years into Ukraine War, Russia's Ethnic Minorities. Accessed 18/12/24.

⁶⁷ Ibid



according to data provided by Vyushkova. Buryats amount to 1.16% of all identified casualties on the Russian side despite comprising just 0.3% of Russia's total population.⁶⁸

Chukchis, together with other indigenous small-numbered peoples of Russia's easternmost Chukotka autonomous region, comprise 0.09% of war casualties, while their total population stands at just 17,044 people — less than 0.01% of Russia's populace. In contrast, ethnic Russians make up just over 70% of all casualties, while comprising more than 80% of the country's population.⁶⁹

In Gvasuki, a remote village in the Far East Khabarovsk region with a population of 210, as many as 14 men, or 11.5% of its entire male population, were drafted to fight in Ukraine, according to information obtained by journalist and indigenous Itelmen activist Dmitry Berezhkov. "As a person who left Buryatia, I understand that people most affected by the war and mobilization are those who remained [in the republic], those who were meant to be in this war," said Vyushkova.⁷⁰

2.1. Discrimination and Marginalization in Refugee Camps and Host Countries.

Countries on Ukraine's western border have welcomed millions of people fleeing the war — most of whom are women and children — providing housing, assistance, and access to schools and social services.⁷¹ Nevertheless, some refugees belonging to minority communities have faced discrimination, from crossing the border to the provision of assistance in reception centers, to facing difficulties in finding accommodation and employment, particularly Roma.⁷²

With over 12 million Roma in Europe, Roma comprise the largest minority group⁷³ and are present in most of the participating States of the Organization for Security and Cooperation in Europe (OSCE). Roma have historically faced persecution in Europe and were victims of genocide during World War II.

3.0 Relevant International Laws on the Violation of the Rights of Women and Children.

It is pertinent to note that there are legislations and international laws which point to the fact that despite the state of war or armed conflicts, the rights of women and children must be held sacrosanct. Some of these laws include but not limited to:

The UN Security Council Resolution 1325 on Women, Peace and Security of 31st October 2000 and its follow-up resolutions 1820(19th June 2008);1888(30th September 2009); 1889(5th October 2009);1960(16th December 2010);2106(24th June 2013);2122(18th October 2013);2242(13th October 2015) and 2493(29th October 2019).⁷⁴

UN Declaration on the Elimination of Violence Against Women.⁷⁵

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ CSCE(.gov)<https://www.csce.gov>articles>ukrainian-roma-refugee...10/12> Ukrainian Roma Refugees Face Discrimination.

⁷² Ibid

⁷³ <https://www.reuters.com/articl/us-global-roma-rights/roma-people-10-ways-europes-biggest-minority-faces-discrimination-iduskcn1rko1y> . accessed 18/12/24

⁷⁴ <https://europarl.europa.eu>TA-9-2022-0206> . Accessed 22/1/25.

⁷⁵ Ibid 20 December 1993.

Charter of Fundamental Rights of the European Union.⁷⁶

The General Recommendation⁷⁷ of the UN Committee on the Elimination of the Discrimination Against Women⁷⁸ on Trafficking in Women and Girls in the context of Global Migration.

The Rome Statute of the International Criminal Court.⁷⁹

The Resolution on the EU's Protection of Children and Young People Fleeing the War in Ukraine.⁸⁰

3.1 International Law and Accountability

Ensuring justice for serious violations is, in the first instance, the responsibility of the country whose nationals are implicated in the violations. Governments have an obligation to investigate serious violations that implicate their officials or other people under their jurisdiction.⁸¹ The government must ensure that military or domestic courts or other institutions impartially investigate whether serious violations occurred, identifying and prosecuting the individuals responsible for those violations in accordance with international fair-trial standards, and imposing punishments on individuals found guilty that are commensurate with their deeds. While non-state armed groups do not have the same legal obligation to prosecute violators of the laws of war within their ranks, they are nonetheless responsible for ensuring compliance with the laws of war and have a responsibility when they do conduct trials to do so in accordance with international fair trial standards.⁸²

3.1.1 International Humanitarian Law and Human Rights Law.

Hostilities between Russian armed forces and Ukrainian armed forces constitute an international armed conflict governed by international humanitarian treaty law (primarily the four Geneva Conventions of 1949 and its first additional protocol of 1977 (Protocol I), and the Hague Conventions of 1907 regulating the means and methods of warfare), as well as the rules of customary international humanitarian law. Both Ukraine and Russia are parties to the 1949 Geneva Conventions and Protocol I.⁸³

International humanitarian law, or the laws of war, provides protections to civilians and other noncombatants from the hazards of armed conflict. It addresses the conduct of hostilities—the means and methods of warfare—by all parties to a conflict. Foremost is the rule that parties to a conflict must distinguish at all times between combatants and civilians. Civilians may never be the deliberate target of attacks.⁸⁴ As discussed below, parties to the conflict are required to take all feasible precautions to minimize harm to civilians and civilian objects and not to conduct attacks

⁷⁶ Ibid. Created 2nd October 2000, Ratified 7th December 2000.

⁷⁷ Ibid No. 38 (2020)

⁷⁸ Ibid 6th November 2020

⁷⁹ Ibid. 17th July 1998.

⁸⁰ Ibid. 7th April 2022.

⁸¹ Human Rights Watch. <https://www.hrw.org/news/2022/02/23/Russia-ukraine> . Russia, Ukraine & International Law: On Occupation. Accessed 18/12/24

⁸² Ibid

⁸³ Organization for Security and co-operation in Europe. <https://www.osce.org/files/documents/PDF> . The Legal Framework applicable to the armed conflict in.... accessed 18/12/24

⁸⁴ Ibid



that fail to discriminate between combatants and civilians, or would cause disproportionate harm to the civilian population.⁸⁵

Ukraine and Russia are both party to a number of regional and international human rights treaties, including the European Convention on Human Rights (ECHR)⁸⁶, the International Covenant on Civil and Political Rights (ICCPR),⁸⁷ the Convention on Elimination of all forms of Discrimination against Women (CEDAW)⁸⁸ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁸⁹ These treaties outline guarantees for fundamental rights, many of which correspond to the rights to which combatants and civilians are entitled under international humanitarian law (e.g. the prohibition on torture and inhuman and degrading treatment, the requirements for nondiscrimination, the right to a fair trial).⁹⁰

While both the ECHR and the ICCPR permit some restrictions on certain rights during wartime or an officially proclaimed public emergency “threatening the life of the nation,” any reduction in rights during a public emergency must be of an exceptional and temporary nature and must be limited “to the extent strictly required by the exigencies of the situation.”

3.2 The Role of International Criminal Justice

3.2.1 The International Criminal Court and its Investigations into War Crimes.

The International Criminal Court (ICC) is a permanent international court with a mandate to investigate, charge, and put on trial people suspected of genocide, crimes against humanity, and war crimes committed after July 1, 2002.⁹¹

However, it can only exercise jurisdiction over these crimes if:

- The crimes occurred in the territory of a country that is a party to the ICC treaty;
- The person accused of the crimes is a citizen of a country that is a party to the ICC treaty;
- A country that is not a party to the ICC treaty accepts the court’s authority for the crimes in question by submitting a formal declaration to the court; or
- The United Nations Security Council refers the situation to the ICC prosecutor.⁹²

Russia and Ukraine are not members of the ICC, but Ukraine accepted the court’s jurisdiction over alleged crimes committed on its territory since November 2013, and in so doing, the obligation to cooperate with the court. In December 2020, the ICC Office of the Prosecutor concluded its preliminary examination and announced that the criteria under the ICC’s founding treaty, the Rome Statute, had been met to open a formal investigation, but it has not yet requested permission from

⁸⁵ Ibid

⁸⁶ Drafted 1950, enforced 1953.

⁸⁷ Drafted 1954, enforced 1976

⁸⁸ Effective 1981.

⁸⁹ Drafted 1984, enforced 1987

⁹⁰ Ibid

⁹¹ <https://wikipedia.org/wiki/international-criminal>... International Criminal Court Investigation in Ukraine. Accessed 18/12/24.

⁹² Ibid.

the court's judges to formally open an investigation. Because the ICC is a court of last resort, domestic investigations and prosecutions could complement those of the ICC.⁹³

4.0 Conclusion

Women and children have experienced trauma, displacement and disruption to their education and development in the cause of the Russian- Ukraine war. The long term consequences of this conflict on women and children will be far reaching, including increased poverty, mental health challenges and social instability. The increased risk sexual violence and sexually transmitted diseases cannot be over-emphasized.

5.0 Recommendations

To mitigate the impact of armed conflict on women and children, it is important to prioritize their safety, protection and well –being. To achieve these, it is recommended thus:

- a, That the United Nations, European Union and other International Bodies must address the cause of the conflict (which is the inquest and occupation of Russia into Ukraine).
- b, The enforcement of the warrant of arrest for the perpetrators of the war and their sponsors as ordered by the ICC.
- c, The full application of the various provisions on the protection of the rights of women and children.
- d, More of proactive rehabilitation of affected women and children Russia and Ukraine.
- e, Empowering women and children in refugee camps through education and economic opportunities that can help them build resilience and overcome the challenges they face in the aftermath of conflict.

⁹³ Ibid.