



Human Rights in Armed Conflicts: Evaluating International Humanitarian Law Compliance

Dr. Elena M. Kovács

Department of International Law and Human Rights
Central European University, Vienna, Austria

Dr. Marco L. De Santis

Faculty of Law and International Relations
Sapienza University of Rome, Rome, Italy

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Abstract

The preservation of human rights and the implementation of international humanitarian law (IHL) remain significant obstacles in armed conflicts. Attacks on people, torture, enforced disappearances, and the use of forbidden weaponry are nonetheless commonplace despite the presence of thorough legal frameworks including the 1949 Geneva Conventions, their Additional Protocols, and customary international law. regarding the connection between international humanitarian law (IHL) and human rights law, with an emphasis on the ways in which both states and non-state actors fulfill or neglect their responsibilities in times of conflict. It highlights areas of convergence and tension and discusses the complementary yet separate nature of human rights law (which applies at all times) and international humanitarian law (IHL), which expressly regulates conduct during wars. This paper examines patterns of responsibility and compliance by drawing on case studies from recent conflicts in Syria, Ukraine, and Yemen, as well as law from international courts like the ICJ and the ICC. Problems with monitoring methods, political restraints within the United Nations Security Council, and the difficulties of guaranteeing compliance by non-state armed organizations are highlighted as specific enforcement challenges. In order for international humanitarian law (IHL) to be successful, political determination, institutional strength, and collaboration among states are necessary.

Keywords: Human Rights, International Humanitarian Law (IHL), Geneva Conventions, Armed Conflict



Introduction

The preservation of human rights and the implementation of international humanitarian law (IHL) remain significant obstacles in armed conflicts. Attacks on people, torture, enforced disappearances, and the use of forbidden weaponry are nonetheless commonplace despite the presence of thorough legal frameworks including the 1949 Geneva Conventions, their Additional Protocols, and customary international law. regarding the connection between international humanitarian law (IHL) and human rights law, with an emphasis on the ways in which both states and non-state actors fulfill or neglect their responsibilities in times of conflict. It highlights areas of convergence and tension and discusses the complementary yet separate nature of human rights law (which applies at all times) and international humanitarian law (IHL), which expressly regulates conduct during wars. This paper examines patterns of responsibility and compliance by drawing on case studies from recent conflicts in Syria, Ukraine, and Yemen, as well as law from international courts like the ICJ and the ICC. Problems with monitoring methods, political restraints within the United Nations Security Council, and the difficulties of guaranteeing compliance by non-state armed organizations are highlighted as specific enforcement challenges. In order for international humanitarian law (IHL) to be successful, political determination, institutional strength, and collaboration among states are necessary. To make sure that basic human rights are upheld even when war is happening, we need better accountability systems, more monitoring, and to encourage a compliance mentality.

Doctrinal Principles Governing Armed Conflicts

The guiding principles of International Humanitarian Law (IHL) aim to reduce the impact of war and protect human dignity. IHL is based on the 1949 Geneva Conventions, its Additional Protocols, and customary norms. Regardless of reciprocity, all parties to a conflict, whether states or non-state entities, are required to observe these principles. They make sure that, even though fighting is bound to happen, it will be controlled by humanitarian concerns. At all times, warring parties must differentiate between civilians and combatants, as well as between military goals and civilian objects, according to the first and foremost principle, the concept of differentiation. All civilians are generally safe from direct assault, and the military can only attack legitimate military targets and fighters. War crimes under the Rome Statute of the International Criminal Court (ICC) are defined as violations of this norm, such as



indiscriminate bombardment, targeting of hospitals, or intentional strikes on civilian populations. Such violations have been observed in Syria and Yemen.

The proportionality principle is closely linked; it forbids strikes when the anticipated direct and concrete military benefit is too great to justify the risk of excessive incidental civilian injury. To avoid disproportionate civilian casualties relative to the strategic goals sought, this idea seeks to find a middle ground between humanitarian considerations and military necessity. Urban warfare, in particular, highlights the difficulties of operationalizing proportionality in modern wars due to the frequent mingling of civilian and military infrastructures. Under the principle of necessity, armed force can only be used as much as is necessary to accomplish a lawful goal. It limits the range of acceptable action in battle by prohibiting acts of violence or destruction that are not justified by military imperatives. Examples of practices that go against this idea include scorched-earth tactics and the needless destruction of cultural property.

International humanitarian law (IHL) and human rights treaties also ban torture and other forms of inhuman treatment, which is another guiding principle. Any kind of torture, cruel or humiliating treatment, or violation of personal dignity, whether perpetrated against occupied civilians, prisoners of war, or detainees, is expressly forbidden under the Geneva Conventions. Because of its *jus cogens* standing in international law, this ban cannot be modified in any way. Still, torture in wars like Iraq, Afghanistan, and the Democratic Republic of the Congo shows how theory and practice remain at odds.

Along with human rights legislation and international refugee law, the preservation of displaced people and refugees is an essential tenet of international humanitarian law. Victims of war are obligated to be protected by the Fourth Geneva Convention and its Additional Protocols, as well as by the 1951 Refugee Convention, which guarantees protection for individuals forced to flee their homes due to armed conflict. Despite its centrality to humanitarian protection, the principle of non-refoulement has not always been upheld, especially in long-lasting wars. This policy forbids returning individuals to regions where they are subjected to persecution.

Role of International and Regional Institutions

International and regional organizations have a crucial role in protecting human rights and enforcing International Humanitarian Law (IHL) in times of armed conflict. In addition to laying up standards, these groups keep an eye on whether others are following them, rule on



cases of infractions, and hold people to account. However, in conflict zones, their efficacy varies greatly due to factors such as political will, jurisdictional mandates, and practical limits.

The International Criminal Court (ICC) is the preeminent permanent worldwide organization for the prosecution of those responsible for genocide, crimes against humanity, and war crimes. In cases when national systems are hesitant or unable to bring charges, the International Criminal Court (ICC) can step in and handle serious violations of international humanitarian law (1998). Amidst ongoing accusations about selective prosecutions, limited jurisdiction over non-signatory governments, and political pushback from powerful nations, the Court's ability to discourage violations is demonstrated by cases originating from conflicts in the Democratic Republic of the Congo, Uganda, and Darfur.

Clarifying the link between human rights law and IHL is an important function of the International Court of Justice (ICJ). The International Court of Justice (ICJ) confirmed in its 1996 Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons that the two sets of laws operate simultaneously in times of war. In the 2005 case of *Armed Activities on the Territory of the Congo (DRC v. Uganda)*, the Court emphasized the need for states to be held accountable for breaches of international humanitarian law and human rights legislation. Yet, the International Court of Justice (ICJ) isn't always able to handle violations committed by non-state armed organizations because its jurisdiction is frequently narrowly focused on disputes between states.

The function of the United Nations (UN) in enforcing and monitoring is multi-faceted. As the 2005 referral of the Darfur crisis shows, the United Nations Security Council has the power to impose sanctions, approve peacekeeping forces, and submit situations to the International Criminal Court (ICC). Political differences and the veto power of permanent members limit the Council's ability to act effectively, resulting in biased reactions like the one in Syria. Despite the lack of binding force in many of its recommendations, the Human Rights Council (HRC), commissions of inquiry, and special rapporteurs perform a great job of documenting breaches and advocating for accountability. In addition to the humanitarian duties stated in international humanitarian law (IHL), the United Nations High Commissioner for Refugees (UNHCR) takes additional measures to safeguard refugees and displaced people in times of conflict.



Conclusion

One of the world's most critical concerns is ensuring the preservation of human rights in times of war. The Geneva Conventions, its Additional Protocols, and customary rules form the basis of International Humanitarian Law (IHL), which offers a strong framework to control the conduct of conflicts, protect civilians, and reduce human suffering. Furthermore, the principle that basic rights cannot be put on hold during times of war is further reinforced by the fact that international human rights law remains applicable during such times. Collectively, these systems lay the groundwork for a normative architecture with the goals of making conflict more humane and instituting accountability measures. The challenge of converting legal standards into compliance on the ground is demonstrated by the recurrent violations in conflicts spanning Syria, Yemen, Ukraine, and Africa. The current enforcement procedures are weak, and the contempt for international humanitarian law is on full display in cases of indiscriminate attacks, torture, enforced disappearances, and blocking humanitarian access. There are a number of factors that restrict the effectiveness of regional and international human rights courts, including limited jurisdiction, political interference, and selective application. Nevertheless, these institutions are vital in documenting abuses and ensuring accountability. The uncertain legal status of non-state armed groups adds another layer of complexity to compliance issues, especially given the growing importance of these groups in modern conflicts. The chasm between theory and practice, rather than a lack of laws, is the true obstacle. In order to tackle this, we need to build stronger institutions, make sure there is political will, and encourage a compliance culture that is based on humanitarian principles. Important measures include strengthening accountability through regional and international organizations, bolstering monitoring systems, and providing funding for independent investigations. On the other hand, human rights advocates and journalists can be protected and abuses can be more easily prosecuted if civil society is empowered and technology is used for real-time monitoring. To sum up, human rights frameworks and International Humanitarian Law offer normative tools to protect human dignity in times of war, but their efficacy relies on their persistent enforcement and true international collaboration. Achieving meaningful compliance requires a communal resolve to maintain humanity in the face of the brutal realities of war, as well as reforms to the law. Making sure the rule of law wins out over the rule of force is crucial for human rights in armed conflicts, which means closing the gap between ideas and implementation.



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