



Fundamental Human Rights during Armed Conflicts

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Abstract: *Armed conflicts seriously endanger fundamental human rights, affecting the right to life, to physical and mental integrity, to liberty and dignity. In these circumstances, the international legal framework provided by International Humanitarian Law (IHL) and International Human Rights Law (IHR) is essential for the protection of civilians, prisoners of war and other vulnerable persons. IHL, through conventions such as those of Geneva, establishes clear rules on humane treatment and limits the actions permitted in war, thus protecting persons who do not participate directly in hostilities. In parallel, the IHR continues to apply during conflicts, although some rights may be limited in emergency situations, provided that the principles of proportionality and necessity are respected. However, the frequent violations of these norms during wars highlight the urgent need to strengthen mechanisms for monitoring and holding accountable those responsible for crimes against humanity or other abuses. Protecting fundamental rights during armed conflicts remains a major challenge, but also an essential moral and legal obligation to maintain humanity in the most difficult times.*

Keywords: *armed conflict; law; protection; violation*

1. Introduction

Armed conflicts represent one of the most serious threats to fundamental human rights, generating significant human suffering and profoundly affecting the societies involved. In this context, the protection of fundamental rights becomes a major challenge, but also an absolute necessity for maintaining humanity and human dignity, even in the most difficult circumstances.

However, the issue of respecting fundamental human rights cannot be neglected,

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especially in situations where Community bodies or institutions, in the exercise of their powers, were prone to harming and violating the interests of European citizens. The development of a mechanism for the protection of fundamental human rights at a European level constitutes an integrating factor and a component of legitimizing all European institutions. This is also the occasion for the Court of Justice of the European Union to decide that "respect for fundamental rights forms an integral part of the general principles of law whose observance the Court ensures" and, at the same time, that "the protection of these rights, drawing entirely on the constitutional traditions common to the Member States, must be ensured within the framework of the structure and objectives of the Community". In this way, through the Praetorian method, the existing gap in the Treaties was remedied. At the same time, the prospects for essential development in the activity of the Community institutions and the European states were also opened up (Corsei, Zisu & Toncu, 2023, p. 54).

Fundamental rights, such as the right to life, protection from torture, inhuman or degrading treatment and the right to a fair trial, are universally recognized and must be respected in all circumstances. However, armed conflicts create an extremely complex context in which these rights are frequently violated. International humanitarian law (IHL) and international human rights law (IHR) provide the legal framework necessary to protect individuals during wars, establishing clear rules that constrain the behavior of states and parties involved.

This introduction emphasizes the importance of examining the protection of fundamental human rights during armed conflicts, highlighting the tension between the need to apply humanitarian norms and the brutal realities of war. Studying this topic is essential to understanding how fundamental values of humanity can be protected even in the darkest moments of history.

2. The Right to Life and the Prohibition of Attacks on Civilians

The right to life is one of the most fundamental and essential human rights, recognized by numerous international instruments, such as the Universal Declaration of Human Rights (Article 3) and the International Covenant on Civil and Political Rights (Article 6). In the context of armed conflict, this right is particularly vulnerable, and attacks on civilians constitute a serious violation of international humanitarian law (IHL). In this analysis, we will explore the protection of the right to life during armed conflict, with a focus on the prohibition of attacks on civilians, a central principle of IHL.

A. The Right to Life in International Law

1. The Foundation of the Right to Life

The right to life is provided for as a universal right in various international instruments:

- Universal Declaration of Human Rights (Art. 3): "Everyone has the right to life, liberty and security of person."
- International Covenant on Civil and Political Rights (Art. 6): "The right to life shall be protected by law. No one shall be arbitrarily deprived of his life."

These legal provisions emphasize that life is a fundamental right, which may be violated only under very strict and clearly regulated conditions.

2. The Right to Life during Armed Conflict

During an armed conflict, this right is not absolute; however, its protection is regulated by international humanitarian law (IHL), which seeks to limit the effects of war on civilians and to regulate the use of force by the parties involved.

The Geneva Conventions (1949) and the Additional Protocols (1977) clearly define the protection of civilians during war, establishing norms to minimize suffering and loss of human life.

B. Prohibition of Attacks against Civilians

1. The Principle of Distinction and the Protection of Civilians

One of the fundamental principles of international humanitarian law is the principle of distinction, which requires parties to a conflict to distinguish between combatants and civilians, as well as between military and civilian objectives. According to this principle, attacks must be directed exclusively against combatants and military objectives.

- The Geneva Conventions (Art. 48 and 51 of Additional Protocol I) prohibit direct attacks on civilians and require that all measures of warfare be conducted with caution to minimize the risk to civilians.

2. Direct Attacks on civilians

Direct attacks on civilians constitute a serious violation of international law and may constitute a war crime. According to the Statute of the International Criminal Court (ICC), such acts are subject to criminal prosecution. Attacks that cause disproportionate or unnecessary harm to civilian life or civilian objects are also prohibited.

Examples of violations include aerial bombardment of civilian cities, attacks on hospitals or essential infrastructure, such as schools and refugee shelters, that do not have a direct military function.

3. Legal Exceptions (Indirect Attacks)

Under certain conditions, attacks that indirectly affect civilians may be permitted, but only if:

- It is a legitimate military objective: An attack on infrastructure that has a military function may be permitted.
- Precautions: Attacks must be proportionate and take into account the impact on the civilian population.

However, even in the case of "lawful" attacks, the principle of proportionality limits the use of force and prohibits attacks that, although directed against a military objective, cause excessive harm to civilians.

C. Protection Mechanisms and Enforcement of the Right to Life

1. International Protection Mechanisms

International organizations, such as the International Committee of the Red Cross (ICRC), play a key role in monitoring compliance with International Humanitarian Law and the right to life in armed conflicts. The ICRC provides humanitarian assistance, intervenes in cases of rights violations and promotes compliance with international norms.

The International Criminal Court (ICC) also plays a crucial role in prosecuting those responsible for serious violations of the right to life, such as deliberate attacks on civilians.

2. State and Individual Responsibility

In the case of serious violations of the right to life, both states and individuals can be held accountable:

- State responsibility: States are responsible for implementing international norms to protect civilians and preventing abuses committed on their territory or by their armed forces.
- Individual responsibility: Military leaders and politicians who order or permit attacks on civilians can be held personally liable, under the ICC Statute.

D. Challenges and Violations of the Right to Life

1. Use of Prohibited Weapons

Modern armed conflicts are characterized by the use of devastating weapons, such as chemical weapons, cluster bombs and phosphorus bombs. These weapons, which cause enormous suffering to civilians, are prohibited by international treaties, but have nevertheless been used in conflicts, such as in Syria and other war zones.

2. Asymmetric Conflicts and Legal Challenges

In asymmetric conflicts, where non-state groups confront national armies, the protection of civilians becomes extremely difficult. Non-state groups do not always comply with international norms and often attack civilians as part of their military strategy. These attacks are difficult to monitor and sanction, and victims do not benefit from the protection offered by international conventions.

E. Examples of Violations of the Right to Life

The Syrian Conflict

Airstrikes on civilian cities, the use of chemical weapons and the bombing of hospitals and schools have resulted in the deaths of thousands of civilians. Despite international warnings and appeals, these attacks have continued and there has been no adequate accountability.

3. The War in Ukraine

In the context of the war in Ukraine, we have witnessed the bombing of cities such as Mariupol and Kharkiv, which have resulted in significant loss of civilian life, in flagrant violation of the right to life and the principles of the protection of civilians in conflict.

In conclusion, the right to life is a fundamental right, protected by international humanitarian law and international treaties. However, during armed conflicts, this right is frequently violated by direct attacks on civilians and the use of prohibited weapons. Although international mechanisms, such as the ICRC and the ICC, play an important role in protecting this right, challenges remain significant, especially in asymmetric conflicts and in the face of impunity. The protection of the right to life in armed conflicts requires close collaboration between states, international organizations and the global community to guarantee respect for international norms and accountability of those responsible.

Therefore, respect for human rights is directly related to ensuring international peace and security (UN Security Council Resolution, 1991). This is why it is rightly stated that human rights issues are of international concern and do not fall under

the internal jurisdiction of states, which legitimizes not only the right of intervention of international bodies, but also their obligation to intervene whenever violations of human rights, which characterize any human community, are discussed (Corsei, Ștefănoaia, 2022, p. 73).

3.1. Prohibition of Torture and Inhuman Treatment

Torture and inhuman or degrading treatment constitute one of the most serious violations of fundamental human rights. These practices, which violate human dignity and cause extreme suffering, are prohibited by numerous international treaties and legal instruments. However, torture continues to be a tragic reality in many parts of the world, including during armed conflicts, repressive regimes and illegal detention. In this analysis, we will explore the legal framework that prohibits torture and inhuman treatment, as well as the challenges related to the implementation and enforcement of these norms.

1. International legal framework on the prohibition of torture and inhuman treatment

1.1. Universal Declaration of Human Rights (UDHR)

- Article 5 of the UDHR states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." It constitutes an absolute prohibition of torture and inhuman treatment, without exceptions, even in emergency circumstances or during armed conflict.

1.2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Adopted by the UN General Assembly in 1984, the Convention against Torture (CAT) is the main international treaty prohibiting torture. Article 1 of the Convention defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining information, punishing, intimidating or any other purpose."

- Article 2 of the CAT provides for the obligation of States to prevent torture and to ensure that no one shall be subjected to torture in any circumstances. This article underlines the principle that torture is never justifiable, even in times of armed conflict or as part of an act of terrorism.

- Article 16 extends to inhuman or degrading treatment, prohibiting any form of treatment that causes significant psychological suffering or humiliation.

1.3. Additional Protocol to the Geneva Conventions (1977)

- In Additional Protocol I (Art. 75) and Additional Protocol II (Art. 4), international humanitarian law prohibits torture and inhuman treatment of prisoners of war, captured combatants and civilians, even during international and non-international armed conflicts.
- The Protocol guarantees respect for human dignity and prohibits humiliation or torture as a means of obtaining information.

3.2. Definition of Torture and Inhuman Treatment

3.2.1. Torture

Torture is defined as the intentional infliction of severe suffering, whether physical or mental, for the purpose of obtaining information, punishing or intimidating the victim. Torture is considered an absolute crime and is prohibited without exception, regardless of the circumstances. Examples include:

- Repeated beatings
- Application of electric shocks
- Measures that cause extreme psychological suffering

3.2.2. Inhuman and degrading treatment

While torture is clearly defined and prohibited, inhuman or degrading treatment is also prohibited, but may be more difficult to identify and apply in practice. This includes treatment that is not as severe as torture, but still violates human dignity and causes suffering. Examples include:

- Illegal and abusive detention
- Deprivation of food or water
- Verbal insults or public humiliation

Inhuman or degrading treatment is often more subtle than physical torture, but it also deepens the psychological trauma of the victim.

3.3. Exceptions and challenges to the application of the prohibition of torture

3.3.1. Possible exceptions and difficulties in implementation

Some states may seek to invoke exceptions to the prohibition of torture, on grounds of national security or in the face of serious threats, such as terrorism. However:

- The Convention against Torture (Art. 2) prohibits torture in all circumstances, including in cases of emergency or war. This principle is considered "peremptory", meaning that it does not allow for derogations.
- The Committee against Torture (CAT) and other monitoring bodies ensure that these exceptions are not abused and that states comply with international obligations.

3.3.2. Challenges in Monitoring and Implementation

Despite legal prohibitions, torture continues to be a common practice, especially in authoritarian regimes or during armed conflicts. Major challenges in implementing the prohibition of torture include:

- Impunity: The lack of accountability for perpetrators of torture contributes to the perpetuation of this practice.
- Armed conflicts and non-state groups: In asymmetric conflicts or in conflict zones controlled by non-state groups, it is much more difficult to apply clear legal norms on torture and inhuman treatment.

4. Prevention and Sanction Mechanisms

4.1. Committee against Torture (CAT)

The Committee against Torture, established to monitor the implementation of the Convention, can examine the periodic reports of states and issue recommendations for the prevention of torture. The committee can also examine individual complaints, provided that the states parties have accepted its jurisdiction.

4.2. International Criminal Court (ICC)

The ICC has jurisdiction to try individuals for war crimes, including torture and inhuman treatment, when committed in the context of an armed conflict. The court plays an important role in ensuring criminal accountability for perpetrators of torture.

4.3. Interventions by international organizations

International organizations such as the International Committee of the Red Cross (ICRC) and Amnesty International monitor detention conditions and abuses, documenting cases of torture and inhuman treatment and calling for improvements in detention conditions and respect for fundamental rights.

5. Cases and Examples of Violations of the Prohibition of Torture

5.1. The Iraq War (Abu Ghraib)

One of the most famous examples of violations of the prohibition of torture is the Abu Ghraib prison scandal, where American soldiers were caught torturing Iraqi prisoners. The images and reports of this case sparked global outrage and demonstrated the extent of abuses in the conflict.

5.2. Authoritarian Regimes (North Korea, China)

In authoritarian regimes, torture is frequently used as a method of political repression. In North Korea, for example, torture is applied against opponents of the regime and those considered traitors. Many international organizations have reported on the inhumane conditions in Chinese prisons, including the use of torture to obtain "confessions."

In conclusion, the prohibition of torture and inhumane treatment is a fundamental human rights norm, with broad support in international law. However, the application of this principle remains a significant challenge, especially in authoritarian regimes and during armed conflicts. Improving monitoring, sanctioning perpetrators and holding states accountable for violations of this prohibition are essential to ensure the protection of fundamental human rights.

5.3. Protection of Children and Women in International Law

The protection of children and women is a key area of fundamental human rights, given the vulnerability of these groups to abuse and discrimination. Particularly in the context of armed conflict, children and women are exposed to major risks, such as forced recruitment, sexual violence, physical and psychological abuse, human trafficking, and others. International law has developed a robust framework of protection for these vulnerable groups, but unfortunately, its implementation faces numerous challenges. In this analysis, we will explore international regulations, protection mechanisms, and challenges encountered in protecting women and children, particularly in the context of armed conflict.

5.3.1. Protection of children in international law

Convention on the Rights of the Child (CRC)

Adopted by the United Nations General Assembly in 1989, the Convention on the Rights of the Child (CRC) is the main international instrument protecting children's rights. It is a universal treaty that defines a child as any person under the age of 18 and recognizes their right to protection, education and development.

- Article 6: "The child has the right to life, survival and development."
- Article 19: Protection from abuse and neglect, which includes the prohibition of torture and inhuman or degrading treatment.
- Article 38: Specifies the protection of children during armed conflict, prohibiting their recruitment and use in hostilities.

Additional Protocols to the Convention on the Rights of the Child

Two important additional protocols focus on the protection of children in armed conflict:

- Additional Protocol to the CRC on the Involvement of Children in Armed Conflict (2000), which prohibits the recruitment and use of children under the age of 18 in armed conflict, with an emphasis on preventing forced recruitment by armed groups.
- Additional Protocol on the Traffic in Children and Child Labour (2000), which aims to prevent child exploitation and forced labour.

5.3.2. Protection mechanisms for children in armed conflict

During armed conflict, children are exposed to major risks, including forced recruitment, their use as human shields, and exposure to extreme violence. Their protection is regulated by international humanitarian law (IHL), which prohibits the recruitment of children under 15 into the army and their direct involvement in military confrontations. Organizations such as UNICEF and the International Committee of the Red Cross (ICRC) also play a key role in protecting children and ensuring the application of these norms.

5.4. Protection of Women In International Law

5.4.1. International Legal Framework for the Protection of Women

The protection of women is regulated by several international instruments that guarantee women's rights, in particular in the field of protection against discrimination, violence and exploitation. The most important treaties include:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979): This defines discrimination against women and requires signatory states to adopt measures to eliminate it in all areas, including economic, social and political rights.
- Declaration on the Elimination of Violence against Women (1993): Adopted by the UN, this declaration recognizes violence against women as a serious violation of human rights and proposes measures to prevent and combat this phenomenon.

5.4.2. Protection of Women during Armed Conflicts

Women are particularly vulnerable during armed conflicts, being exposed to the risks of sexual violence, sexual slavery, human trafficking and psychological abuse. International humanitarian law (IHL) includes specific protection measures for women:

- Geneva Conventions and Additional Protocols: These guarantee the protection of women against sexual violence during armed conflicts, including by prohibiting rape and other forms of sexual violence as weapons of war.
- UN Security Council Resolution 1325 (2000): This recognizes the importance of women's participation in the process of conflict prevention and resolution and emphasizes the need to protect women and girls during armed conflicts.

5.4.3. Mechanisms for the Protection of Women in Armed Conflicts

During wars and conflicts, women are often the target of sexual violence, including mass rape and sexual slavery. The protection of women in such conditions is essential, and protection mechanisms include:

- International judicial mechanisms: The International Criminal Court (ICC) plays a crucial role in prosecuting and convicting perpetrators of sexual violence and other crimes against women during armed conflict.
- International organizations: UN Women and the United Nations Women's Organization (UN Women) promote gender equality and protect women in conflict zones through protection and education programs.

5.5. Challenges in the Protection of Children and Women

5.5.1. Impunity and Law Enforcement

One of the greatest obstacles to the protection of women and children in armed conflict is impunity. In many cases, perpetrators of violence against women and children are not held accountable, and states do not effectively enforce international laws prohibiting such abuses. In addition, asymmetric conflicts or conflicts between non-state groups complicate the identification and punishment of perpetrators.

5.5.2. Child Recruitment and Exploitation

Even in the context where the recruitment of children under 18 is prohibited, non-state armed groups and authoritarian regimes continue to resort to the use of children in armed conflicts. The forced recruitment of children is a major abuse, and children who survive it are often traumatized for life.

5.5.3. Sexual Violence and Trafficking in Women

Women and girls are often subjected to sexual violence, which is used as a weapon of war, particularly in armed conflicts in Africa, the Middle East and other conflict zones. In addition, the trafficking of women and children for sexual exploitation or forced labor remains a serious problem worldwide, although there are international measures to combat this phenomenon.

5.6. Measures to Improve the Protection of Children and Women

5.6.1. Improving Education and Awareness

To combat abuses and violence, it is essential that human rights education is promoted globally, especially in conflict zones, to protect women and children. Training authorities and military personnel in the protection of children and women is also crucial.

5.6.2. Increasing International Accountability

Another important step is to strengthen the accountability of states and international organizations to protect women and children. Continuing to enforce international law and supporting international courts to prosecute crimes committed during conflicts are essential.

The protection of children and women is therefore essential within the framework of human rights, and international law provides a clear framework for their protection during armed conflict. However, the implementation of this framework faces numerous challenges, including impunity and lack of accountability. Continued commitment from the international community is needed to improve protection and end abuses against these vulnerable groups.

6. Rights of Refugees and Internally Displaced Persons

Refugees and internally displaced persons are extremely vulnerable groups who face major challenges in the protection and enjoyment of their fundamental rights. Armed conflict, persecution, human rights violations and natural disasters are the main causes of their displacement. International law guarantees their protection through a series of treaties and conventions that establish norms and principles to ensure adequate treatment and dignified living conditions. This in-depth analysis will explore the international legal framework relating to refugees and internally displaced persons, the challenges associated with their protection, as well as existing solutions to improve their situation.

6.1. Rights of Refugees

6.1.1. Definition of a Refugee

A refugee is defined, according to the 1951 Convention relating to the Status of Refugees, as a person who is in the country of origin and who, owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is unable or unwilling to seek protection from the country of origin. Refugees are often forced to leave their country of origin because of dangerous and abusive conditions that threaten their life and well-being.

6.1.2. The 1951 Convention relating to the Status of Refugees

Adopted by the United Nations General Assembly in 1951, the Convention relating to the Status of Refugees and the 1967 Protocol provide an international framework for the protection of refugees. The main rights and obligations stipulated in this convention include:

- Article 33 – Non-refoulement: It is prohibited to return a refugee to a country where his life or freedom would be threatened due to reasons of persecution. This is one of the fundamental principles of refugee protection.
- Article 3 – Non-discrimination: Refugees may not be discriminated against on the basis of nationality, race, religion, political or social affiliation.
- Article 26 – Freedom of movement: Refugees must benefit from fair treatment, including freedom to move and choose their residence in the country that offers them asylum.

6.1.3. Economic, Social and Cultural Rights of Refugees

Refugees have the right to access certain benefits and services in the countries that offer them protection, including:

- Access to education: The right to learn and receive basic education.
- Access to health care: Refugees have the right to basic health care.
- Work: The right to work or obtain a work permit, depending on the law of the country of asylum.

6.1.4. Protection of Refugees during Armed Conflicts

During armed conflicts, refugees are often exposed to additional risks, such as physical and sexual violence, exploitation and trafficking. International humanitarian law (IHL) protects refugees in armed conflicts through the Geneva Conventions and Additional Protocols. These rules establish obligations for states

involved in conflicts to protect people who have fled combat zones and who are under the protection of other states.

6.2. Rights of Internally Displaced Persons

6.2.1. Definition of Internally Displaced Person

Internally displaced persons (IDPs) are those who have been forced to leave their homes due to armed conflict, violence, human rights violations or natural disasters, but who have not crossed an international border. These persons remain under the jurisdiction of their State of origin and are within its territory.

6.2.2. Protection of Internally Displaced Persons under International Law

While there is no comprehensive international convention on internally displaced persons, international law has evolved to ensure their protection. The UN Points of Reference for Internally Displaced Persons (1998) provide a general framework for their protection.

These principles establish the rights of internally displaced persons:

- The right to protection and humanitarian assistance: The State is responsible for ensuring the safety and security of internally displaced persons.
- Access to humanitarian aid and resources: Internally displaced persons have the right to receive humanitarian aid and access resources for survival.
- Protection from violence and discrimination: Internally displaced persons are protected from violence, abuse and discrimination, including sexual violence.
- Participation in decision-making processes: Internally displaced persons must be involved in making decisions that affect their lives, including in the process of repatriation or reintegration.

6.2.3. Challenges in the Protection of Internally Displaced Persons

- Lack of an international treaty: While there are general norms for the protection of internally displaced persons, there is no binding treaty, such as the Refugee Convention, for refugees.
- Lack of resources and infrastructure: Internally displaced persons often face precarious living conditions, with limited access to education, health and adequate housing.
- Security challenges: In conflict zones, internally displaced persons are exposed to continuous risks of violence and abuse by state and non-state actors.

6.3. Protection Mechanisms for Refugees and Internally Displaced Persons

6.3.1. *Within the United Nations*

- United Nations High Commissioner for Refugees (UNHCR): UNHCR is the principal international agency responsible for the protection and assistance of refugees and internally displaced persons. It works with states and international organizations to ensure their rights and protection.
- UN Points of Reference for Internally Displaced Persons: These principles are a guide to good practice for states and humanitarian agencies, setting out clear measures for the protection and assistance of internally displaced persons.

6.3.2. *Other international Organisations and NGOs*

- International Committee of the Red Cross (ICRC): The ICRC provides humanitarian assistance to refugees and internally displaced persons, respecting the principles of international humanitarian law.
- Non-governmental organisations (NGOs): Many NGOs work globally to protect the rights of refugees and internally displaced persons, providing assistance in areas such as education, health and legal protection.

4. Challenges and solutions

4.1. Challenges

- Restrictive policies: Many states apply restrictive policies towards refugees, denying them the right to enter or remain on their territory.
- Insufficient humanitarian response: In the face of the growing number of refugees and internally displaced persons, international resources and support are insufficient to ensure adequate living conditions.
- Discrimination and stigmatization: Refugees and internally displaced persons are often victims of discrimination and stigmatization, which makes them more vulnerable to abuse and exploitation.

7. Solutions

- International cooperation: Strengthening international cooperation between States and international organizations is essential to improve the protection of refugees and internally displaced persons.

- Reintegration programs: Social and economic reintegration programs are essential to ensure a decent life for people returning to their countries or settling in other States.
- Ensuring fair treatment: All States need to apply the principles of protection of refugees and internally displaced persons consistently, respecting their fundamental rights.

The rights of refugees and internally displaced persons represent an ongoing challenge for the international community. While a solid international legal framework exists, its implementation and adequate protection of these vulnerable groups often remain insufficient. To ensure effective protection, it is essential that states comply with international norms and that the international community cooperates to respond to the needs of refugees and internally displaced persons in a way that guarantees their rights and dignity.

8. Conclusion

Despite existing international regulations, armed conflicts continue to pose a serious threat to fundamental human rights. Even though International Humanitarian Law and International Human Rights Law establish essential protections for victims of war, in practice, numerous abuses and violations of these rights persist, often with impunity. Protecting civilians, prisoners of war and other vulnerable groups remains a major challenge, and the consistent application of international norms requires more effective global cooperation and stricter supervision. The guarantee of human rights emerged as a legal institution and developed both in the context of the internal realities of states and in inter-state relations. For a long time, states have retained the exclusive prerogative to regulate relations between themselves and their own populations, considering themselves the only exponents of politically organized society and, therefore, the only ones capable and legitimate to establish rules for the protection of their citizens (Ștefănoaia, 2022, p. 151).

In order to reduce the impact of armed conflicts on fundamental rights, it is imperative to strengthen international mechanisms for monitoring and sanctioning those who commit war crimes. At the same time, there is a direct relationship between international security and human rights, respect for which is the basis of state security, so that, at present, reasons of state security can no longer be invoked to the detriment of the individual and his fundamental rights (Corsei & Ștefănoaia, 2022, p. 55). It is also essential that the international community continue to advocate for the correct and full application of legal norms, to ensure that, even in the midst of war, human dignity and fundamental rights are respected and protected.

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