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## **PROTECTION OF HUMAN RIGHTS IN MARTIAL LAW**

**Introduction** Martial law affects the life of every Ukrainian as it entails certain restrictions on rights and freedoms provided for in legal acts. Additionally, it should be noted that the deprivation of certain rights (for example, the right to life) is due to the violation of the rules of warfare, and in such cases, it is necessary to contact certain organisations and establishments that can solve your problems.

**The main objective** is to study the features of the protection of human rights in the legal martial law regime since there are currently many restrictions provided for by this regime.

According to Article 1 of the Law of Ukraine "On the legal regime of martial law," martial law is a special legal regime that is imposed in Ukraine or certain areas in the event of armed aggression or threat of attack, danger to Ukraine's independence, territorial integrity, and authorise relevant state authorities, military command, military administrations, and local self-government bodies with the necessary powers to prevent threats, repel armed aggression, ensure national security, eliminate threats to Ukraine's independence, territorial integrity, and temporarily, due to the threat, limit constitutional rights and freedoms of humans and citizens, as well as rights and legitimate interests of legal entities, specifying the duration of these limitations [2, Article 1].

Human rights and the European Convention on Human Rights continue to operate in wartime, and therefore human rights remain relevant. States are obliged not to violate human rights during the war and armed conflict. Everyone can insist on the observance of his rights and can appeal to the European Court of Human Rights with a lawsuit about a possible violation of state obligations in war.

Under the conditions of war, certain rights are also not subject to violation, including the right to equality and respect for human dignity, the right to personal inviolability, the right to marry, the right to citizenship, the right to a fair trial, legal assistance, and protection, the right to housing, part 2 of Article 64 of the Constitution of Ukraine [1, Article 64].

Ukrainians who have suffered from Russian aggression and want compensation from the European Court of Human Rights have four months to file a claim. The Court may award both moral and material damages depending on the circumstances of the case [3].

It should also be noted that individuals whose rights and freedoms have been violated can seek protection not only from the European Court of Human Rights but also from the following international institutions:

- International Criminal Court;
- United Nations:
  - Filing a complaint with the United Nations Human Rights Council;

- Special procedures of the Human Rights Council (independent human rights experts);
- Submitting complaints to the treaty bodies of the United Nations (there are currently 8 court bodies specialized in addressing specific human rights issues) [4].

**Conclusion** Everyone can protect his rights in time of war by appealing to international institutions for violation of their rights since a certain set of rights is provided by international conventions and treaties.

## **REFERENCES**

1. Конституція України: Закон України від 28.06.1996 № 254к/96-ВР. URL:<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
2. Про правовий режим воєнного стану: Закон України від 12.05.2015 № 389-VIII (Відомості Верховної Ради (ВВР), 2015, № 28, ст.250) URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>
3. Заяви до ЄСПЛ від жертв агресії РФ: які випадки є порушенням прав і скільки є часу на подачу скарги. URL: <https://cutt.ly/c1kqIDC>
4. Куди скаржитися, крім Європейського суду з прав людини? URL: <https://helsinki.org.ua/articles/kudy-skarzhytysia-krim-yevropeyskoho-sudu-z-prav-liudyny/>