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A STUDY ON HUMANITARIAN APPROACH OF POLAND IN THE RUSSIA-UKRAINE WAR

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ABSTRACT:

The repercussions of the ongoing war and the large-scale aggression of Russia against Ukraine are many. The mass exodus of people from Ukraine due to war has a tremendous effect on the host countries of the European Union. By mid-July 2022, the United Nations High Commissioner for Refugees (UNHCR), a UN Agency, had recorded that around 5.8 million people fled and entered EU host countries as refugees. Among them, around 2 million people have been given a warm welcome by Poland out of overwhelming humanity. Even though the world witnessed the aftermath of the Second World War misery and sufferings of the people, countries are still engaging themselves in war and acting against humanity. The battlefield of Solferino in 1859 had seen thousands of wounded soldiers and civilians left unattended without care and dignity. The horrific scenes of the battle led Henry Dunant to pave a new way for International Humanitarian Law, the Red Cross, and the first Geneva Convention in 1864. Later on, the fourth Geneva Convention came into existence specifically to protect civilians during the war period in 1947, and also two additional protocols in 1977. This article will discuss the integration of International Humanitarian Law, refugee law, and human rights in saving the lives, health, and dignity of the people. It also depicts the extension of overwhelming support of Poland in accommodating the refugees of the ongoing war, and also analyzes the humanization of International law to protect the people in the region of armed conflicts worldwide at present and future.

Keywords: *war, armed conflicts, humanitarian laws, refugees, conventions, lives*

INTRODUCTION:

We need International Humanitarian Law in order to regulate the conduct of the State parties and non-state actors involved in armed conflict. The world has seen two wars that have utmost shaken the conscience of human beings.¹ The bloodshed and horrific violations of human rights led to the unrest in the world. The Charter of the United Nations has considered war as unlawful since 1945, but wars do happen. This shows the significance of International rules to come into play to protect vulnerable people and property due to a sudden outbreak of war that happens in any part of the world. Here, it comes the role of International Humanitarian Law gains its momentum. The goal of International Humanitarian Law, the Geneva Conventions, and the additional protocols is to protect those vulnerable groups in need.² Even though the International institutions and their guidelines are established to save the people from the misery of war, it can be done through States easily with their resources. The treaties that are agreed upon by the countries of the world would come as a great help to the people in need in war zones. The battlefield of Solferino³ and the efforts of Henry Dunant (1828-1910)⁴ paved the way for International Humanitarian Law and the Red Cross.⁵ The Protocol Additional to the Geneva Conventions on 12th August 1949 has been established to protect the victims of International Armed Conflicts (Protocol I), 8 June 1977.⁶ The aim of International law is to avoid wars and armed conflicts around the world for universal peace and harmony, but wars do arise for many reasons. The Russian–Ukrainian war has created a great tension among European Union host countries to a great extent. As a result of the Russia-Ukraine war, many refugees fled to neighbouring countries. Among the European Union countries, Poland was considered a safe haven for millions of refugees. When many States were not able to fulfil their international obligation with respect to refugees, Poland was exceptional. The article would discuss in detail the background of the war and the humanitarian approach of Poland, and how far Poland has tried to fulfil its international obligations with respect to refugees.

¹ Britannica, <https://www.britannica.com/summary/World-War-II> (last visited on September 10, 2025).

² Gasser, H.P. International Humanitarian Law: An Introduction (International Review of the Red Cross (1961-1997), (1994), IRRC (September 10, 2025, 8:00 P.M.), <http://international-review.icrc.org/articles/international-humanitarian-law-introduction>

³ Britannica, <https://www.britannica.com/event/Battle-of-Solferino>, (last visited on September 10, 2025).

⁴International Committee of The Red Cross *Henry Dunant (1828-1910)* <https://www.icrc.org/en/doc/resources/documents/misc/57jnvq.html> (last visited on September 10, 2025).

⁵International Committee of The Red Cross who-we-are, <https://www.icrc.org/en/who-we-are/movement> (last visited on September 10, 2025).

⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/470> (last visited on September 10, 2025).

THE CRISIS OF RUSSIA–UKRAINE WAR:

On 21st February 2022, the Russia-Ukraine war emerged as the greatest threat to humanity around the world. The origin and history of the Ukraine-Russia dispute dates started to the Cold War.⁷ The expansion of the North Atlantic Treaty Organisation (NATO) has been the centre point of the conflict. The Russian President Vladimir Putin's⁸ war speech on February exhibited his traditional Russian Empire mentality. The annexation of Crimea and the intervention in Donbas by Russia have truly become the basis for the ongoing war. The escalation since 2014 reached its peak in February 2022, marked as the worst of both countries' eight-year conflict history related to their boundaries. During the Cold War, Ukraine was the cornerstone of the Soviet Union and arch-rival of the United States,⁹ and a powerful State under the Soviet Republics, and also vital to the country. After the dissolution of the Soviet Union with the referendum, Ukraine became an independent country in 1991 and has grown its ties with NATO and the European Union.¹⁰ This made Russia react even more aggressively towards Ukraine. "There is a limit to everything, and with Ukraine, our western partners have crossed the line," Putin said in a March 2014 address. The President of Ukraine, Volodymyr Zelensky,¹¹ retaliated against the mighty army of Russia from 25th February, 2022, the day after when the President of Russia addressed in television that special military operations would be carried out against Ukraine.¹² President Zelensky demanded from the United Nations, "A crime has been committed against Ukraine, and we demand just punishment."¹³ The Russia-Ukraine Conflict is still ongoing with intensified human suffering, material damage, and loss of lives. Aside from the issues of war related to the material damages, the environmental destruction caused by warring parties, the serious concern is that the lives of millions of people are hanging in the balance. Every possible violation of human rights occurs during times of armed conflict,

⁷ Mankoff, Jeffrey, "Russia's war in Ukraine: Identity, history, and conflict." Centre for Strategic and International Studies (CSIS) (September 10, 2025, 8:00 P.M.) <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict>.

⁸ Britannica, <https://www.britannica.com/biography/Vladimir-Putin>, (last visited on September 10, 2025).

⁹ Masters, Jonathan. "Ukraine: Conflict at the crossroads of Europe and Russia." Council on Foreign Relations, (September 10, 2025, 8:00 P.M.), <https://www.cfr.org/background/ukraine-conflict-crossroads-europe-and-russia>

¹⁰ CFR, <https://www.pbs.org/newshour/world/a-historical-timeline-of-post-independence-ukraine>, (last visited on September 10, 2025).

¹¹ Ray, M., Volodymyr Zelensky Encyclopedia, Britannica (September 10, 2025, 8:00 P.M.) <https://www.britannica.com/biography/Volodymyr-Zelensky>,

¹² Al Jazeera, <https://www.aljazeera.com/news/2022/2/24/putins-speech-declaring-war-on-ukraine-translated-excerpts> (last visited on September 10, 2025).

¹³ News UN, <https://news.un.org/en/story/2022/09/1127421>, (last visited on September 10, 2025).

and people strive hard for their survival. Eventually, people leave their homeland, cross borders, and seek asylum in neighbouring countries and even beyond to save their lives. Nearly 2 million refugees left Ukraine by March 2022.¹⁴ Temporary Protection was given by the European Union countries to 15,57,000 people by the end of 2023.¹⁵ In February 2024, the United Nations High Commissioner for Refugees (UNHCR) submitted a factsheet with detailed data on Ukraine's refugee situation. It was reported that 403,600 refugees from Ukraine were recorded outside of Europe by December 2023.¹⁶ By December 2024, more than 6.9 million refugees from Ukraine were recorded globally, and more than 991,200 refugees were hosted within Poland.¹⁷ Most of the Ukrainians felt that a better place for shelter would be Poland, and felt it as a safe haven.¹⁸

THE ROLE OF INTERNATIONAL LAW IN GOVERNING THE ARMED CONFLICT OF THE RUSSIA-UKRAINE WAR:

The conflict between the two countries is being governed by the International Humanitarian Law of the Geneva Conventions and the Protocols.¹⁹ The term '*humanitarian*' indeed has a significant effect on the regulation of armed conflict. Especially, the term '*Law of armed conflict*' has been replaced with the term '*International humanitarian law*' to emphasize the protection of people not involved in armed conflict, prevent unnecessary suffering, and ensure respect for basic human values.²⁰ Both countries are parties to the conventions. The fourth Geneva Convention²¹ It is for the protection of civilians. Some of the basic principles of the conventions are to,

1. Protect the civilians and non-combatants from the misery of the armed conflict.

¹⁴ The United Nations High Commissioner for Refugees, <https://x.com/FilippoGrandi> (last visited on September 10, 2025).

¹⁵ UNHCR, <https://data.unhcr.org/en/documents/details/114591> (last visited on September 10, 2025).

¹⁶ UNHCR, <https://data.unhcr.org/en/documents/details/114591> (last visited on September 10, 2025).

¹⁷ UNHCR <https://www.unhcr.org/global-trends-report-2024> (last visited on September 10, 2025).

¹⁸ Jolanta Szymanska, Refugees from Ukraine in Poland: From Reception to Integration, Harvard University (September 10, 2025, 8:00 P.M.), <https://www.huri.harvard.edu/sites/g/files/omnuum4931/files/huri/files/tcup-szymanska2023-final-v1.pdf>

¹⁹ UN, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf. (last visited on September 10, 2025).

²⁰ Jonathan Crowe, Kylie Weston-Scheuber, Principles of International Humanitarian Law, Edward Elgar Publishing Limited (September 10, 2025, 8:00 P.M.), <https://www.e-elgar.com/shop/gbp/principles-of-international-humanitarian-law-9781782545941.html?srsId=AfmBOpfyl9tD3KlqGeUBVGbO58WgoEQUSXxL0e92F6tVHWf9zubUDev>

²¹ Ben-Nun, Gilad. The Fourth Geneva Convention for civilians: The history of international humanitarian law. Bloomsbury Publishing 2020 (September 10, 2025, 8:00 P.M.), <https://www.bloomsbury.com/uk/fourth-geneva-convention-for-civilians-9781838604301/>

2. addresses the conduct of the parties to the war about the methods of warfare.
3. Avoid civilians as the target of the attacks.
4. Ensure the parties to the war take utmost care to reduce suffering and injury to civilians.
5. segregation of a part of the territory for the treatment of civilians into Hospital, safety, and neutral zones.²²
6. regulates the conduct of the occupying power in the territories of armed conflict.²³

The International Human Rights Law²⁴ Would still be in force To check the war and war -zone situations and both the countries Russia and Ukraine are parties to many national and international human right treaties like European Convention on Human Rights, 1950 (ECHR), The International Covenant on Civil and Political Rights, 1966 (ICCPR), The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (CAT) etc., The international law seriously condemns the violations of treaties, conventions, human rights and the same are considered as the gross violations of international law thereby committing an internationally wrongful act. The Rome Statute of the International Criminal Court's Article 8²⁵ Clearly states the war crime against humanity, if the parties violate the 12 August 1949 Geneva Conventions.

POLAND: THE PILLAR OF HOPE FOR UKRAINIAN REFUGEES:

The humanitarian approach of Poland towards the Ukrainian refugees is being highly appreciated by the world. Even before the outbreak of war in 2022, there were nearly one million Ukrainians staying in Poland.²⁶ Poland received over 2 million people with a warm welcome, which is very high among the host countries of the European Union.²⁷ The then Prime Minister of Poland in 2022, Mr. Mateusz Morawiecki,²⁸ was the first person to patronize the people of Ukraine, expressing solidarity, active support, and bringing unity among the

²² India Constitution, Art. 14 & 15, Act of Parliament (India).

²³ India Constitution, Art. 47 & 48, Act of Parliament (India).

²⁴ Moeckli, Daniel, Sangeeta Shah, David Harris, and Sandesh Sivakumaran, eds. International human rights law. Oxford University Press, (September 10, 2025, 8:00 P.M.)

<https://global.oup.com/academic/product/international-human-rights-law-9780198860112>

²⁵ Arsanjani, Mahnoush H. "The Rome Statute of the International Criminal court." American Journal of International Law 93, (September 10, 2025, 8:00 P.M.) <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/rome-statute-of-the-international-criminal-court/EA248C86B481B50F9F7C7B277FB50292>

²⁶ Ukrainian refugees in Poland, <https://www.bosch-stiftung.de/en/stories/ukrainian-refugees-poland-strong-civil-society-successful-integration> (last visited on September 10, 2025).

²⁷ USC, <https://uscpublicdiplomacy.org/blog/poland-ukrainian-refugees-and-power-people-people-ties> (last visited on September 10, 2025).

²⁸ Britannica, <https://www.britannica.com/biography/Mateusz-Morawiecki> (last visited on September 10, 2025).

people.²⁹ “Since the outbreak of war in Ukraine, Polish authorities and thousands of ordinary Polish citizens have taken immediate actions to protect, assist, and integrate Ukrainian refugees.³⁰ Though the International Convention relating to the Status of Refugees, 1951, has been adopted for the protection of Refugees, countries find it difficult to manage and accept refugees within their country. Meanwhile, Poland stood as an exception by not closing borders, opening their hearts and their homes for millions of refugees. The care towards the refugees shown by Poland immediately started when thousands of people got stuck in the desperate limbo at the border of Belarus and Poland by putting their lives at risk. The slogan uttered shows the commitment of Poland to help the people, “Die Here or Go to Poland”-Belarus’ and Poland’s Shared Responsibility for Border Abuses.³¹ As of February 24, 2025, Poland has been sheltering more than 6.5 million refugees.³² Chapter II of the Constitution of Poland, 1997, which is titled “*The Freedoms, Rights, and Obligations of Citizens*,” specifically has a provision for the protection of the rights of foreigners. Article 56 provides the right of foreigners to seek asylum, and those who are in fear of persecution would be granted refugee status.³³ The Parliament adopted a special law granting Ukrainian citizens and their spouses equal access to the Polish labour market, health care, the right to education, and other social benefits.”³⁴ Amendment to the law on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country, 2022 (also known as Special Law),³⁵ guarantees the fundamental rights of individuals that are inherent. The Special Law provides the following guarantees and rights to the Ukrainian refugees,

1. Legalising the stay of Ukrainian citizens in Poland³⁶
2. Granting a temporary resident

²⁹ Reuters, <https://www.reuters.com/world/europe/prepared-worst-polish-pm-braces-ukrainian-refugees-2022-02-16/> (last visited on September 10, 2025).

³⁰ Spectator, <https://www.spectator.co.uk/article/the-forgotten-history-of-ukraine-and-poland/> (last visited on September 10, 2025).

³¹ HRW, <https://www.hrw.org/report/2021/11/24/die-here-or-go-poland/belarus-and-polands-shared-responsibility-border-abuses> (last visited on September 10, 2025).

³² Ukrainian Refugees in Poland Survey 2022- Preliminary Findings, WHO and Statistics Poland (September 10, 2025, 8:00 P.M.) <https://data.unhcr.org/en/documents/details/97052>

³³ India Constitution, Art. 56, Act of Parliament (India).

³⁴ OHCHR, <https://www.ohchr.org/en/press-releases/2022/07/un-expert-praises-generosity-towards-ukrainian-refugees-poland-and-urges> (last visited on September 10, 2025).

³⁵ GOV, <https://www.gov.pl/web/ochrona-en> (last visited on September 10, 2025).

³⁶ GOV., <https://www.gov.pl/web/mswia-en/changes-to-rules-concerning-supporting-ukrainian-war-refugees-effective-as-of-1-july> (last visited on September 10, 2025).

3. Assigning PESEL (Polish acronym for Universal Electronic System for Registration of the Population)³⁷ number of Ukrainian citizens
4. Extension of Visa
5. Access to the labour market
6. Participation in economic activity
7. Maintenance and social support, "Since March 2022, PCPM has implemented the second-largest cash assistance program for the Ukrainian refugees in Poland."³⁸
8. Health care and social benefits³⁹

Poland's approach came as a study of the research of NCBI. The Act of Poland specifies detailed principles for providing jobs to citizens of Ukraine who have a right of legal residence in the Republic of Poland. It has established a new special fund in the state budget to finance aid for citizens of Ukraine, in the amount of PLN 3 billion. At the same time, Poland has not only allocated funds within its country, but also contributed USD 3.7 million in 2024 to the UNHCR agency supporting refugees in other countries such as Sudan, Ukraine, and Armenia. The Polish Government has passed an Act of 12 December 2013 on Foreigners, dealing with the regulation of persons who come to Poland for various purposes. It regulates their stay in Poland, granting them temporary resident status in Poland.⁴⁰ As of November 2023, the larger population of refugees consisted of nearly 41% of school-going children.⁴¹ The Polish Government was also very much concerned about the education of children. The Government has also guaranteed the right to pursue their studies and academics and continue their research in Poland, as the Polish and Ukrainian citizens were leaving the territory of Ukraine due to the invasion. Any children who are reaching Poland as Ukrainian refugees or are entitled to temporary protection were provided free education in Poland's Public schools, similar to citizens of Poland. They were also provided with extra-curricular classes to learn the Polish language to prevent discriminatory practices, overcome the language barriers, and adapt to the

³⁷ Howard, Sally. "Poland's buckling healthcare system nevertheless welcomes Ukraine refugees with open arms." *bmj* (September 10, 2025, 8:00 P.M.) <https://www.bmj.com/content/377/bmj.o844>

³⁸ Relief Web, <https://reliefweb.int/report/poland/pcpm-poland-and-ukraine-monthly-report-july-2022> (last visited on September 10, 2025).

³⁹ Ociepa-Kicińska, Elżbieta, and Małgorzata Gorzałczyńska-Koczkodaj. "Forms of Aid Provided to Refugees of the 2022 Russia–Ukraine War: The Case of Poland." *International Journal of Environmental Research and Public Health* 19, no. 12 (2022): 7085 (September 10, 2025, 8:00 P.M.). <https://pmc.ncbi.nlm.nih.gov/articles/PMC9223231/>

⁴⁰ Refworld, <https://www.refworld.org/en/download/103431>, (last visited on September 10, 2025).

⁴¹ UNESCO, <https://www.unesco.org/en/ukraine-war/education/poland-support>, (last visited on September 10, 2025).

new environment. With respect to education, it is mandatory for Polish children to attend schools from the ages of 7 to 18. The rule was made applicable to the Ukrainian children as well.⁴² Detailed regulations regarding education, upbringing, and taking care of children and schoolers who are citizens of Ukraine, including support for local administrative units (LAUs) with regard to the implementation of additional education tasks in that respect. As of 31st December 2024, in total 1,87,005 Ukrainian pupils are studying in Poland's educational institutions, which includes 1,16,992 primary school children.⁴³ Granting the legalised stay in Poland to Ukrainian refugees and providing all social welfare security has removed fear in the minds of refugees. They are adapting themselves to the new environment, urging to lead a normal way of life in the land of Poland. The United Nations Educational, Scientific, and Cultural Organisation (UNESCO) is also concerned with resolving the educational needs of Ukrainian refugees. In addition to that, it has provided collective catering and transport, a medical care is also provided to Ukrainian citizens. Detailed principles of organising and functioning of tertiary education institutions in connection with providing Ukrainian citizens with study opportunities.⁴⁴ The gratitude of Ukrainians could be witnessed from the contributions made towards boosting Poland's economy. Poland received nearly PLN 15.1 billion, which is more than the funds allocated by the Poland government for the welfare measures to protect Ukrainians.⁴⁵

GUARDING HUMANITY: POLAND'S FULFILLMENT OF ITS INTERNATIONAL LEGAL OBLIGATION:

Though international law is based on consensus, certain obligations are binding upon the States, even if they have not ratified a treaty or convention. The customary international law, norm of *jus cogens*, and *erga omnes obligations* are binding on all States. These legal obligations become binding on the parties, and parties must show allegiance to international law. Apart from legal obligations, the States also have moral obligations to be fulfilled, which are termed

⁴² Workstaff, <https://workstaff.pl/en/educational-opportunities-for-refugee-children-in-poland-what-you-need-to-know/> (last visited on September 10, 2025).

⁴³ UNHCR, <https://data.unhcr.org/en/dataviz/269?sv=54&geo=10781>, (last visited on September 10, 2025).

⁴⁴ Ociepa-Kicińska, Elżbieta, and Małgorzata Gorzałczyńska-Koczkodaj. "Forms of Aid Provided to Refugees of the 2022 Russia–Ukraine War: The Case of Poland." *International Journal of Environmental Research and Public Health* 19, no. 12 (2022): 7085 (September 10, 2025, 8:00 P.M.). <https://pmc.ncbi.nlm.nih.gov/articles/PMC9223231/>

⁴⁵ Polski, <https://www.polskieradio.pl/395/7786/Artykul/3495600.ukrainian-migrants-contribute-net-pln-1521-billion-to-polish-budget-new-report-shows>, (last visited on September 10, 2025).

as '*International morality*.' The corollary principles of international morality towards individuals include,

1. Duty to respect obligations from international conventions
2. The right to self-determination of people is inalienable, and the exercise of this right
3. Ensure individual development without any discrimination
4. Assure and protect the right to life of individuals who are displaced persons, refugees, stateless persons, fleeing to protect themselves from war or natural calamities.
5. Displaced persons, refugees, and stateless persons should not be prevented from returning to their country.
6. Secure the intellectual workers and ensure respect for their dignity, work, rest, and leisure, and ensure fair wages.

These moral obligations have now turned into legal obligations through the enforcement of the Treaty or Convention. Poland is a member State of both the United Nations (UN)⁴⁶ The European Union (EU) is legally bound by a number of International conventions. Let us look into the legal obligations of Poland towards Ukrainian refugees, asylum-seekers, and subsequently deal with the fulfilment of International obligations by Poland.

UPHOLDING THE HUMAN RIGHTS OF UKRAINIANS:

The well-known and accepted fact is that war causes serious repercussions that result in destruction to both mankind and the environment. It is indeed important to protect mankind during times of war. Here comes the role of international human rights law, which protects individuals. Human rights are inalienable, inherent, interlinked, and indivisible in nature. The third recital of the preamble of UDHR states that human rights should be protected by the rule of law. Human rights cannot be denied except in circumstances when a person has done anything contrary to the law. Article 55 of the UN Charter, 1945, also emphasizes the need for respect for human rights for the development of Economic and Social Cooperation among nations. The assistance given by Poland to the Ukrainian people after their entry into Poland has ensured their human rights are not endangered as a result of the war. By virtue of being born as a human, human beings are assured of human rights. Yet, it requires the State's affirmation towards the protection of human rights, especially in the case of refugees. The human rights reassured by Poland to the Ukrainian people are as follows,

⁴⁶ Research UN, <https://research.un.org/en/unmembers/founders>, (last visited on September 10, 2025).

S. No.	MEASURES TAKEN BY POLAND	IMPORTANT HUMAN RIGHTS REAFFIRMED
1.	Legalising the stay of Ukrainian citizens in Poland and granting them temporary resident status	Right to Life (Article 3 of UDHR, Article 6 and 9 of ICCPR), Right against Torture (Article 5 of UDHR, Article 7 of ICCPR), Freedom of Movement (Article 13 of UDHR) Right to seek Asylum (Article 14 of UDHR) Right to seek Justice (Article 14 of ICCPR) Right to Recognition as a Person (Article 16 of ICCPR) Freedom of Thought, Conscience, and Religion (Article 18 of ICCPR) Right to Work (Article 23 of UDHR)
2.	Assigning a PESEL number to Ukrainian citizens	Freedom of Movement (Article 13 of UDHR) Right to seek Justice (Article 14 of ICCPR) Right to Work (Article 23 of UDHR) Right to Health (Article 25 of UDHR) Right to Education (Article 26 of UDHR)
3.	Access to the labour market, Participation in economic activity	Right to Work (Article 23 of UDHR, Article 6 of ICESCR) Right to work in favourable conditions of work (Article 7 of ICESCR) Right to Adequate Standard of Living (Article 11 of ICESCR)
4.	Enrolment of Ukrainian students in Polish Schools	Right to special care and assistance to children (Article 25(2) of UDHR) Right to Education (Article 26 of UDHR)
5.	Health care and social benefits, Cash assistance programme	Right to security in case of unemployment (Article 25 of UDHR)

This table shows the rights that are assured to the Ukrainian refugees residing in Poland. It is the obligation of the States for providing the progressive realization of human rights and it is immediate obligation of the States that human rights are to be ensured to every human being in the world. The three general legal obligations on State parties are: 1) the obligation to respect human rights, 2) the obligation to protect the human rights of people, and 3) the obligation to fulfil the human rights.⁴⁷ The first is the obligation to respect human rights, which is one of the fundamental aspects of human rights protection. It is the duty of the State not to violate those rights or engage in practices that derogate the human rights of people. The second obligation is to protect those rights and to be prevented from interference by other individuals or any other entities. That is to prevent third-party interference with those rights. The third obligation is to fulfil human rights, where the obligation of States includes assisting individuals to enjoy the rights guaranteed. It is the duty of the States to adopt necessary measures to fulfil all the human rights guaranteed. By witnessing all the possible measures taken by Poland to protect the refugees, we could assume that Poland has tried to protect the rights of Ukrainian refugees and reduced the plight of victims from the Ukraine-Russia War. The struggle of people who left their homeland with heavy hearts could never be compensated for by the measures we provide. But the assistance given by Poland gave a small ray of hope in the hearts of Ukrainians to lead their life.

THE PRINCIPLE OF '*JUS IN BELLO*':

There are two main principles in the laws of war. The first is '*jus in bello*' and the second is '*jus ad bellum*.' Poland's approach towards humanitarian grounds, based on the principle of '*jus in bello*' its meaning is to reduce the destructiveness of the war, protect civilians, limit the war zone and area of fighting, and proportional use of mass weapons. The dangerous part of the present war is nuclear warfare. The principles of humanitarian law and human rights also insist on safeguarding human lives and fundamental rights during the war period.⁴⁸ These principles have to be followed in case of a war broken within countries, the parties to the war have a moral and legal responsibility to abide by it. This has been discussed as *Jus ad Bellum*

⁴⁷ Nina Reinert, General Comment No. 15 (2002), *Geschichte* (September 10, 2025, 8:00 P.M.) <https://www.geschichte-menschenrechte.de/schluesstexte/general-comment-no-15-on-the-right-to-water-2002?type=98765>

⁴⁸ Maiese, Michelle. "*Jus in Bello*". *Beyond Intractability*, June (2003) *Beyond Intractability* (September 10, 2025, 8:00 P.M.) https://www.beyondintractability.org/essay/jus_in_bello

v. Jus in Bello in an article.⁴⁹ The meaning of *jus ad bellum* states the legal reasons to wage war against a country and also to ensure the war is a “just” one. The source of *jus ad bellum* is the Charter of the United Nations, Article 2(4),⁵⁰ which says the reasons for war or a just war. The principle ‘*jus ad bellum*’ is followed before the war begins; instead, ‘*Jus in Bello*’ is the set of principles to be followed after the war has begun. *Jus in Bello*⁵¹ is also based on the humanitarian aspect during any war situation, and it has become the basis for the International Committee of the Red Cross (ICRC) and the First Geneva Convention.⁵² The terminology of the subject war was first referred to as the Law of War or Warfare, later changed to Law of Armed Conflict, and later again changed to International Humanitarian Law, due to the implication of the principle of *jus in bello* in the international humanitarian law. The term *humanitarian* itself means treating people with humanity and eliminating the sufferings of individuals.⁵³ The principles are enshrined in Common Article 3 of the four Geneva Conventions, 1949, even in the case of non-international armed conflict. Every principle of IHL revolves around the protection of the civilian population, preventing exploitation and greater destruction. The obligation of Poland emanates from Article 1 of the Four Geneva Conventions, ensuring respect for the convention. The term ‘*all circumstances*’ in Article 1 of the First Geneva Convention implies that States, whether they are party to the armed conflict or not, are bound by this convention and must strictly adhere to the provisions of this convention.⁵⁴ The neutral countries and the protecting powers are also obliged to respect and observe the Convention.⁵⁵ The Additional Protocol 1 also has a provision that deals with refugees and stateless persons who are declared so, even before the commencement of war, by

⁴⁹ Heller, Kevin. "On a differential law of war: A response to Blum." Harvard International Law Journal Online 52 (2011): 237-249. (September 10, 2025, 8:00 P.M.) <https://eprints.soas.ac.uk/view/type/article/2011.date.html>

⁵⁰ Simma, Bruno, ed. The charter of the United Nations. Oxford, UK: oup, (1995) Repository (September 10, 2025, 8:00 P.M.) <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1251&context=mjil>

⁵¹ Nabulsi, Karma. "*Jus ad bellum/Jus in bello*." Crimes of War Project (September 10, 2025, 8:00 P.M.) <http://www.crimesofwar.org/thebook/jus-ad-bellum>.

⁵² McFarland, Sam. "A Brief History of An Unsung Hero and Leader—Jean Henry Dunant and the Founding of the Red Cross at the Geneva Convention." International Journal of Leadership and Change 5, no. 1 (2017): 5. (September 10, 2025, 8:00 P.M.)

<https://digitalcommons.wku.edu/cgi/viewcontent.cgi?article=1058&context=ijlc>

⁵³ Jonathan Crowe and Kylie Weston-Scheuber. (2013). Principles of International Humanitarian Law (pp. 2-3). (September 10, 2025, 8:00 P.M.) https://www.e-elgar.com/shop/gbp/principles-of-international-humanitarian-law9781782545941.html?srsId=AfmBOopJwDXw5Xq2VAlBuJpgVVeLHqz2NpyYT8YoIrlpFlnLGdR_mTgl

⁵⁴ Cambridge, <https://www.cambridge.org/core/books/commentary-on-the-first-geneva-convention/4C3F3D571C1F6DB5E88004AF7540665C> (last visited on September 10, 2025).

⁵⁵ *Id* at 2463.

international convention or by national legislation. These persons are also to be treated in parity with the civilian population and be protected.⁵⁶

ADVANCING THE PRINCIPLES OF INTERNATIONAL REFUGEE LAW:

The Convention relating to the Status of Refugees, 1951, deals with the protection of refugees from being deprived of their human rights. A refugee is a person who is forced to his own country and flee to another country, due to fear of persecution, violence, or war. Religion, race, nationality, and ethnicity would form a basis for fear of persecution.⁵⁷ The other terms that are used to mention refugees include '*displaced persons*' (*except persons who are internally displaced*), '*asylum seekers*', '*persons of concern*', or '*persons in need of protection*'.⁵⁸ It is the obligation of States to provide favourable treatment to their nationals. The problem relative to the Refugee Convention is that only 149 States have ratified this Convention. The Governments find it challenging to supply food resources, ensuring an adequate standard of living for their own nationals, and accommodating refugees within their territory, and accepting refugees would be even more burdensome on the Governments. The major principles of international refugee law include,

- i) Principle of non-refoulement
- ii) Durable-solutions
- iii) Burden-sharing
- iv) Seek asylum
- v) Family unity
- vi) Non-discrimination
- vii) Right to leave the country

Though all these rights are guaranteed in international treaty law, States have full discretion towards admitting or denying refugees or asylum-seekers within their territory and granting protection. If refugees are permitted, they would be nationals of other countries staying within the countries, where they are not granted citizenship rights. Citizenship rights would ensure a

⁵⁶ ICRC, <https://www.icrc.org/en/publication/0421-commentary-additional-protocols-8-june-1977-geneva-conventions-12-august-1949> (last visited on September 10, 2025).

⁵⁷ UNHCR, [What is a Refugee? Definition and Meaning | USA for UNHCR](#), (last visited on September 10, 2025).

⁵⁸ Cathryn Costello, Michelle Foster, Jane McAdam (eds). The Oxford Handbook of International Refugee Law, Oxford University Press. (September 10, 2025, 8:00 P.M.), <https://global.oup.com/academic/product/the-oxford-handbook-of-international-refugee-law-9780198848639?cc=in&lang=en&>

legal relationship with a particular country. Unless and until the States enact national law for the protection of refugees and stateless persons, they would neither be permitted to enter the country nor be granted temporary protection. Poland became party to the Refugee Convention and its Protocol on September 27, 1991. The very first act enacted by Poland to protect foreigners was the Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland (Act of 2003), governing persons who are in fear of persecution or have escaped from violence. The Act of 2003 governs persons seeking refugee status, asylum, and temporary protection.⁵⁹ This act was amended and came into force as the Act of 12 December 2013 on Foreigners (Act of 2013), governing every person who is not a Polish citizen. It dealt with the entry, stay, or transit of persons through the territory of Poland. It provides protection to persons seeking asylum refugee status, foreigners who come to stay in Poland for educational or employment purposes. This act grants temporary and permanent resident status upon fulfilling the required conditions. For example, A foreigner may be granted temporary residence on the basis of family reunification if his family resides in Poland and has been granted refugee status.⁶⁰ The temporary resident status would be removed if a person is applying for refugee status or has been sentenced to imprisonment.⁶¹ Similarly, a refugee would be granted permanent resident status if he has been uninterrupted staying in Poland for a period of 5 years before the application.⁶² Finland has also passed the Aliens Act (2015), similar to the special law of 2022 passed by Poland. From the features of the Amendment to the law on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country, the 2022 law passed by Poland has brought multiple protections to Ukrainians. It considered all the principles of refugee law and enforced the rights of those millions of stranded people. Poland has executed the international refugee laws and its cardinal principles within its territory and saving millions of lives and ensuring their livelihood.

CONCLUSION:

It is the obligation of the parties to the armed conflict to follow the basic guidelines in saving civilians in war and war zone situations. If this gets affected, then the countries that signed the treaties are also obliged, even when they are not the parties to the armed conflicts. What is

⁵⁹ India Constitution, Art. 3, Act of Parliament (India).

⁶⁰ India Constitution, Art. 159, Act of Parliament (India).

⁶¹ India Constitution, Art. 99, Act of Parliament (India).

⁶² India Constitution, Art. 195, Act of Parliament (India).

being shown as a humanitarian act of Poland is highly appreciated by the United Nations and should set a role model in this kind of humanitarian crisis. The world prior to World War I was following the principle of co-existence, which drastically changed to co-operation.⁶³ The principle of cooperation is indispensable for world peace. The law of the sea, the international refugee law, the diplomatic relations, observance of human rights, etc., need absolute co-operation among the States. As far as the refugee problem is concerned, the UN Charter, UNHCR, and other international instruments have a crucial role in bridging the problems of refugees. The suffering of millions of refugees could be seen in States where the Refugee Convention has not been ratified. The States should come forward to help out refugees through international cooperation. Poland, through the Special Law 2022, has tried to fulfil both its legal and moral obligations to the people, and most importantly, fosters respect for international law. These solutions implemented by Poland have resulted in good mental health for refugees. For a growing image in the global frame, it is necessary to abide by international conventions. The non-parties to the refugee convention are also bound by the customary principles and must show strict adherence to them. Refugees include the whole civilian population, of women, children, men, pregnant women, with heavy hearts, leaving their country of origin. The refugees have faced distress and torment situations, witnessing the loss of loved ones, shattered dreams and lives, putting in strenuous efforts to protect their lives. The hardships of refugees could not be expressed in words. The lesson learnt from Poland includes showing solidarity among the people, developing the spirit of brotherhood, and transparency in policy. Waging war against the other leads to an influx of refugees. The United Nations and the International Institutions should come forward to prevent war and place an obligation on all countries to aim for Universal peace and harmony and celebrate humanity. States are the representatives of the people before the world forum. It is necessary for States to act for the people's welfare and well-being. People would never support the propaganda of war against one another. Thus, a warless world is the penultimate goal of human civilisation for peaceful co-existence.

⁶³ Wolfgang Friedman, *The Changing Structure of International Law*, (1994). Colombia University Press (September 10, 2025, 8:00 P.M.)

https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=4635&context=faculty_scholarship