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CHALLENGES TO VITAL SECURITY IN TERRITORIES EXPOSED TO WAR-RELATED RISK

Abstract

The ongoing full-scale war remains the principal challenge to Ukraine's national security. Territories in which hostilities are ongoing or which remain under temporary occupation encompass communities in 13 regions and cover a total area of approximately 116,700 km², or about 19.3% of the country's territory. As of 2026, an estimated 5–6 million people reside in the temporarily occupied territories of Ukraine. This figure is approximate, as accurate population records are difficult to maintain because of the intensity of hostilities and the limited access of state authorities to the regions concerned.

Under martial law, state institutions operate under differing organisational, infrastructural and security conditions, which directly affect the population's access to justice, healthcare, social services, administrative procedures and other mechanisms for exercising fundamental rights. In these circumstances, the relationship between legally established human-rights guarantees and the state's actual capacity to ensure their implementation in territories exposed to different levels of war-related risk becomes particularly significant.

The aim of the study is to provide a scholarly analysis of the specific conditions governing the protection of human rights and freedoms under martial law, taking into consideration the territorial differentiation of war-related danger. The methodological framework combines constitutional and legal analysis with contemporary security-oriented and interdisciplinary approaches to assessing the conditions necessary to sustain the population in crisis settings.

The article substantiates the use of vital vulnerability as an analytical criterion and evaluative indicator for assessing the extent to which human rights are effectively safeguarded in territories exposed to different levels of war-related risk. It advances the conceptual proposition that, under such conditions, population security is determined not so much by the state's general capacity to protect the rights and freedoms of individuals and citizens—given that the effective performance of the state's human-rights protection function is constrained in war-risk environments—as by the capacity of military administrations operating under special legal regimes to perform a life-sustaining function that determines the levels of personal security, population viability and societal resilience.

The scientific novelty of the study lies in formulating the authors' approach to vital vulnerability as a derivative category of legal and security analysis that reflects the degree to which human rights are practically realisable within a specific spatial environment. The study develops a conceptual model for differentiating the state's positive obligations according to the level of territorial vital vulnerability, together with a micro-level classification of human rights within the vital dimension. The practical significance of the findings lies in the potential application of the proposed conceptual framework to national-security policymaking, the activities of military administrations, the drafting of legislation and other regulatory instruments, and the planning of measures to safeguard human rights under martial law.

Keywords: human rights; martial law; territories exposed to war-related risk; vital security; territorial vital vulnerability; population-level vital vulnerability; legal guarantees; international standards for the protection of human rights.

Introduction. The full-scale armed aggression against Ukraine has profoundly transformed the security, legal and humanitarian environment, with the result that the exercise of human rights and freedoms can no longer be regarded solely as a matter of formal legal recognition. In wartime, the effective enjoyment of human rights increasingly depends not only on the existence of relevant constitutional and international legal guarantees, but also on the actual conditions in which the population's essential needs are met, the state of infrastructure, access to basic resources, the functioning of public administration and the state's practical capacity to fulfil its positive obligations [1; 5].

Armed conflict alters not only the way in which state institutions operate but also the conditions of people's everyday lives. In such circumstances, the rights to life, healthcare and social protection, together with access to justice, a safe living environment and other essential goods, acquire direct significance for the preservation of life and human dignity. The issue is no longer merely whether particular entitlements are formally guaranteed by law, but whether individuals are genuinely able to preserve their lives, health and dignity, maintain social inclusion and retain access to basic mechanisms of legal protection. Accordingly, research into human rights under martial law requires a shift from a purely normative approach towards a model that relates legal assessment to the actual security conditions prevailing in particular territories and to the population's real living conditions [13; 16].

The legal regime of martial law in force in Ukraine permits the temporary restriction of certain rights and freedoms in the interests of national security, national defence and the protection of society from exceptional threats [2].

Nevertheless, even under this special legal regime, the state remains bound by its obligation to comply with fundamental standards for the protection of human dignity and fundamental rights [1; 5]. This necessitates a balanced approach capable of reconciling the requirements of national defence with the constitutional legal order and international standards for the protection of human rights [5].

The issue becomes particularly acute because the level of war-related danger varies considerably across territories. Areas of active hostilities, frontline regions and relatively stable regions function within markedly different security, infrastructural, social and institutional environments. Consequently, a formally uniform legal regime of martial law is implemented in settings in which legal guarantees are accessible to substantially different degrees. This territorial disparity directly affects the practical realisability of the rights to life, healthcare, social protection and a safe living environment, as well as access to administrative services and justice [2; 14].

This context calls for a scholarly approach that integrates human-rights analysis with a security assessment of the actual conditions necessary to sustain the population. Such an approach must proceed from the premise that an identical body of formally proclaimed rights does not necessarily entail an identical level of their practical enjoyment where the intensity of war-related threats differs. Legal analysis should therefore encompass not only the normative limits of legal regulation, but also the security, infrastructural, humanitarian and informational characteristics of the environment that determine the actual content and practical accessibility of human rights [13; 17].

One promising means of achieving this integration is the conceptualisation of vital security and the related categories of vital vulnerability. For the purposes of this study, vital security is understood as a condition in which the vital interests of individuals and the population are protected and the minimum conditions necessary to preserve life, health, dignity, basic social functioning and access to

legal protection mechanisms are maintained even under extreme threats [13; 16]. Vital vulnerability is accordingly understood as a complex characteristic reflecting, first, the risk that communities' actual capacity to continue living in particular territories may decline, which constitutes territorial vital vulnerability, and, second, the reduced practical realisability of human rights owing to hostilities, infrastructural destruction, institutional disorganisation and other factors within the wartime environment, which constitutes population-level vital vulnerability [14; 17]. This concept makes it possible to assess not only the formal habitability status of territories, but also the scope of legal guarantees and the state's actual capacity to give effect to them within particular territorial communities.

Accordingly, measuring vital vulnerability in territories exposed to war-related risk requires an interdisciplinary analysis that combines the security dimensions of environmental and technological criteria of habitability with human-rights theory in order to assess and monitor population viability [13; 15]. This, in turn, requires the scientific substantiation of a differentiated model of vital vulnerability capable of accounting for the actual conditions under which communities function in territories exposed to heightened war-related danger [14; 17].

Aim of the Study. The aim of this study is to provide a scholarly analysis of the relationship between constitutional guarantees, international humanitarian law and international standards for the protection of human rights, on the one hand, and the actual conditions necessary to sustain the population in territories exposed to different levels of war-related risk, on the other.

The study also develops and substantiates a theoretical model in which the level of territorial vital vulnerability serves both as a criterion for assessing the practical realisability of human rights and as a basis for differentiating the positive obligations of the state and society in ensuring their effective enjoyment.

Review of Recent Research and Publications. The protection of human rights and freedoms during armed conflict occupies an important place in contemporary legal scholarship and international legal doctrine. Research in this field lies at the intersection of several bodies of law, primarily international human rights law, international humanitarian law and the constitutional law of states functioning under conditions of war or other forms of exceptional danger. Scholarly attention has traditionally focused on determining the permissible limits of restrictions on human rights, mechanisms of international legal protection, the relationship between the rules of different legal regimes and the jurisprudence of courts and other judicial institutions in cases arising from armed conflicts.

International legal doctrine has established that human rights law does not cease to apply during armed conflict but continues to operate alongside international humanitarian law. Both bodies of law pursue the common objective of protecting individuals from the consequences of violence, although they differ in their scope of regulation and modes of application. In situations of armed conflict, international humanitarian law frequently operates as lex specialis—a special rule that takes precedence over a general rule—while international human-rights standards retain their universal character and provide fundamental guarantees of human dignity even under conditions of exceptional danger [6; 8].

Scholars from different jurisdictions have made a significant contribution to the study of the interaction between international humanitarian law and international human rights law and have examined the relationship between these legal regimes in the context of contemporary armed conflicts [6–11]. The works of Marco Sassòli, Andrew Clapham, Orna Ben-Naftali, Yuval Shany, Noam Lubell, William Schabas and other researchers address the applicability of human-rights standards during hostilities, the operation of lex specialis, the content of the state's positive obligations and the permissibility of derogations from particular international obligations. Collectively, this scholarship provides the basis for a

coherent approach to the legal protection of civilians that combines the specific rules governing armed conflict with universal human-rights principles.

In Ukrainian legal scholarship, the protection of human rights in wartime is examined primarily in the context of the transformation of the national legal system under the impact of war-related threats. Ukrainian researchers analyse the application of international standards for the protection of human rights, the case law of the European Court of Human Rights, difficulties affecting the exercise of particular constitutional rights—including property rights, access to justice and the social protection of internally displaced persons—as well as the functioning of public authorities in crisis conditions. This scholarship substantiates the need for international humanitarian law and international human rights law to be applied in an integrated manner when assessing the legal consequences of armed conflict [5; 12].

A distinct strand of research concerns derogations from international human-rights obligations during a state of emergency or war. Legal doctrine and international legal practice emphasise that even in situations of exceptional danger, the state remains bound by fundamental standards protecting human dignity and inalienable human rights. Contemporary doctrine therefore increasingly proceeds from the premise that the exceptional nature of martial law does not extinguish the state's legal obligations but merely modifies the limits, methods and forms of their implementation in accordance with the principles of necessity, proportionality and legal certainty [5; 11].

Despite the substantial body of research, most contemporary legal scholarship examines human-rights protection during war through the framework of general legal regimes: international humanitarian law, international human rights law and constitutional restrictions on rights under martial law. By contrast, insufficient attention has been paid to the effect of the territorial differentiation of war-related danger on the extent to which human rights and freedoms can actually

be exercised. Existing scholarly approaches generally proceed from the assumption of a formally uniform legal regime of martial law and give insufficient consideration to the substantial differences among regions in terms of their security, socio-economic, infrastructural and informational conditions.

In this context, the concept of vital security becomes particularly relevant because it enables human rights to be understood not only as a set of legally recognised entitlements but also as a system of conditions necessary to preserve life, health, human dignity and basic social functioning in a crisis environment. Accordingly, the category of vital vulnerability—encompassing both territorial vital vulnerability and population-level vital vulnerability—opens new avenues for research by integrating human-rights analysis with a security assessment of the actual conditions in which the population's essential needs are met [13; 16].

Contemporary approaches to vital security have been developed in the works of Ukrainian and international researchers, including P. V. Yashchuk, I. M. Ryzhov and others, who advance a human-centred security paradigm that integrates the legal, social and humanitarian dimensions of sustaining human life and activity during periods of crisis-induced transformation [13–17]. These studies substantiate the need to reconsider traditional approaches to security through the prism of preserving life, health, human dignity and social functioning in the face of multifactorial threats.

The development of these propositions has led to the formulation of the authors' approach to vital vulnerability as a derivative category of legal and security analysis that reflects the degree to which human rights are practically realisable within a particular spatial environment. The findings are consistent with previous scholarship on vital security and extend it towards the operationalisation of human-rights analysis under martial law, particularly through the integration of the territorial and anthropocentric dimensions of human-rights assessment [14; 17].

The scientific novelty of the proposed approach lies in treating vital vulnerability not as an auxiliary descriptive characteristic of the environment, but as a measure of the extent to which individuals within a defined territory are actually able to enjoy the rights and guarantees available to them. This approach makes it possible, first, to specify the scope of the state's obligations under martial law; second, to differentiate state-response priorities according to the level of territorial risk; and third, to integrate the anthropocentric and spatial dimensions of human-rights analysis into a single conceptual model [13; 16].

Main Research Findings and Discussion

The full-scale armed aggression against Ukraine has profoundly transformed socio-legal relations, giving the protection of human rights and freedoms a fundamentally new meaning. Armed conflict affects not only the operation of state institutions but also the conditions of the population's everyday life, thereby directly constraining the practical exercise of human rights. In these circumstances, legal guarantees enshrined in legislation encounter objective limitations arising from security, infrastructural, humanitarian and informational factors. Human-rights protection under martial law therefore requires traditional approaches to be reconsidered in light of the actual conditions in which the state operates [1; 2].

The contemporary security environment is characterised by substantial territorial variation in the level of war-related danger. Areas of active hostilities, frontline regions and regions located beyond zones of direct military engagement differ in the population's living conditions, the extent of infrastructural destruction, the availability of essential services and the capacity of public authorities to operate. Consequently, a formally uniform legal regime of martial law is implemented under divergent social and legal conditions. This territorial heterogeneity directly affects access to justice, healthcare, social protection and other key components of the system for safeguarding human rights.

Moreover, the territorial asymmetry of war-related risk has not only a spatial but also a functional and legal dimension. The state's capacity to perform its fundamental public functions is preserved to differing degrees across regions. These functions include administering justice, providing healthcare, maintaining social-protection institutions, ensuring the safe movement of the population and securing the continuity of administrative procedures. Territorial disparities in the level of war-related danger should therefore be regarded not only as a security characteristic of the environment but also as a factor that differentiates the practical realisability of constitutional rights [1].

Under conditions of war-related danger, human rights cease to be merely declaratory legal entitlements and acquire direct life-preserving significance. The destruction of housing, disruption of life-support systems, restrictions on transport accessibility, evacuation processes and forced displacement create situations in which formally guaranteed rights cannot always be exercised in full. Such circumstances give rise to practical legal vulnerability, whereby the formal recognition of a right in law does not guarantee its exercise in practice.

Against this background, human-rights protection should be examined through the category of vitality as an integral characteristic of the viability of individuals and the population as a whole. Vitality in this context encompasses not only biological survival but also the complex capacity of individuals to sustain their daily lives, exercise fundamental rights, preserve their physical and mental health and function within social and legal environments. Accordingly, the extent to which human rights can be effectively enjoyed constitutes a key indicator of vitality, since access to justice, healthcare, social protection and a safe environment provides the mechanisms through which life, health and human dignity are preserved [13; 14].

One of the central legal issues concerning human rights in wartime is the determination of the permissible limits of their restriction. The constitutional

framework requires that human rights and freedoms should not be restricted arbitrarily, even under martial law, and that any restriction should comply with the principles of legality, necessity and proportionality. This framework is consistent with generally recognised international standards for the protection of human rights and reflects the fundamental rule-of-law principle that the state must act within an established legal framework even in situations of exceptional danger [1; 5].

The Constitution of Ukraine enshrines the inalienability and inviolability of human rights and freedoms, which form the foundation of an individual's legal status in a democratic state. At the same time, the Constitution permits the temporary restriction of certain rights during martial law or a state of emergency, provided that the duration of such restrictions is specified. This model of constitutional regulation reflects the need to balance the protection of state security with the preservation of fundamental legal guarantees [1].

International humanitarian law plays an important role in establishing standards for the protection of civilians during armed conflict. The 1949 Geneva Conventions and their Additional Protocols establish fundamental principles of civilian protection, among which the principles of distinction, proportionality and precautions in attack are particularly important. These rules are intended to minimise harm to civilians and require the parties to an armed conflict to refrain from conduct likely to cause excessive civilian losses [3; 4].

More specifically, these principles require the parties to an armed conflict, first, to distinguish clearly between civilians and combatants—persons directly participating in hostilities—and between civilian objects and military objectives; second, to refrain from attacks in which the expected harm to civilians would be excessive in relation to the anticipated military advantage; and third, to take all feasible precautions, meaning all measures that are practicable and appropriate in the particular circumstances, to minimise risks to civilians. From a human-rights

perspective, this means that even during active hostilities, civilian life and health, housing, access to healthcare and access to humanitarian assistance cannot be treated as matters of secondary legal importance [3].

International human rights law continues to apply alongside international humanitarian law. In accordance with established international practice, these legal regimes operate concurrently and complement one another. During armed conflict, international humanitarian law frequently functions as the specialised legal framework, whereas international human-rights standards provide universal guarantees of human dignity. The interaction between these regimes is confirmed by the jurisprudence of international judicial institutions, which emphasises the need for their integrated application [6; 11].

The Convention for the Protection of Human Rights and Fundamental Freedoms permits states temporarily to derogate from certain obligations in the event of a public emergency threatening the life of the nation. This mechanism, known as derogation—the temporary departure from certain treaty obligations during an emergency—allows a state to adapt the scope of its international legal obligations to conditions of war-related danger. Derogation does not, however, absolve the state of responsibility for respecting human rights. Even under martial law, the state remains bound by fundamental standards protecting human dignity, including the prohibitions of torture, slavery and inhuman or degrading treatment [5; 12].

The case law of the European Court of Human Rights demonstrates the need to interpret the Convention systematically and in conjunction with international humanitarian law. The Court has repeatedly emphasised that even during active armed conflict, a state remains bound by its positive obligations to protect life, conduct effective investigations into incidents of violence and ensure access to justice [11; 12]. Determining whether a state exercises effective control over a

particular territory and assessing its actual capacity to fulfil its obligations are also important elements of legal analysis in such cases.

In view of the above, martial law does not create a sphere of legal discretion unconstrained by human-rights standards; it merely modifies the conditions and limits under which particular legal guarantees are implemented. The central issue is therefore not simply whether rights may be restricted, but whether such restrictions are lawful, appropriately delimited and implemented by permissible means. Even during armed conflict, the state must demonstrate that the restrictions it imposes have a legal basis, are justified by genuine military necessity, are proportionate to a legitimate aim and do not negate the essential substance of the rights concerned [1; 5]. This normative approach makes it possible to understand martial law not as an exception to the legal order, but as a special mode in which a constitutional state operates under conditions of extreme threat.

Under contemporary conditions of martial law, the relationship between legally established human-rights guarantees and the practical ability to exercise them becomes particularly significant. The formal recognition of rights does not in itself ensure their effective enjoyment where the necessary institutional, infrastructural and security conditions are absent. Scholarly analysis of human rights in wartime must therefore take into account not only legal rules but also the actual conditions in which the population's essential needs are met [13; 14].

Failure to respect human rights, or restrictions imposed upon them under martial law, directly undermines vital security. Violations of the rights to life, healthcare, a safe environment, access to reliable information and access to justice lead to a systemic deterioration in the population's living conditions. In such circumstances, human rights cease to function as safeguards of life and become purely formal legal constructs that provide no effective protection. This, in turn, increases population-level vital vulnerability, intensifies social tensions and

psycho-emotional destabilisation, and weakens societal resilience, thereby generating direct threats to both individual and national security [13; 16].

Legal analysis must consequently address not only the formal existence of a legal rule but also the institutional system's actual capacity to give practical effect to that rule within a specific territorial environment. This creates the need for an intermediate analytical category capable of measuring the gap between the normative guarantee of a right and its practical realisability [14; 17].

Human rights in wartime therefore perform not only a protective function but also a life-sustaining function, since their practical implementation directly determines population viability and an individual's capacity to preserve life under conditions of extreme threat [13; 15].

In this context, vital vulnerability may be used as a derivative category of legal and security analysis for assessing the practical accessibility of legal guarantees in light of specific security conditions and the functioning of social institutions. The concept integrates human-rights doctrine with security analysis and treats the territorial dimension not merely as the contextual background to the exercise of rights, but as a legally significant criterion for assessing the scope of the state's obligations. In this sense, vital vulnerability captures both the extent to which the environment allows the population to remain safely within a territory and the risk that the practical realisability of human rights will decline under the impact of hostilities, infrastructural destruction, institutional constraints, humanitarian losses and information-related and psychological threats [13–17].

An assessment of territorial vital vulnerability reflects the totality of conditions in which population-level vital vulnerability emerges and manifests itself. Territorial vital vulnerability is thus a derivative analytical category that synthesises the impact of the security environment on population viability. Territorial vital vulnerability and population-level vital vulnerability are not equivalent in either meaning or function. Whereas territorial vital vulnerability

characterises the spatial and security environment in which the rights to environmental safety and protection from technological hazards are exercised, population-level vital vulnerability reflects the condition of particular individuals and social groups directly affected by a combination of security, infrastructural, social and informational risks [14; 16]. The former category therefore performs primarily an analytical and governance function, whereas the latter reveals the anthropocentric dimension of the practical realisability of human rights.

For the purposes of this study, population-level vital vulnerability is understood as a condition of heightened susceptibility to a combination of external and internal threats, in which the actual capacity of individuals and social groups to exercise fundamental rights and maintain an adequate level of everyday functioning is diminished by threats to life and health, the destruction of life-support systems, restricted access to healthcare, social protection, justice, a safe information environment and other resources essential to life [13; 17].

From a practice-oriented perspective, the study proposes a three-tier model for differentiating territories according to their degree of vital vulnerability:

1. Territories with a high level of vital vulnerability comprise areas of active hostilities and territories facing critical security threats. Systematic attacks, the destruction of critical infrastructure and severe restrictions on access to essential services create a direct threat to the life, health and safety of the population, with the result that the exercise of most human rights becomes fragmented or assumes a crisis-driven form.

2. Territories with a moderate level of vital vulnerability comprise frontline or unstable regions in which state institutions continue to operate, albeit under substantial constraints, while access to justice, healthcare, social protection and a safe environment remains precarious.

3. Territories with latent vital vulnerability comprise regions located away from the line of contact, where basic institutions operate relatively stably but risks

associated with internal displacement, social tensions, psychological trauma among the population, discrimination and secondary victimisation persist.

For each of these levels, a prioritised set of the state's positive obligations should be established, ranging from securing survival, evacuation and humanitarian access to stabilising social services and ensuring full reintegration and non-discrimination. The proposed differentiation of positive obligations does not assign a different value to human rights according to the territory in which they are exercised. It does not establish a hierarchy among the rights themselves; rather, it adapts the mechanisms for safeguarding them to the actual conditions of wartime reality [13; 16]. This analytical model preserves the universal character of human rights while recognising that the means, sequencing and practical instruments used to guarantee them necessarily differ among areas of active hostilities, frontline regions and relatively stable territories.

In this context, a micro-level classification of human rights should be introduced according to their relative priority under conditions of war-related risk and the degree of territorial vital vulnerability. This classification makes it possible to identify more precisely the functional significance of particular rights in different security environments and to establish a structured framework for the state's obligations to safeguard them [14; 17]. To enhance the practical value of the proposed model, levels of vital vulnerability may be assessed using groups of indicators such as the intensity of shelling and combat operations, the extent of destruction of critical infrastructure, the operational capacity of healthcare institutions, the continuity of judicial and administrative institutions, the availability of evacuation routes, the scale of internal displacement, the stability of communications and the level of information security. This indicator-based approach does not replace legal analysis; rather, it provides that analysis with an empirically verifiable dimension [13; 16].

Given contemporary hybrid, informational and psychological threats, which directly affect human consciousness and behaviour, the classification of human rights within the vital dimension also identifies the informational and cognitive level as a fundamental component of the security system [13; 16].

Accordingly, the following groups of rights are proposed:

• **Vital-core rights:** the rights to life, physical integrity and personal security; healthcare; access to water and food; housing; a safe living environment; freedom to choose one's place of residence; and evacuation as a mechanism for preserving life in situations of immediate danger.

This group of rights constitutes the physical, or biological, core of vitality. It secures the basic existence of the human being as a biological and social entity and defines the minimum conditions necessary for the preservation of life under extreme threats [3; 4].

• **Rights relating to the individual's informational, cognitive and spiritual security:** the right of access to reliable, objective and impartial information; the right to protection from destructive informational, psychological and manipulative influence; the right to a safe information environment conducive to the preservation of mental stability; the right to form one's worldview and spiritual identity autonomously; and the right to assess information critically and to process and interpret it rationally [13; 17].

Within this category, the study identifies a subcategory of individual vital freedoms, which reflect the internal and autonomous dimension of vital security and determine an individual's capacity to preserve the integrity of consciousness, critical thinking and independence of worldview under destructive informational and psychological influence. Vital freedoms include the right to informational and cognitive autonomy, understood as the capacity independently to shape and evaluate information flows; the right of access to reliable, objective and impartial information; the right to assess, process and interpret such information critically

and rationally; and the right to pursue an individual path of spiritual development and to form one's own worldview and spiritual identity. Vital freedoms are distinguished as a component of informational, cognitive and spiritual security because contemporary hybrid threats target not only an individual's physical security but also their consciousness, values and patterns of behaviour, which directly influence their capacity to make decisions essential to life [13; 16].

• **Rights relating to institutional stability:** the rights of access to justice, social protection and administrative services, together with access to other mechanisms through which the state performs its role as guarantor of the legal order [1; 5].

• **Rights relating to social dynamics and vital recovery:** the rights to non-discrimination, education, social mobility, physical, psychological and social rehabilitation, and psychosocial reintegration [13; 15].

The proposed classification enables legal practice to be adapted to the conditions of martial law by determining which rights should be prioritised according to the level of threat and the state's actual capabilities [13; 16].

This classification does not deny the universality of human rights. Rather, it performs the analytical functions of organising these rights and prioritising state responses under wartime conditions. Its significance lies in enabling a specific level of threat to be correlated with the functional importance of the relevant rights and in facilitating the development of adapted mechanisms for safeguarding them without altering their legal nature [14; 17].

Applying this differentiated and adaptive approach to safeguarding human rights makes it possible to move from a formally uniform legal regime of martial law towards a more flexible and realistic model that takes account of the actual conditions in which the state operates [13; 16]. In territories with a high level of vital vulnerability, priority should be given to guarantees of the rights to life and security, access to humanitarian assistance and access to essential resources. In

regions exposed to a moderate level of war-related risk, the principal task is to stabilise life-support systems and provide social support to the population. In territories where threats remain latent, particular importance attaches to guarantees of non-discrimination and social integration and to the prevention of the secondary victimisation of persons affected by the consequences of war.

This raises the question of the functional role of territorial vital vulnerability at the community level as an analytical criterion. This criterion constitutes an integrative analytical instrument that links human-rights doctrine with security analysis and makes it possible to assess the relationship between the level of vitality and the actual scope of legal guarantees. Such an assessment takes into account the intensity of hostilities, the extent of destruction of critical infrastructure, the operational capacity of state institutions, access to healthcare, the consequences of forced displacement and other factors directly affecting human viability [13; 16].

The practical significance of this approach lies in its potential application where the operation of competent institutions responsible for safeguarding and monitoring human rights is constrained by heightened security risks and special legal regimes. These institutions include the Ukrainian Parliament Commissioner for Human Rights, law-enforcement and security bodies, local self-government authorities and civil-society institutions, including non-governmental organisations, volunteer associations, veterans' communities and other actors exercising public oversight. Under martial law, where international institutions—including the European Court of Human Rights and relevant bodies within the United Nations system—have limited access to information and evidence concerning particular territories, the proposed approach may also provide a basis for a decentralised model for the primary monitoring of vital vulnerability. Such a model would facilitate the prompt identification of threats to the population's vital interests and improve the effectiveness of responses to those threats [5; 12].

This, in turn, necessitates the development of a comprehensive institutional framework for safeguarding and monitoring the exercise of human rights in territories with different levels of vital vulnerability. Responsibility for the basic level of such monitoring should fall within the competence of military administrations, which govern the relevant territories under martial law. Primary monitoring should be integrated with a systematic assessment of security risks, the institutional capacity of public authorities and the conditions in which the population's essential needs are met.

Coordination and human-rights support should be provided through institutionally coordinated cooperation with the Ukrainian Parliament Commissioner for Human Rights, including the maintenance of a permanent presence or adequate institutional representation in high-risk territories. The role of security-sector institutions also requires further scholarly and regulatory consideration, particularly with regard to the participation of the Security Service of Ukraine in systematic monitoring, analytical support and responses to threats in the informational and cognitive, social and institutional spheres that directly affect the population's vital security. Civil-society institutions may perform functions relating to the local identification of risks, humanitarian support, communication assistance and public oversight [1; 2].

Unlike traditional approaches, which treat martial law primarily as a uniform legal regime with a general set of permissible restrictions on rights, the concept proposed in this article proceeds from the premise that the practical effect of legal guarantees is also shaped by territorial security conditions and the environment in which the population's essential needs are met. Vital vulnerability may therefore be regarded not merely as a descriptive security characteristic but as a legally significant criterion for determining the scope of the state's obligations. The article argues that integrating the territorial and anthropocentric dimensions makes it

possible to develop a more precise model of legal responses to wartime challenges [13; 17].

The proposed approach also has practical value as an analytical basis for governance decision-making in the field of human-rights protection under martial law. In particular, a model for assessing territorial vital vulnerability may assist military administrations, executive authorities and local self-government bodies in setting priorities when planning evacuations, restoring critical infrastructure, organising healthcare, ensuring access to administrative and social services and distributing humanitarian resources. The approach may additionally provide a basis for drafting legislation and other regulatory instruments, as well as methodological guidance designed to account for the territorial unevenness of war-related risk in the formulation of national-security and human-rights policy [13; 16].

Ultimately, safeguarding human rights and freedoms in territories exposed to war-related risk requires the integration of legal and security analysis. Combining constitutional guarantees, international legal standards and assessments of territorial vital vulnerability creates the conditions for developing a more effective model of human-rights protection under martial law. This conceptual approach makes it possible to take account both of the normative requirements of the legal system and of the actual circumstances in which society functions during armed conflict [1; 5].

Within the proposed classification, the direct relationship between human rights and the state’s national-security system is particularly significant. The identified groups of rights – from vital-core rights to rights relating to social dynamics and vital recovery – form a multi-level framework for sustaining the population, disruption of which generates not only humanitarian but also security-related risks. Deteriorating access to fundamental rights, destabilisation of the information environment and reduced effectiveness of institutional protection

directly affect societal resilience, the level of social tension and the state's capacity to counter hybrid threats.

Consequently, safeguarding human rights under martial law should be treated not only as a human-rights protection function but also as a component of the national-security system. This makes it possible to regard the territorial dimension as an instrument for the spatial assessment of the conditions under which human rights are exercised and the anthropocentric dimension as an indicator of the extent to which those rights are actually secured. Together, these dimensions form a new methodological basis for the analysis of vital security [13; 16].

Conclusions. The findings of this study demonstrate that, under martial law, the protection of human rights and freedoms cannot be understood solely in terms of their formal legal recognition. An analysis of the relationship between constitutional guarantees, the rules of international humanitarian law and international standards for the protection of human rights, on the one hand, and the actual conditions necessary to sustain the population, on the other, shows that the practical realisability of rights directly depends on the security environment, the functioning of life-support systems, the state's institutional capacity and the availability of essential resources and human-rights protection mechanisms.

The study further demonstrates that human rights in wartime perform not only a protective function but also a life-sustaining function, since their effective enjoyment directly contributes to the preservation of life, health, human dignity and an individual's basic social functioning. Failure to respect these rights, or restrictions on their exercise, therefore undermines vital security, increases population-level vital vulnerability within territorial communities and generates additional risks to societal resilience.

The study develops a theoretical model in which the level of vital vulnerability serves both as a measure of the extent to which human rights can actually be exercised and as a basis for differentiating the positive obligations of

the state and society in ensuring their effective enjoyment. This model makes it possible to account for the territorial unevenness of war-related risk without undermining the universal character of human rights, since it adapts the mechanisms for safeguarding those rights to the actual conditions of wartime reality.

The practical significance of the proposed approach lies in its potential use as an analytical foundation for the activities of military administrations, public authorities, civil-society institutions and security and defence-sector bodies in protecting human rights as an integral component of the state's national-security system.

Overall, the proposed approach provides a methodological foundation for the further development of human-rights analysis under martial law and for the establishment of effective mechanisms to safeguard human rights across different security environments.

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