

CIVIL-MILITARY COOPERATION AND GENDER PERSPECTIVES: EUROPEAN AND UKRAINIAN REALITIES

COOPERAÇÃO CIVIL-MILITAR E PERSPECTIVAS DE GÊNERO: REALIDADES EUROPEIAS E UCRANIANAS

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ABSTRACT: The article is primarily aimed at studying and analysing social relations, roles, and dynamics in the field of civil-military cooperation and gender policy. The authors analyze various social stereotypes, political decisions, legislation, and its impact on gender equality and interaction between civil society and the military. In turn, empirical data is used to confirm or refute hypotheses about gender imbalances, challenges and achievements in these areas, but this research is focused on social analysis and understanding of current challenges in the chosen field. The research presupposed the use of various scientific methods, but its base was formed by general and special scientific and philosophical methods. Particular emphasis was placed on the formal-legal approach that facilitated in-depth analysis of international legal statutes, doctrinal perspectives, and rulings from the European Court of Human Rights concerning gender policies embedded within the framework of civil-military cooperation. The authors conduct a theoretical legal examination of civil-military cooperation within the framework of human rights defense, elucidating its distinctive features. Additionally, the paper places considerable emphasis on gender equality in the context of armed conflicts and civil-military cooperation, drawing upon international legal perspectives and scholarly methodologies.

KEYWORDS: civil-military cooperation; civil supervision; court ruling; gender policy; human security concept.

RESUMO: O artigo tem como objetivo principal estudar e analisar as relações, papéis e dinâmicas sociais no campo da cooperação civil-militar e da política de gênero. Os

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autores analisam vários estereótipos sociais, decisões políticas, legislação e o seu impacto na igualdade de género e na interação entre a sociedade civil e os militares. Por sua vez, os dados empíricos são utilizados para confirmar ou refutar hipóteses sobre desequilíbrios de género, desafios e conquistas nestas áreas, mas esta investigação centra-se na análise social e na compreensão dos desafios actuais no campo escolhido. A pesquisa pressupõe a utilização de diversos métodos científicos, mas sua base foi formada por métodos científicos e filosóficos gerais e especiais. Foi dada especial ênfase à abordagem jurídico-formal que facilitou a análise aprofundada dos estatutos jurídicos internacionais, das perspectivas doutrinárias e das decisões do Tribunal Europeu dos Direitos Humanos relativas às políticas de género inseridas no quadro da cooperação civil-militar. Os autores realizam um exame teórico jurídico da cooperação civil-militar no âmbito da defesa dos direitos humanos, elucidando suas características distintivas. Além disso, o artigo dá uma ênfase considerável à igualdade de género no contexto dos conflitos armados e da cooperação civil-militar, baseando-se em perspectivas jurídicas internacionais e metodologias académicas.

PALAVRAS-CHAVE: Cooperação civil-militar; Supervisão civil; Decisão judicial; Política de género; Conceito de segurança humana.

1 INTRODUCTION

In the contemporary context, there is an undeniable imperative to go behind the phenomenon of civil-military cooperation (hereinafter – CIMIC). The experience of past generations gives people every reason to rethink and search for new mechanisms to overcome the upcoming challenges. Unfortunately, the most dangerous challenges are armed conflicts that have a terrible impact on the lives of civilians. Even though the rules of international humanitarian law regulate cases arising under the influence of such events, these rules are often violated when performing combat missions. Therefore, the population, habitual way of life, and fundamental human rights are under dire threat.

During military operations, the armed forces should not strive to complete the task by fair means and foul but carry out the mission with minimum casualties and protect locals for the sake of living, where the expected result is peace and security for a person. The essence of CIMIC lies in the efficient protection and support of civilians, the preservation of material and cultural values of this population, and the prevention of the state infrastructure from destruction where the military conflict is taking place (Shamiev, 2023).

The main directions were detailed planning and conduct of operations, taking into account both military goals and civilian interests, training and education, active cooperation with external actors, and public notification. It is worth noting that the population actively participated at all levels. Such an approach helped to resolve the crisis using all the elements and turn the country to stability (Harig et al., 2022; Lutsenko et al., 2021). Therefore, approaches to conflict resolution have changed over the past decades, and particular legal requirements have been put forward for participants in such conflicts. The requirements for conducting peacekeeping missions become stricter at the international level, while increased attention is paid to humanitarian, economic, religious, and social factors. However, the political aspects play an essential role since they often become the reason for conflicts and violations of the rights of the population as a result of such a conflict.

It is also essential to turn to the matter of gender equality brought in the context of CMC. Gender equality revolves around the notion of attaining legal and social parity between masculine and feminine genders. Gender equality helps them achieve equal prospects in all aspects of public life, with a particular emphasis on the occupation. Over the past thirty years, gender-related concerns have occupied a central position in the theory of international relations, security, and defense. Furthermore, there has been a growing emphasis on the integration of gender perspectives, often referred to as gender mainstreaming, into the military context (United Nations Security Council, 2000; Manza, 2020; Titko, 2021). Even though many scholars have already discussed the issue of gender equality, heightened recognition of the intricate interrelation between security, notably human security, and development prompted increased endorsement of universal human rights and equality prerequisites. These prerequisites extend to various realms, such as equitable access to due process of law, education, and healthcare. Balon et al. (2016) highlighted the imperative to address gender equality was prominently integrated into the international agenda, encompassing the sphere of politics and the military sector.

Unfortunately, equality is often identified with uniformity when a woman is perceived as a sexless person without anatomical features. It is possible to increase the effectiveness of female military personnel in service if a gender-sensitive uniform

is developed that will correspond to the anatomical and physiological characteristics of the female body type. Such body armor has been recently developed in Ukraine, which considers the anatomic features of women. Furthermore, the law allowing men to take a three-year leave to care for a child has entered into force. These two examples are manifestations of gender equality in its purest form and represent a kind of vector for introducing new changes in this sphere (Fatsievych, 2021). Ukraine, which is trying to build a truly democratic state, should address the issue of ensuring gender equality (Hrytsai, 2018).

The authors of this study employed numerous methods, including general and special scientific methods and a philosophical approach. The judicious application of these methods substantiated the reliability of the findings and facilitated the accomplishment of the objectives defined in the article. The investigation of the historical evolution and conceptual foundations of CIMIC employed historical and logical methods. Furthermore, the formal-legal method was instrumental in examining key concepts integral to the article, including CIMIC, civilian control, war, gender policy, and personal security. The authors also resorted to this method to define the fundamental principles of human rights protection as dictated by international law. It was also essential for analyzing the ECtHR rulings and the directives of international organizations on CIMIC.

The examination of CIMIC features within the framework of human rights defense involved a comprehensive application of scientific knowledge methods. The authors used the system method, which implied considering all aspects of research as interconnected components, to synthesize the CIMIC features and their correlation with human rights defense. Meanwhile, the analysis and synthesis method was utilized to analyze theoretical insights, international legal instruments, and court rulings; on this basis, challenges related to the research subject were identified, and viable solutions were suggested. The analytic method facilitated the assessment of facts and the ECtHR rulings on gender policy and thereby established causal relationships between the NATO-Ukraine Annual National Program and the actual compliance with gender policy within the Armed Forces of Ukraine.

The combination of these diverse methods made it possible to create a holistic picture of the development and current state of CIMIC, determine its specificity in the remit of human rights defense, and provide a thorough analysis of ECtHR rulings on multifaceted aspects of the research subject.

2 LITERATURE REVIEW

Titko (2021), a Ukrainian scholar, conducted in-depth research on CIMIC; the scholar delved into the regulatory frameworks governing CIMIC and the features of its structure in leading nations worldwide. This scientific work elucidated the fundamental principles and objectives of CIMIC and put a particular emphasis on communication with civilians. Titko (2021) further highlighted that leadership in developed countries, including NATO, has recognized the necessity of modernizing approaches to the resolution of disputes between political and military circles, resulting in enhanced regulations governing the implementation and functioning of CIMIC.

Kryvenko (2017) studied international and domestic legal instruments and thereby scrutinized the features of CIMIC legal regulation. The Ukrainian scholar determined and established interdependence between specific and general legal principles governing CIMIC. Kryvenko (2017) also underscored the necessity to consider present conditions when examining this research subject. In a separate study, Koropatnik (2016) developed a hypothesis of civil society's involvement in the Armed Forces of Ukraine in the present era of Ukrainian statehood. Drawing from theoretical and methodological foundations, administrative legal documents, national practices, and international experiences, Koropatnik established new, scientifically substantiated positions and recommendations. They are designed to enhance the organizational and administrative-legal framework of cooperation between military and civil circles engaged in national security and the development of democratic relations in Ukraine.

Petrova and Panfilov (2020) examined the theory of gender equality and established its foundational aspects existing in the armed forces. These scholars determined the contemporary challenges in gender policy within military contexts, advocating that everyone should be treated equally no matter their gender, i.e., for the

principle of equality. Their work also encompassed an analysis of gender stereotypes, norms of gender-specific behavior, and issues related to gender identity within contemporary Ukrainian society.

Strebkova (2018), another Ukrainian researcher, also highlighted the principle of gender equality within the domestic context; the researcher explored how this principle is represented and observed in the Ukrainian army and within CIMIC, in particular. Strebkova thoroughly studied the Resolution "Women, Peace, Security" adopted by the UN Security Council and related international documents on gender cooperation in the security sector and concluded on the necessity of training civilian experts equipped to address and execute CIMIC functions. Additionally, Strebkova emphasized the gender dimension in establishing conditions for cooperation between locals and defense forces during various operations, including those led by NATO.

Hrytsai (2018) conducted an extensive analysis of the principle of gender equality, both in a general context and within the specific domain of military service. This research is dedicated to examining the theoretical and practical aspects of mechanisms employed to uphold the principle of gender equality. Hrytsai studies and explains the concept, core attributes, and interconnections of the principle of gender equality. The research methodologies within the gender equality domain are examined, and a particular focus is put on the mechanism responsible for ensuring gender equality. The paper articulates the key components and outlines the legal and institutional elements that constitute the mechanism for sustaining the principle of gender equality within Ukraine (Hrytsai, 2018).

3 CIVIL-MILITARY COOPERATION: THE CONCEPT, FOUNDATIONS, AND INTERRELATION WITH HUMAN RIGHTS

The need to develop civil-military structures in military command authorities of global leader states appeared in the second half of the 20th century. This need is due to numerous armed conflicts in the territories of the countries of Southern and Eastern Europe, which are supposed to be primarily settled by international peacekeeping contingents. Thus, the NATO defense analytic community analyzed the experience of

previous operations and concluded that the use of military force is not the main factor in achieving the goal. The existing threats require the civilian environment to be constantly analyzed and monitored; it is needed to study and forecast the influence of society on the actions of the military forces. This ensures the effective conduct of CIMIC activities with the involvement of international peacekeeping contingents. The issue of CIMIC has always been essential for NATO to make political and strategic decisions (United Nations General Assembly, 1992). However, NATO faced the task of involvement of a civilian component in the conduct of military operations at the end of the 20th century. After the decision to involve NATO in participation in the OSCE and the UN peacekeeping missions was adopted in 1992, on-military participants began to be involved in peace support operations. The concept of CIMIC has been practically implemented since the end of 1995, which is associated with the deployment of NATO activities to execute the Dayton agreements (settlement of the disputes in Bosnia and Herzegovina) (General Assembly Security Council, 1995).

In this aspect, it is necessary to consider the concept of war and the civil element accordingly. For example, Karl von Clausewitz, a German officer and a military theorist of the 19th century, wrote, "War is an act of violence to compel our enemy to do our will" (NATO Standardization Office, 2015). The officer also noted, "War is an integral part of competition due to the same struggle of human interests and actions" (NATO Standardization Office, 2014). In addition, K. von Clausewitz believed that the primary aim of waging war lay in politics and noted, "When war springs from some political purpose, the last serves as an extent to which the aim must be achieved and for the amount of necessary effort" (NATO Standardization Office, 2010). Such a comprehension of the concept of war leads to the conclusion that war is a straight consequence of politics since any military operation conducted in even civilized countries is rooted deep in politics and is provoked by political motives (Titko, 2021).

The mechanisms of cooperation between the military servants and society constitute a complex system encompassing various interconnected elements. This system serves multiple crucial social functions in their cooperation, including communication, control, the exchange of social aid, and the regulation of social mobility. The nature of the military's engagement with society, as observed in

contemporary Ukraine, reflects a process of profound social transformation occurring in tandem with efforts toward self-reform. The main functions of CIMIC of the Armed Forces of Ukraine and NATO are almost identical since the Ukrainian structure was created based on the experience and developments of member states of NATO with adaptation to our realities. Ukraine currently has well-defined doctrines and directions for activities.

The primary CIMIC objective in Ukraine is the physical protection of civilians in the context of studying their locations. After all, hostilities forced some part of the population to leave their homes and evacuate to the peaceful territory of Ukraine, some moved to the occupied territories, and the rest remained to live on the line of demarcation. Therefore, when military troop commanders organize firing systems, they should consider the above in order to prevent civilians from being under the backfire of the enemy. In such a way, the lives and health of the civilian population can be saved.

Another significant task is the interaction between military servants and the local population. However, propaganda is a frequent phenomenon in the territories under hostilities, and its aim is to bring discredit to the Armed Forces of Ukraine. It complicates civil-military cooperation and undermines the confidence of the local population in Ukrainian military servants. In the situation of propaganda, denunciations or identification of places of deployment of Ukrainian military force are becoming more frequent. Military servants note that words and explanations rarely lead to positive changes or compromise. The only things that help in such situations are the real deeds of military servants and the feats performed “in blood.” Therefore, it is essential to establish communication with the local population and study their moods in order to prevent the obstruction of the actions of troops, blocking military convoys on movement routes, places of deployment, and areas of operations, or restricting their freedom of movement.

An equally important task of CIMIC in Ukraine is also to solve the problems of restoring infrastructure, water and electricity supply, and the delivery of humanitarian aid under hostilities. Since the listed problems require a lot of effort and resources to be solved, CIMIC actively cooperates with local authorities, international organizations,

and public associations. Examining the historical dynamics of the relationship between military servants and society, it is evident that civilians have consistently held their nation's armed forces in high regard. For instance, military service was regarded as an esteemed and prestigious engagement in ancient Rome. Rousseau denoted that the ethos of Roman society was characterized by a profound sense of camaraderie among its citizens, a deep respect for the Roman name, and a valiant spirit that accompanied those who had the honor of bearing it (United Nations General Assembly, 1970).

However, there were instances in history where the military was estranged from society, leading to military-led regimes that often impeded a country's progress. A striking illustration of this phenomenon is the experience of Latin American countries during the 19th and 20th centuries. Many of these countries witnessed a proliferation of military dictatorships over this period caused by the breaking of the bond between society and the armed forces, wherein the military began to be perceived as a political force. When asked about the political forces he relied on, Augusto Pinochet, who assumed leadership in Chile, responded, "I feel reliance in three political forces - land, navy, and air force" (Centre interarmées de concepts..., 2012). Theorists agree that the armed forces constitute one of the vital domains where the interface between society and the state is most pronounced. It is worth noting that the orientation of a country's military policy, whether punishing, destructive, peacekeeping, liberating, or defensive, does not always align with the subjective perception of the military and its objective role within the state.

One of the pressing concerns within society revolves around the relations between civilian institutions and the armed forces. Throughout history, there were thoughts that the armed forces organization, primarily established to protect the society and state, might be exploited for illegitimate power seizures, a development decidedly detrimental to the state's and society's well-being. This apprehension has instigated the imperative concept of civil control, which serves as a cornerstone for civil-military relations. It has sparked an interest in such a concept as CIMIC. The authors of this article argue this concept differs from military relations since the main element of the first is civil control over law enforcement bodies. This distinctive feature significantly contributes to the establishment of a stable political regime within a country.

It is essential to highlight Huntington's contributions, the renowned American political scientist, who extensively examined civil-military relations and authored the influential work titled "The Soldier and the State: The Theory and Politics of Civil-Military Relations." This work appeared during the height of the Cold War and introduced the concept of unifying civil and military institutions. Although Huntington's work has encountered its share of critiques and disputes, it presently stands as one of the seminal conceptual pieces concerning civil-military relations. Huntington formulated the theory on civil-military relations through a process of comparative analysis, drawing from military history and theory, and a comparative exploration of civil and military relations across various countries, including the United States, the United Kingdom, France, Germany, and Japan (Huntington, 1957).

The model developed by Huntington was based on the idea of professionalism of commissioned officer corps, defined through experience, responsibility, and corporatism. As a result, the scientist suggested a system to strike a balance between the competence of military servants and the political supremacy of civilians; the scientist defined this system by the concept of "objective control." Huntington recommended that the civilian leadership granted the professional military tactical and operational autonomy in exchange for their complete and unconditional subordination to civilian control in matters of policy and "grand strategy." Even though this system has not always been confirmed in practice, it has shaped the perception of the American (and the entire Western) strategic community regarding the oversight of "soldiers" by civilian authorities for half a century. When the principles of this system were observed, it led to reasonable political decisions and a balanced relationship between civilians and military servants (N'Diaye, 2002).

Objective control can be considered a reliable means against the politicization of the armed forces. Professional soldiers rose through the ranks as they improved their professional skills. In this regard, soldiers strove to isolate their professional activities from external influences and politics. However, Huntington (1957) also believes subjective civil control implies the oversight of the military forces by one or several civil entities. The most straightforward manifestation of subjective control involves increasing civil authority, i.e., a particular social group holds a strong

influence. The comprehensive notion of civil control aligns with the distinct vested interests of one or several civil groups. Consequently, subjective civilian control denotes power dynamics among these specific civil groups. This form of civil control can be exclusively viable when a professional officer corps is nonexistent (Titko, 2021). Huntington stated that both forms of civilian control had the same purpose, which involved strengthening civilian power over military structures and minimizing the military influence on politics. However, the methods of achieving these purposes are radically different for subjective and objective civil control.

It is also possible to determine the main principles of civil-military relations based on the research by Huntington. Thus, functional and social principles can be determined; the functional imperative comes from threats to public security, and the social one reflects the social structure, ideology, and bodies with a dominant position in the political system. The interaction between these two imperatives that interpret the functioning of the armed forces is the theoretical basis of the subject of civil-military relations.

The work by Huntington was published a decade ago, but the situation in the world has not changed fundamentally. Particularly noteworthy is the assertion uttered by Carl Bildt, who served as the head of the UN Mission in Bosnia and Herzegovina in 1996, that achieving peace through peacekeeping operations necessitates the presence of both a civil component and CIMIC (Press Conference by High Representative for..., 1996). Thus, CIMIC primarily aims to facilitate communication with civil institutions to deliver aid to civilians. Furthermore, cooperation between civil institutions, civilians, and military forces should be achieved in conflict areas to gain superior moral, material, and tactical advantages in crisis resolution when facing adversaries (Titko, 2021). The specificity of the structure and mechanisms used by CIMIC contribute to the promotion of peace and stability. Firstly, they enhance the interaction between peacekeeping forces and civilians. Secondly, peacekeeping forces strive to establish an appropriate role in society; they try to shape their public perception as forces for well-being and seek support. Thirdly, their engagement in reconstruction encompassing housing, schools, and infrastructure fosters local

aspirations for improved living conditions. When such tasks are fulfilled, it greatly decreases people's desire to turn to violence.

Even though a direct interrelation between military servants and civilians is apparent, the issue of the establishment of communication between them is still unresolved. The authors believe the reasons behind this situation are as follows:

- 1) protection of human rights and freedoms within military service is insufficiently comprehended;
- 2) the essence of military service is not understood as service in the interest of humanity but state;
- 3) political circles are incapable and unwilling to forge consensus;
- 4) the priorities are not set, and the emphasis is not placed on human rights protection;
- 5) civil and military spheres are not differentiated;
- 6) there are insufficient control mechanisms for adherence to rules of warfare and the enforcement of punitive measures for their violations;
- 7) military servants are undereducated in the realms of international humanitarian law and human rights and freedoms.

4 THE CONCEPT OF HUMAN SECURITY WITHIN MILITARY SERVICE

The examination of security within its historical context reveals that public security developed from the inherent necessity of people to safeguard themselves against external dangers and threats. The concept of security has been developing along with society, and its notion has become broader, transitioning from a mere capacity to defend against external aggression and violence to the mitigation of multifaceted threats to individuals, society, and the state. Consequently, national and international security should be inseparable from human rights in case of military aggression. In the early 20th century, a novel interpretation of security developed, known as human security. This concept encompasses physical security and personal security, where the second one represents economic and social well-being, the preservation of dignity, and the safeguarding of fundamental human rights and

freedoms. Human security is rooted in the protection against persistent threats, oppression, and sudden disruptive events.

International organizations, particularly the United Nations, the European Union, and the Organization for Security and Co-operation in Europe, shaped the vision of human security. Kofi Annan (2000), the UN Secretary-General, emphasized the centrality of a human. The concept of human security was initially introduced in the UN Secretary-General Boutros-Ghali's 1992 Report VI, which advocated an integrated approach to address the root causes of conflicts, encompassing economic, social, and political dimensions (Titko, 2021). The European Security Strategy adopted by the Council of the European Union (2003) indicated that terrorism, violence, and frozen conflicts destroy human lives, fundamental freedoms, human rights and freedoms, and regional security. Building upon this strategy, the "Doctrine of Human Security for Europe" was adopted in 2004. This document emphasizes the pragmatic actions to protect a person under threat. The concept of human security, in line with EU policy, is built upon the following guiding principles: human rights supremacy, clear political authority, multifaced cooperation, a bottom-up approach, local emphasis, application of legal acts, and the rational use of force. Thus, the above principles provide a basis for ensuring security through the policy of human security (Council of the European Union, 2003).

The OSCE, functioning as a security-oriented institution, was also engaged in shaping the human security concept. However, it did not possess a unified document in this field in contrast to the UN. As recognized, the OSCE operates within the framework of three dimensions, including military-political, economic-environmental, and human. Thus, it is evident that each dimension encompasses human security, and its primary objective is unchallenged human rights protection in Europe. The core idea of the OSCE was proclaimed during the Istanbul Summit in 1999 and emphasized the necessity for a contribution on the OSCE's part in addressing the risks and challenges within its region. The final result of these collective endeavors was to increase human safety and thereby alter their ways of life. Therefore, it is unequivocal that the conventional concept of security underwent revaluation by the global community in the 20th century since there was a need to align it more closely with human welfare. This

transformation led to several key conclusions. It is required to develop novel security approaches, distinct from the traditional ones focused on state security. The human security concept lacks a clear and comprehensive formulation. Novel security approaches should be in addition to and not in lieu of the traditional ones and consider new types of security. Thus, the human factor appeared in international security in response to changes in the global system, transnationalization, increased human engagement in international affairs, and the appearance of new participants in international relations. Consequently, “human security” emerges as a novel security paradigm concentrated on safeguarding human rights, with direct relevance to both national and international security.

Since military force alone cannot address all security challenges, well-managed communication between military servants and civilians is perceived as a necessity and equal partnership. This interaction unfolds along the lines of human-state-human-military forces. The state and the activities of military forces are oriented towards serving humanity, not vice versa (Titko, 2021). The initial establishment and deployment of CIMIC forces occurred in the latter half of the 20th century during the resolution of the Yugoslav conflict. The UN, NATO, EU, OSCE, and other international forces were involved in these operations. During this period, it became evident to these organizations that military force, while important, was not the sole determinant in achieving their objectives. Hence, there was a need to engage non-military actors. Within this context, the civil component acted as a precursor for dialogue with local people and allowed military forces to assess circumstances on all fronts (at national and international levels). It is crucial to emphasize that the civilian component constitutes the focus of protection and can assist in addressing challenges, whether in peacetime or during conflicts.

Such international organizations as UNPROFOR, UNPREDEP, IFOR, SFOR, KFOR, AFOR, and others were involved in addressing the conflict in the Balkans. During this period, CIMIC became an integral component of almost all operations, as it helped to foster collaboration between civilians and military servants. The primary operational objectives of these forces encompassed the support of civilians, aid provision, demining regions that require humanitarian aid and ensuring access to them,

information transmission to commanders regarding the activities of public organizations, reconstruction of civil infrastructure, the establishment of communication with local authorities, handling bills of complaints from civilians on the actions of military servants, and engagement with local humanitarian organizations. These efforts contributed to the formulation of the CIMIC doctrine. It was named the NATO Military Committee Directive and ratified in August 1997. The Doctrine explicitly defined CIMIC as a military operation focused on supporting civilian authorities, the local population, and international organizations to speed up the realization of military objectives. Consequently, this period marked an experimental phase that provided valuable insights, exposed shortcomings, and reaffirmed the necessity for such cooperative forces (Titko, 2021).

5 THE ISSUE OF GENDER IN THE CONTEXT OF THE HUMAN SECURITY CONCEPT

The people's perception of international security during the Cold War predominantly revolved around inter-country wars, military armament, and physical aggression. However, the early twenty-first century brought new significant global security concerns that did not conform to this perception. Various non-governmental armed groups participated in conflicts, and the foremost security concerns encompassed extremist violence, health pandemics, terrorism, natural calamities, cybercrimes, and climate change. Dissatisfaction with conventional, state-centric interpretations of security prompted the development of the human security concept.

This concept served to elucidate the interconnection of various insecurity forms. For instance, climate change that poses a threat to environmental security can entail drought and result in food shortages, posing a threat to health security. The loss of livelihoods for farmers affects economic security. Consequently, climate-induced migrations may lead to tensions within host communities (community safety) and heightened vulnerability to violent crimes (personal safety). These either individual or combined threats can jeopardize national security (Watson, 2020).

It's worth noting that situations of state unrest, including armed conflicts, impact people of different sexes unequally. Hence, the gender issues in these conflicts should be analyzed, and distinct risks for women and men should be identified based on such factors as economic status, social class, disability, ethnicity, religion, race, sexual orientation, age, and other dimensions of diversity. In other words, the intersectional analysis is required in such situations. In view of the above and in the context of this study, it is important to note that when planning humanitarian action, it is necessary to apply an inclusive method for planning the needs of specific social groups, both women and men, including children. All groups of the population suffer during hostilities, albeit in different ways.

In general, children and women represent the vast majority of victims of armed conflict, as they form the majority of refugees and internally displaced persons. Military operations and socio-economic instability in these conditions are accompanied by family breakdown, disintegration of communities, destruction of support systems and health care, and cause tension in society, including in the child environment. Any armed conflict has a particularly acute impact on the lives and development of children, with the detrimental effects becoming obvious over long periods of time. In such cases, women often take over the functions of men. If they remain in the area where active hostilities are taking place, their lives and habitual way of life change and adapt to new realities (Fleser, 2022).

It is possible to trace this phenomenon if a gender analysis within the context of civil war in El Salvador (1979-1992) is conducted. During this period, a substantial number of men either enlisted in the armed forces or fled to evade the imminent threats of genocide and murder. Consequently, many women assumed the role of household heads. This shift engendered an increased involvement of women in civil movements, where they advocated for government intervention in economic issues, redressal of human rights violations, and reforms to rectify laws that discriminated against women. Some women even held combat positions within rebel movements. Thus, the war served as an accelerator for women's empowerment, even though numerous burdens were imposed on their physical and economic well-being. Many women commanders participated in the peace negotiations, but the consequential Chapultepec peace

accords did not explicitly strive for gender equality or address the issues of gender-based discrimination. In contemporary El Salvador, women still suffer from homicide, sexual abuse, and family violence that surpass the levels of violence experienced during the conflict. Notably, the committers are often family members and operate with impunity. These patterns of violence can be seen as a lasting legacy of the conflict (Webster et al., 2019).

The cornerstone of true democracy is efficient civil participation and supervision of all issues related to the security and defense sectors. In 2020, the collaborative initiative between the Ministry of Defense of Ukraine and the OSCE emphasized gender equality in opportunities and rights within the context of military service. This endeavor aligns with the UN Resolution 1325 adopted in 2000, which recognizes that women and men experience conflict distinctively, perceive post-conflict needs differently, and distinguish different contributions to the peace process (United Nations Security Council, 2000). The UN Security Council has further passed several resolutions regarding women and conflict, including the Women, Peace, and Security Agenda. The objectives of this agenda encompass the advocacy of gender equality and the enhancement of women's participation in all facets of conflict prevention, peacekeeping missions, and peacebuilding efforts. It also strives to strengthen women's protection in conflict situations, eradicate sexual violence, and eliminate impunity for such crimes. Additionally, it aims to ensure that international involvement in conflict situations considers the distinct needs of women.

The expertise of international organizations in civil-military cooperation during armed conflicts is substantial, and the efforts of these organizations are often dedicated to gender considerations. Notably, gender equality was incorporated as an objective in the annual NATO Command and Staff Virtual Crisis Management Exercise. The NATO-Ukraine Annual National Program for 2018 devoted a section to the issues of gender equality. Within the context of the NATO-Ukraine partnership, gender perspectives involve establishing an environment conducive to communication between gender advisors, the local population, and armed forces in various operations, including those headed by NATO. Several states, notably Sweden, renowned for its significant strides in achieving gender parity, are willing to participate in training

Ukrainian military personnel to implement standards of gender equality (Strebkova, 2018).

The comprehensive execution of these initiatives holds the potential to expedite progress toward gender equality within the military sector, transforming its prevailing male-dominated culture into a more gender-balanced one. In terms of military affairs, this will empower women to contribute equally with men and enhance overall capabilities and task efficiency. Therefore, the gender issues, if addressed, promise to enhance the effectiveness of the functioning and evolution of the Armed Forces of Ukraine (Vavilova, 2016).

6 THE PROBLEMATIC ASPECTS OF CIMIC THROUGH THE PRISM OF ECTHR RULINGS

When addressing the subject matter of the article, it is crucial to give due consideration to the rulings of the ECtHR, particularly with regard to specific aspects of CIMIC, such as gender-related issues. In this context, the Case of Konstantin Markin v. Russia (European Court of Human Rights, 2012) is illustrative. Thus, the complainant, being a soldier, filed in the complaint to the ECtHR that he was denied the request for childcare leave on the basis of his male gender. The applicant declared that the denial of childcare leave meant gender discrimination, according to Article 14 of the European Convention on Human Rights, 1950 (the Convention) and Article 8 of the Convention (Council of Europe, 1950). It is worth noting that the applicant submitted his complaint to the Constitutional Court of the Russian Federation, referring to the disparity between the norms enshrined in the Law on the Status of Servicemen and the constitutional principle of gender equality. However, the Constitutional Court declined to consider the complaint.

The ECtHR ruled that the state had the prerogative to impose certain restrictions on the rights of military persons in case of a threat to the fighting capacity of the armed forces because the preservation of military integrity must be regulated by the law. However, the Court decided that national authorities cannot apply such regulations to abolish the right of individual members of the armed forces to the enjoyment of their

familial or private life. The ECtHR declared that reasonable justifications are indispensable to rationalize unequal treatment of male and female military persons within the domain of family life, regarding the relations between parents and their offspring (European Court of Human Rights, 2012). Consequently, the ECtHR ruled that it is fundamental to eliminate any gender-based discrimination of military persons' exercise of their basic rights, including the right to parenthood. The Court affirmed that, irrespective of their gender, military persons possess the right to childcare leave to upbringing their child.

The authors consider it expedient to examine the case of *Hanan v. Germany* (European Court of Human Rights, 2021), given the need to define the interplay between civil and military components. This case revolved around an airstrike in Kunduz, a major city in the North of Afghanistan. The order was issued by a German colonel serving in the International Security Assistance Force, headed by NATO. The airstrike was intended to target two fuel tanks, believed to be held by revelers but surrounded by the civil population. The airstrike claimed 91 civilians, two of whom were the applicant's sons, and left 11 civilians wounded. The applicant contended that the German agency that investigated his son's deaths had violated the investigative requirements outlined in Article 2 of the European Convention on Human Rights (ECHR) that relate to the right to life (Council of Europe, 1950).

In compliance with the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (1951), Germany maintains absolute penal jurisdiction over its troops deployed with ISAF for serious offenses. Germany was under an obligation to investigate any capital offenses committed by its troops in compliance with international humanitarian law and domestic legislation. Based on these factors, the Grand Chamber of the ECtHR determined the existence of certain "features" establishing a jurisdictional connection for the purposes of Article 1 of the ECHR, which relates to the procedural obligation to conduct investigations as per Article 2. Consequently, the applicant's claim did not find merit on substantive grounds. The Chamber pointed out that Germany's Federal Constitutional Court had assessed the investigation's effectiveness in response to the applicant's constitutional complaint. It was emphasized that the Federal Constitutional Court had the authority to overturn

the Federal Prosecutor General's decision to terminate the criminal investigation into the colonel. Therefore, the applicant's remedy made it possible to put the investigation's effectiveness into issue.

The admission of the jurisdiction, in this case, holds significant importance, signifying a notable stride in the evolution of international jurisprudence regarding the extraterritorial application of human rights obligations by States, particularly in scenarios where these States operate abroad or deploy troops. However, the applicant invoked jurisdiction solely in the context of the procedural aspect of the right to life, not its substantive dimension, which pertains to the breach of this right. In its concluding remarks, the ECtHR reaffirmed that, apart from jurisdiction, a State does bear an obligation under the Convention to investigate actions resulting in death if international humanitarian law and domestic legislation necessitate such investigations (European Court of Human Rights, 2021).

It is appropriate to refer to the case of *Chigarov and Others v. Armenia* in the context of the given topic. This case concerned the complaints of six Azerbaijani refugees who could not return to their homes and property in the district of Lachin of Azerbaijan, from which they were forced to flee in 1992 during the conflict over Nagorno-Karabakh. The applicants alleged, in particular, that they lost control over all possibilities to use, sell, bequeath, mortgage, develop and enjoy their property in the district of Lachin. The applicants also alleged that they were prevented from returning to the district of Lachin, which constituted a continuing violation of the right to respect for housing and private and family life. In addition, they complained that they did not have effective remedies available to address their complaints.

In this case, the Court confirmed that Armenia exercised effective control over Nagorno-Karabakh and the surrounding territories and thus had jurisdiction over the Lachin region. As regards their complaints, the Court held that there had been a continuing violation of Article 1 (protection of property) of Protocol No. 1 to the Convention, a continuing violation of Article 8 (the right to respect for private and family life) of the Convention, and a continuing violation of Article 13 (the right to an effective remedy) of the Convention. The Court considered, in particular, that the deprivation of the applicants to access their property without any compensation provided was

arbitrary. Even though the peace negotiations continued, it did not relieve the Government of Armenia of its obligation to take other measures of a civilian nature. The Court also noted that specific action on the property, if it were readily available, would have enabled the applicants and others in the same position to recover their property rights and obtain compensation (European Court of Human Rights, 2015a).

The case of *Sargsyan v. Azerbaijan* has a similar subject of action. The case concerned the complaint of an Armenian refugee who was forced to leave his home in the Shahumyan region of Azerbaijan in 1992 during the conflict over Nagorno-Karabakh. The applicant alleged that he was denied the right to return to his village and to access and use his property there. This was the first case for the Court to decide on a complaint against a state that had lost control of part of its territory as a result of war and occupation but, at the same time, was responsible for denying access of displaced persons to their property in the territory under the control of the other side. Since the applicant died after filing an application with the European Court of Human Rights, two of his children applied on his behalf.

In this case, the Court established that the village the applicant had to flee from was located on the disputed territory but still under Azerbaijani jurisdiction. As regards the applicant's complaints, the Court held that there had been a continuing violation of Article 1 (protection of property) of Protocol No. 1 to the Convention, a continuing violation of Article 8 (right to respect for private and family life) of the Convention, and a continuing violation of Article 13 (the right to an effective remedy) of the Convention. The Court held, in particular, that the State had the right to deny access of civilians to the village on security grounds but was obliged to take alternative remedies to secure the applicant's rights when access to his property was denied. Even though the peace negotiations continued, it did not relieve the Government of Azerbaijan of its obligation to take other measures. The Court also noted that specific action on the property, if it were readily available, would have enabled the applicant and others in the same position to recover their property rights and obtain compensation (European Court of Human Rights, 2015b).

It is also necessary to consider the Court's decision in the case of *Al-Saadoon & Mufdhi v. the United Kingdom*. The applicants are two Sunni Muslims from southern

Iraq, former high-ranking Ba'ath Party officials accused of involvement in the murder of two British soldiers shortly after the invasion of Iraq in 2003. The applicants appealed against the British authorities that transferred them to Iraq on 31 December 2008 since they were at real risk of being subjected to an unfair trial and condemned to death by hanging. In its admissibility decision of 30 June 2009, the Court accepted that the United Kingdom authorities had absolute and exclusive control, first by military force and then by law, over the places of detention in which the applicants were held. The Court found that the applicants were under the jurisdiction of the United Kingdom and remained so until they were physically handed over to Iraqi authorities on 31 December 2008.

The Court held there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention and concluded that the transfer of the applicants to detention in Iraq resulted in inhuman treatment. In particular, the Court stated that Iraqi authorities had not provided any mandatory guarantees that there would be no execution of the applicants. Furthermore, the Court found violations of Article 13 (the right to an effective remedy) and Article 34 (the right to individual application) of the Convention as the British Government had failed to comply with the Court's direction not to transfer the applicants to Iraq. Finally, pursuant to Article 46 (binding force and execution of judgments) of the Convention, the Court obliged the British Government to take all possible steps to obtain guarantees from Iraqi authorities that the applicants would not be condemned to the death penalty (European Court of Human Rights, 2010). Thus, the above decisions of the ECtHR show that the Court establishes the obligation of states to respect human and civil rights, regardless of the presence or absence of hostilities, peace negotiations, or the possibility of controlling the territory.

It is worth examining the case of *Varnava and Others v. Turkey*. The applicants were relatives of nine Cypriot citizens who went missing during the military operations in northern Cyprus in July and August 1974 in Turkey. The applicants alleged that their relatives had disappeared after being detained by Turkish military forces in 1974 and that the Turkish authorities had not accounted for them since. The Court held that there had been a continuing violation of Article 2 (the right to life) of the Convention on

account of the failure of the authorities to conduct an effective investigation into the fate of the nine missing persons. The Court also held that there had been a continuing violation of Article 3 (prohibition of torture) of the Convention in respect of the applicants and a continuing violation of Article 5 (the right to liberty and security) of the Convention (European Court of Human Rights, 2009). The authors of this article conclude that the civil-military interaction was not carried out in accordance with all the requirements and rules, which led to the disappearance of people.

7 CONCLUSIONS

Civil-military cooperation (CIMIC) is vital for achieving common interests and objectives through collaboration between civilian and military forces. It plays a crucial role in various contexts, including military missions, crisis situations (both in peacetime and during conflicts), and the protection of civilians. CIMIC involves structured military units working with local executive bodies, governments, and international and non-governmental organizations to create favorable conditions for troop activities, training, and assisting the local population during crises.

Gender mainstreaming in military operations is essential for enhancing fairness and efficiency. Increasing the participation of women in international operations is crucial, requiring efforts to reduce biases, create opportunities for women's career advancement, and ensure equal working conditions. Achieving this involves forming diverse personnel with adequate female representation, promoting a cooperative environment, providing equal work conditions, and enabling access to leadership roles. Integrating a gender perspective into military personnel education and training is also necessary, with support and approval from senior management being vital.

The world experience in gender mainstreaming in the military encompass four levels, namely political, economic, institutional, and social. These levels involve revising defense concepts, implementing gender budgeting, transforming armed forces structurally and technologically, and changing civil society's attitude toward the military. The ECtHR rulings emphasize gender equality protection in armed forces and civil-military cooperation, rejecting discrimination based on gender and advocating for

the integration of international equality standards. However, there are numerous shortcomings that should be eliminated, and the authors of this article suggested the following recommendations:

1) At the strategic level, it is necessary to incorporate gender perspectives and relevant UN Security Council resolutions into operation mandates. These goals should be politically defined and monitored. In order to promote gender policy, it is required to shape recruitment and retention policies and codes of conduct.

2) At the operational level, there is a need to transform strategic political goals into military tasks and operational planning. Planning tasks requires analyzing gender aspects, the working environment, and specificity of forces. Armed forces' structures, powers, recruitment procedures, and education content should consider gender perspectives.

3) At the tactical level, the importance of gender in day-to-day operations should be recognized. The state should understand the unique security needs of the civilian population, considering the differing conditions and contexts experienced by them depending on their gender.

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