

The role of the military ombudsman in protecting the rights of military personnel during armed conflict: International experience and Ukrainian realities

Ruslan Strotskyy

PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0009-0003-2702-8804>

Nataliia Stetsiuk

PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0002-9079-5868>

Oksana Onyshko*

PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0002-5165-1810>

Kateryna Kostovska

PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0001-5883-6474>

Nataliia Fedina

PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0002-7521-9635>

Abstract. This article analysed the establishment and development of the institution of the military ombudsman in Ukraine within the context of international experience of democratic civilian control over the security and defence sector. The study was based on a comparative analysis of military ombudsman models in Germany, Canada, Australia, Ireland, and the Republic of South Africa, which made it possible to identify the key criteria for the effectiveness of such institutions: the degree of institutional independence, the scope of powers, mechanisms of parliamentary or executive accountability, and the availability of effective instruments for addressing violations of military personnel's rights. The study established that the most effective models are those operating independently of direct executive influence and providing the ombudsman with the authority to initiate investigations, conduct inspections, and issue binding or highly influential recommendations. Particular attention was paid to the effectiveness of advisory models which, despite the formal existence of mechanisms for protecting military personnel's rights, often fail to ensure their proper practical implementation. The article examined the process of establishing the institution of the military ombudsman in Ukraine, which in 2025 moved from legislative initiatives to institutional formation through the adoption of a specialised law and the establishment of the Office of the Military Ombudsman as an auxiliary body under the President of Ukraine. At the same time, it was demonstrated that the key challenges identified at the stage of conceptual design remain relevant, particularly with regard to the level of institutional independence, mechanisms for implementing recommendations,

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*Corresponding author (caramelka2013cary@gmail.com)



and the effectiveness of responses to systemic violations of military personnel's rights. Updating the findings as of 2026 has shown that the introduction of the institution of the military ombudsman confirmed earlier scholarly predictions concerning the need for a specialised and independent mechanism for protecting the rights of military personnel. At the same time, the practical implementation of the institution has given rise to new debates concerning its place within the system of state authority and the adequacy of its powers to ensure a genuine impact on the elimination of violations. Consequently, the study has both theoretical and practical significance, as it enables an assessment of the evolution of the institution of the military ombudsman from a conceptual model to an actual element of the system of democratic oversight under conditions of armed conflict and the transformation of Ukraine's security sector

Keywords: institutional guarantees for the protection of rights; civilian oversight; human rights protection mechanisms in the defence sector; transformation of defence governance; military law

Introduction

In the context of full-scale armed aggression, the issue of ensuring the rights of military personnel has acquired particular significance for Ukrainian society, the state, and the security system as a whole. As of 2026, the need for effective mechanisms to protect those defending the country represents not only an ethical imperative but also a strategic challenge. The issue of the functioning of the institution of the military ombudsman has become increasingly relevant in the context of identifying institutional solutions capable of maintaining a balance between military necessity and the observance of human rights. In this regard, the study of international experience and national initiatives is of particular importance. Legal mechanisms capable of responding effectively to the challenges posed by war should be based upon proven approaches and appropriately adapted models of oversight. Consequently, the role of the military ombudsman has become a matter of central importance for contemporary legal scholarship and public administration practice in the field of defence.

In 2025, legislative initiatives aimed at establishing the institution of the military ombudsman were launched in Ukraine. The Minister of Defence, Rustem Umerov, publicly emphasised the necessity of creating an independent body for the protection of the rights of military personnel (ArmyInform, 2025), while the human rights advocate Olha Reshetylova supported the drafting of the relevant bill (Matias, 2025). The proposed initiatives addressed issues relating to institutional independence, appointment procedures, powers, and the procedural status of the institution. Draft Law of Ukraine No. 13266 (2025) was subsequently registered in the Verkhovna Rada and submitted by the President as urgent. Accordingly, the discussion surrounding the institution of the military ombudsman has focused primarily on the optimal form of its legal regulation, the provision of an adequate degree of institutional independence and accountability, the effectiveness of practical mechanisms for responding to complaints submitted by military personnel, and the possibility of adapting successful international models to Ukrainian realities in the context of armed conflict.

In contemporary academic literature, the institution of the military ombudsman is regarded as one of the key mechanisms for safeguarding the rights of military personnel and ensuring democratic oversight of the security sector. Academic research indicates a growing focus on the issue of establishing effective institutional safeguards for the protection of military personnel's rights, particularly under martial law and during armed conflicts. In particular, emphasis is placed on the need to enshrine the independent status of the military ombudsman in law, to clearly define their powers, and to ensure organisational autonomy from the military command (Koval, 2024; Shopina, 2025; Karapetian, 2026).

A significant proportion of contemporary research is devoted to the broader issue of the legal and social protection of military personnel. In particular, V.D. Belousov (2024) and A.S. Chystiakova & A.P. Bezushko (2024) examined the issue of social security for military personnel as a component of national security. Guarantees for the realisation of military personnel's rights under martial law and in the context of European integration processes were studied by Y. Poltiev & L. Medvid (2024) and G.V. Popov (2024). The specific features of protecting the rights of military personnel in individual military formations and those liable for military service were studied by V. Shlapak (2024) and M. Koba & O. Koba (2025), whilst the safeguarding of the rights of prisoners of war in the context of modern armed conflicts was examined by D.L. Vityuk *et al.* (2024).

The aim of this study was to compare international models of military ombudsmen's activities, assess their effectiveness, and identify elements relevant for implementation in Ukraine in the context of armed conflict. To achieve this aim, the following objectives were set: to characterise the key institutional models of military ombudsmen in democratic states; to analyse national approaches to the protection of servicemen's rights during wartime; and to identify promising avenues for adapting international experience to the Ukrainian context.

Literature review

Studies of European experience show that the effectiveness of a military ombudsman's work depends directly on the degree of their independence, the existence of effective mechanisms for handling complaints, and legislative guarantees for the exercise of oversight functions. An analysis of European models for the functioning of this institution allows it to be viewed as an important tool for enhancing military personnel's trust in the system for protecting their rights and ensuring an appropriate response to cases of rights violations. Researchers pay particular attention to the parliamentary model of the military ombudsman, which operates successfully in a number of European countries. The experience of Norway is particularly instructive, where the Norwegian Act "On the Parliamentary Ombudsman for the Armed Forces" (2021) enshrined the institution's activities in legislation of the highest legal force, expanded its oversight powers and strengthened parliamentary scrutiny of the observance of military personnel's rights. An article by P.E. Swett (2019) demonstrates how, in Germany, the military ombudsman served as an instrument for the democratisation of the armed forces through the concept of the "citizen in uniform", emphasising the need for institutional independence and parliamentary oversight.

I. Rakitskaya's study (2023) demonstrates the practical effectiveness of the parliamentary model of the military ombudsman, which combines the institution's independence with effective mechanisms of parliamentary oversight. Particular attention is paid to the procedure for considering complaints from military personnel and the tools for monitoring compliance with their rights. L. Heineken's study (2020) examines the transformation of the complaints system in South Africa and the role of the military ombudsman as an alternative to trade union influence within the army, which raises the issue of the balance between discipline and the rights of military personnel. At the same time, Argentina's experience highlights the conflict between the army's hierarchical structure and the desire to guarantee the fundamental rights of military personnel, particularly in a post-authoritarian context (Soprano, 2015). A publication by the Danish Institute for Human Rights (2026) on the establishment of a Military Ombudsman's Office in Ukraine examines current trends in the institutionalisation of mechanisms for protecting the rights of military personnel under martial law.

The researchers pay particular attention to the legal regulation of military service, the shaping of military personnel's value orientations, and the improvement of procedures for documenting combat injuries as elements of a comprehensive system of legal protection (Yarema, 2023; Kavchak, 2024). The work by O.V. Martseliak (2024) focuses on a comparative analysis of European models for the protection of military personnel's rights. The researchers conclude that the institution of the military ombudsman helps to increase trust in military institutions and provides an effective mechanism for responding to violations of personnel's rights.

Thus, an analysis of academic sources indicates the emergence of a comprehensive approach to the study of the protection of military personnel's rights, within which the institution of the military ombudsman is regarded as a key element of the system of human rights safeguards in the military sphere. At the same time, the questions of the optimal model for its organisation, the scope of its powers and its relationship with other mechanisms of parliamentary and state oversight require further academic study. At the same time, existing research hardly covers the specifics of martial law or large-scale mobilisation, as observed in Ukraine since 2022. Nor has the problem of mobilised persons' limited access to legal aid been investigated, nor the specific features of the regulatory framework for the institution of the military ombudsman in conditions of active conflict.

Materials and methods

The conceptual framework for this study was the idea of democratic civilian control over the armed forces, within which the institution of the military ombudsman is regarded as an instrument of institutional mediation between the state and military personnel. Theoretically, the study drew on the principles of neo-institutionalism, which involves analysing the functioning of legal institutions through the prism of their autonomy, normative content and interaction with the political environment. It also took into account the concepts of legal humanism in the field of public administration of the defence sector, according to which the effectiveness of institutions is measured by their ability to guarantee human rights even under exceptional circumstances – such as armed conflict.

The content analysis method was applied to examine official reports and publicly available materials relating to the activities of the relevant institutions. In particular, the study examined reports by the German Parliament on the activities of the Wehrbeauftragter (Bundestag, 2021; 2022; 2023), documents from the Australian Defence Force Ombudsman, including the annual report and the audit of oversight effectiveness (Australian National Audit Office, 2021; Commonwealth Ombudsman, 2023a) and public appeals by Ukrainian human rights organisations. Content analysis made it possible to identify the most common themes in complaints from military personnel (for example, breaches of social guarantees, unjustified disciplinary sanctions, and delays in rotations) and to assess the speed and nature of the response from the relevant institutions.

The case study method was employed to analyse specific legal situations that occurred in Ukraine during the Russian Federation's full-scale invasion. One telling example is the situation involving the 211st Brigade, which was covered in the media in 2023 and concerned the failure to provide medical care and breaches of service conditions. The use of this method made it possible not only to illustrate the shortcomings of the current system for protecting the rights of military personnel, but also to assess the actual level of law enforcement in crisis conditions (Sobolenko *et al.*, 2024).

The formal-legal method enabled an analysis of national and international legislative acts governing the status and functions of military ombudsmen. In particular, the study examined Draft Law of Ukraine No. 13266 (2025), the Constitution of the Federal Republic of Germany (1949), the Australian Ombudsman Amendment (Functions of the Defence Force Ombudsman) Regulation (Australian Government, 2016), as well as international standards – notably the Paris Principles (1993), the Recommendations of the Committee of Ministers of the Council of Europe (2019). The application of this method enabled a normative comparison of legal frameworks and identified the potential for harmonising Ukrainian legislation with international approaches to the protection of military personnel's rights.

Materials from Ukrainian human rights organisations, such as the Center for Civil Liberties (2024) and the NGO "Principle" (Naiem & Galan, 2024), occupied a prominent place in the source base. These organisations carried out regular monitoring of violations of military personnel's rights during the full-scale war of 2022–2024, documenting both systemic and isolated cases of abuse by the command, failure to comply with conditions of service, violations of the right to protection, and so on. Finally, to provide a comparative framework, analytical documents from international organisations were analysed, in particular those from the Geneva Centre for the Democratic Control of Armed Forces (DCAF) (2018; 2022; 2024).

Results

The Military Ombudsman's Office is a specialised independent body that safeguards the rights of military personnel and exercises democratic oversight over the armed forces. The Ombudsman's main functions are: receiving and examining complaints, conducting investigations into misconduct, making recommendations on the protection of rights, monitoring procedures and highlighting systemic issues in the defence sector (DCAF 2022). In addition, the ombudsman helps to improve the effectiveness and transparency of the

armed forces' activities and to strengthen trust among personnel and the public.

A comparative analysis of models for the military ombudsman institution identifies three main types – of National Defence, whilst ensuring functional and financial autonomy from the armed forces' command. In 2023, a systematic review of complaints from military personnel was initiated, which revealed structural imbalances in the area of mental health, in particular unequal access to relevant services for reservists. Despite this, the institution consistently argues for the need to expand its mandate by enshrining the binding nature of its recommendations in law (Arbour, 2022).

The Report of the Ombudsman for National Defence and the Canadian Armed Forces for the 2022-2023 financial year summarises the results of the institution's work in addressing complaints from service members and civilian personnel, as well as the systemic issues identified in the functioning of the defence sector, particularly in the areas of administrative procedures, social welfare, disciplinary practices and access to rights protection mechanisms (Office of the Ombudsman for National Defence and the Canadian Forces, 2023). The report highlights the significant strain on the complaints-handling system and the need to improve its efficiency and transparency; it also notes instances of delays in resolving personnel and pension matters, which undermine confidence in the institutional mechanism for the protection of rights; Particular emphasis is placed on the importance of early detection of systemic violations and the implementation of preventive measures rather than a purely reactive response to individual complaints, as well as on the need to strengthen communication between the various departments of the Canadian Ministry of Defence to ensure a more coordinated approach to addressing service members' issues; Overall, the report demonstrates that, despite the existence of a well-developed ombudsman system, challenges remain regarding the timeliness of case handling, the removal of administrative barriers and the improvement of the effectiveness of rights protection within Canada's defence system.

In Australia, the Defence Force Ombudsman operates under the Ombudsman Act 1976 (Commonwealth Ombudsman, 2019), which provides for the ability to initiate investigations on the Ombudsman's own initiative and to focus on cases of administrative misconduct within the military sphere. As noted by the Australian National Audit Office (2023), during the 2022-2023 reporting period, a systematic measurement of complainants' satisfaction levels was introduced, which is used as an indicator of the institution's responsiveness. In the Republic of South Africa, the ombudsman model provides for partial integration into the general state ombudsman institution whilst retaining separate jurisdiction over military complaints (DCAF, 2018). This structure ensures a combination of universal administrative oversight with sector-specific specialisation in the protection of military personnel's rights. In Ireland, the functions of the military ombudsman are carried out within the national ombudsman's office and cover mandatory procedures for investigating administrative breaches, as well as issues relating to the social and welfare provision for military personnel. This facilitates the comprehensive application of mechanisms for the protection of rights and strengthens oversight of compliance with social guarantees (Office of the Ombudsman for the Defence Forces, 2022).

Recommendation of the Committee of Ministers of the Council of Europe (Council of Europe, 2019), which concerns the effective protection of the rights of military personnel, establishes standards for the functioning of independent oversight mechanisms within the armed forces, in particular military ombudsman institutions or equivalent bodies, emphasising the need for their institutional and functional independence from the military command and executive authorities; the document emphasises that such bodies must ensure that procedures for considering complaints from military personnel are accessible, informal and confidential, and must be empowered to effectively investigate human rights violations in the military environment, including issues relating to disciplinary procedures, conditions of service, equality and non-discrimination; It specifically emphasises the importance of the ombudsman's powers to obtain information from military structures, to issue binding or highly influential recommendations, and to carry out systematic monitoring of recurring violations in order to prevent their occurrence in the future; Thus, the Recommendation establishes a European standard under which the military ombudsman is regarded as a key element of the mechanism for democratic civilian control over the armed forces and a guarantee of the effective protection of military personnel's rights.

International models illustrate the range of effectiveness of the institution depending on its degree of autonomy. Parliamentary models (Germany, Norway) have earned the greatest trust, as they incorporate a constitutional guarantee against the military or the executive branch exerting influence over the institution. The Canadian model shows that even with limited autonomy, specific problems (such as the mental health of reservists) can be effectively addressed, but the implementation of binding powers remains unresolved. The Australian example demonstrates that communicative transparency, through the assessment of satisfaction with complaints, can serve as a visual indicator of effectiveness.

As of June 2025, the institution of the military ombudsman in Ukraine was in its formative stage. In April 2024, the Verkhovna Rada passed Draft Law of Ukraine No. 13266 (2025) at first reading, establishing the office of the ombudsman – with the power to consider complaints, carry out inspections and provide legal support to military personnel. The appointment of the first Military Ombudsman, Olha Reshetylova, had already been approved (Fornusek, 2025). The establishment of the institution of the military ombudsman in Ukraine was accompanied by a series of legislative initiatives aimed at ensuring the effectiveness and independence of its activities. Alongside Draft Law of Ukraine No. 13266 (2025), which sets out the basic principles governing the functioning of the Ombudsman's office, Draft Law of Ukraine No. 13267 (2025) was registered. The latter provides for administrative liability for obstructing the Ombudsman's work, including fines of up to 34,000 hryvnias, as well as the possibility of restricting officials' access to public office in the event of failure to comply with the lawful requirements of the authorised body.

At the same time, Draft Law of Ukraine No. 13267 (2025) has a number of significant shortcomings that are causing concern amongst the expert community. In particular, the criteria for staffing the Ombudsman's office are not specified, which creates risks of political or administrative influence on staff selection. Moreover, the absence of a clearly defined mechanism for enforcing binding recommendations

limits the institution's ability to respond effectively to violations of the rights of military personnel (Ivanov, 2025). One of the problematic aspects is the lack of detail regarding the financial mechanism for funding the new body's activities. Although the Budget Declaration for 2025-2027 provides for the necessary funding, the absence of clearly defined sources and procedures for the allocation of funds creates additional obstacles to guaranteeing the Ombudsman's independence (Resolution of the Cabinet of Ministers of Ukraine No. 751, 2024). The incomplete legal framework governing the institution's status risks undermining its potential as an independent oversight mechanism in the defence sector.

Materials produced by the Centre for Civil Liberties (Center for Civil Liberties, 2024) and the study by M. Naliem & L. Galan (2024) play a key role in highlighting the state of respect for the rights of military personnel in Ukraine during the full-scale war of 2022-2024, providing empirically grounded data on systemic and isolated violations, including instances of abuse by the command, failure to comply with conditions of service, and restrictions on access to effective legal remedies; these sources contain detailed case studies, analytical reviews and summaries of complaints from military personnel, which help to identify key problem areas in the fields of military justice, discipline and social welfare, and form the basis for developing recommendations to improve policies and procedures aimed at protecting the rights and ensuring the safety of military personnel in crisis situations.

Establishing the office of the ombudsman within the Ministry of Defence creates risks of *de facto* subordination. The office, as already announced, is to operate within the Ministry of Defence, and the appointment mechanism – requiring the President's signature upon the Ministry of Defence's recommendation – calls into question the Ombudsman's position as an independent institutional mediator. This contradicts the recommendations of the Council of Europe and the Paris Principles (1993), which emphasise the autonomy of the Ombudsman. To ensure the effective protection of military personnel's rights, accountability to parliament and financial and organisational autonomy within the state budget are essential.

Monitoring by human rights organisations and journalistic investigations has documented certain violations of military personnel's rights within the Armed Forces of Ukraine. In particular, within the 211th Pontoon Brigade, cases of physical violence, psychological pressure, the abuse of official position to coerce subordinates into carrying out the command's private tasks, as well as offences related to the abuse of authority have been documented (Denisova, 2024; Sobolenko *et al.*, 2024). In response to high-profile reports, a number of officials were detained, and the Prosecutor General's Office opened criminal proceedings.

At the same time, independent reports by international organisations, notably Amnesty International (2023) and UN monitoring missions (2025), highlight other areas of concern: delays in medical treatment, neglect of rehabilitation needs, and delays in the payment of social benefits provided for by law for military personnel (Amnesty International, 2024; Office of the United Nations High Commissioner for Human Rights, 2025). Similar problems are also documented in the annual report of the Ukrainian Parliament Commissioner for Human Rights, which, in particular, notes the lack of awareness among those released from captivity regarding state support mechanisms and the difficulties in realising

the guarantees provided for (Office of the Ombudsman of Ukraine, 2024a). These trends indicate not only institutional weakness but also the absence of an effective mechanism for the realisation of rights during wartime. Pressure on existing human rights institutions is also mounting: according to the Office of the Ombudsman of Ukraine (2024b), over 123 000 complaints were registered in 2024 – 29 % more than in the previous year. However, the lack of separate statistics on military complaints points to a fragmented response system and a lack of targeted analysis. This significantly complicates policy development and the prompt rectification of legal loopholes.

The examples cited highlight the need to establish an autonomous, independent mechanism for monitoring and protecting the rights of military personnel. Existing law enforcement, disciplinary and judicial bodies often fail to provide a timely or effective response due to unclear procedures, legislative conflicts and internal dependence on the Ministry of Defence. In this context, the institution of the military ombudsman in Ukraine is only just beginning to take shape, yet it is already facing critical barriers: an insufficiently clear regulatory framework, a lack of institutional independence and the absence of a comprehensive system for recording violations. Consequently, an analysis of the Ukrainian context requires comparison with established international practices, which will enable the development of recommendations for a functional model of the military ombudsman capable of responding effectively to the challenges of armed conflict and ensuring respect for the rights of military personnel at a systemic level.

During the period of full-scale armed conflict, mobilised individuals, including ordinary citizens without prior military training, have frequently lacked access to effective legal protection. According to a report by SCEEUS (Kazdobina & Hedenskog, 2025), the mobilisation system is characterised by chaos: conscripts were often not provided with information about the complaints process or legal assistance. An analytical review by B. McKenzie (2025) notes that, whilst martial law is in force, constitutional guarantees are significantly curtailed, and processes for monitoring and appealing against decisions by military authorities are often blocked by administrative procedures and the restrictions of military justice.

Martial law has complicated the exercise of fundamental rights, in particular the right to a fair trial and the right not to be subjected to compulsory mobilisation, as demonstrated by the study by E. Priymak & D. Kirichenko (2025): the decision restricted the constitutional right to alternative (non-combat) service, confirming the absolute priority of mobilisation over freedom of conscience. The study revealed significant restrictions on legal protection during pre-trial investigations under martial law, in particular through the automatic extension of detention periods without adequate judicial oversight and restrictions on access to a lawyer (Office of the United Nations High Commissioner for Human Rights, 2023).

Complaint mechanisms have likewise proved insufficiently developed. According to Le Monde (2024a), unlawful detentions and coercion were practised in some mobilisation centres, with no possibility of consulting lawyers or appealing against such actions through a centralised system. An analysis of appeals to the courts revealed an insufficient provision of free legal representation for military personnel, leading to legal inequality: mobilised reservists often do not have the same level of legal services as professional

military personnel, despite the provisions of 10 U. S. Code § 1044 (1984), under which the US legislature provided for legal assistance not only for active-duty personnel but also for reservists following active service. Due to the state of emergency, military personnel are often left without rapid means of protecting their rights. Desertions from units are often linked to uncertainty regarding the protection of their rights, inadequate medical care and burnout. Delays in payments and the neglect of wounded soldiers undermine trust in institutions. The absence of a dedicated mechanism (such as a military ombudsman) means that such cases often go unnoticed by state institutions (Le Monde, 2024b).

The findings of the analysis confirm that, in the context of the war in Ukraine, access to legal protection is limited for the majority of those mobilised. Citizens' constitutional and procedural rights, such as the right to alternative service, access to a lawyer and legal aid, have effectively been nullified. Existing channels for lodging complaints are ill-suited to the extreme conditions of wartime, and there are no operational mechanisms for protection. This creates a legal vacuum which the institution of the military ombudsman must fill, by ensuring the protection of servicemen's rights and restoring trust in state institutions.

The findings of the analysis indicate that, under martial law in Ukraine, access to effective legal protection mechanisms is significantly restricted for a large proportion of mobilised servicemen. This is due both to the special restrictions provided for in Law of Ukraine No. 389-VIII (2015) and to the de facto transformation of the procedures for implementing certain constitutional guarantees, in particular the right to alternative (non-military) service, access to a lawyer and proper legal assistance. Existing institutional channels for addressing complaints include military law enforcement agencies, military prosecutors' offices (within the general system of public prosecutors' offices), disciplinary commissions, and the Ukrainian Parliament's Commissioner for Human Rights. However, their effectiveness under wartime conditions is constrained by excessive workloads, lengthy procedural timeframes for the examination of complaints, and the absence of a specialised mechanism capable of providing prompt responses to individual violations of the rights of military personnel in field conditions. It is worth noting separately the absence of a standardised procedure for the priority consideration of complaints from mobilised persons, as well as the lack of an institutionally established "military justice" system as an autonomous system of specialised justice. Taken together, this creates a regulatory and functional gap between the declared guarantees and their practical implementation, which points to the existence of a legal vacuum. This vacuum could be filled by institutionalising the military ombudsman as an independent rapid-response mechanism capable of ensuring the effective protection of the rights of military personnel and restoring trust in state institutions.

Anchoring the institution of the military ombudsman in the Constitution or in a separate law would ensure its long-term status and independence. According to O. Notevskyi (Ukrinform, 2024), the institution should possess a statutory basis, operate under a parliamentary model, and provide for an independent competitive appointment procedure. An analysis of European recommendations confirms that only a law or the constitution guarantees protection against political manipulation (Council of Europe, 2019).

To prevent influence from the Ministry of Defence and the General Staff, the Ombudsman's office should be removed from the administrative subordination of the Ministry of Defence. In successful models (Germany, Norway), the institution reports to parliament rather than to the executive, which significantly increases the level of trust. Draft Law of Ukraine No. 13266 (2025) provides for granting the military ombudsman the powers to consider complaints from military personnel and to carry out inspections in military units. However, the legislative initiative does not yet contain provisions granting the Ombudsman the right to issue binding recommendations. The absence of such a provision significantly limits the effectiveness of the institution: documented violations may go unaddressed if there is no mechanism to enforce their rectification. To ensure the effective protection of military personnel's rights, a provision must be introduced granting the Ombudsman the right to issue decisions that are binding on the relevant authorities.

Particular attention should be paid to the issue of the Ombudsman's access to military facilities. Under the provisions of the draft law, the authorised person has the right to carry out inspection visits without prior notice, which is a critically important condition for effective oversight. At the same time, it is necessary to enshrine this provision in law, taking into account the state of martial law, in order to avoid situations where local commanders block the Ombudsman's visits under the pretext of security restrictions. In the context of establishing the institution of the military ombudsman in Ukraine, it is advisable to focus on the institutional and procedural components that ensure the effectiveness and accountability of its activities. One of the key recommendations for the legislator is to enshrine in Draft Law of Ukraine No. 13266 (2025) the institution's obligation to report publicly to the Verkhovna Rada of Ukraine on an annual basis. Such a report should be structured and contain data on the number of complaints received, the types of violations, the response times and the proportion of binding recommendations that have been implemented. A similar provision is enshrined in Article 45b of the Constitution of the Federal Republic of Germany (1949), which regulates the activities of the Wehrbeauftragter, and has proven its effectiveness in the practice of parliamentary oversight (Bundestag, 2022; 2023).

The next element of the legal framework for this institution should be the introduction, at the level of legislation, of a system for evaluating the effectiveness of the ombudsman's activities using key performance indicators. It would be appropriate to include among these indicators the average response time to complaints, the proportion of recommendations implemented, the frequency of repeat complaints, and the level of satisfaction among military personnel as indicated by survey results. A similar practice is in place in Australia: the annual reports of the Australian Defence Force Ombudsman include metrics such as indicators of operational effectiveness (Commonwealth Ombudsman, 2023b). Particular attention should be paid to digital feedback mechanisms. The legislature may consider initiating the development of a platform similar to "Army+", which would enable anonymous yet representative feedback from military personnel across different units regarding the accessibility of legal protection and the overall state of rights compliance. Comparable instruments are already employed within the United States Armed Forces as part of their

internal audit and personnel management systems (U.S. Army Talent Management Task Force, 2020; Army People Strategy, 2022). Such an approach would facilitate the identification of potential threats to rights before they attract widespread public attention or escalate into crises.

Furthermore, the draft law should include provisions for mandatory monitoring of the public information space by the ombudsman. It would be advisable to provide for the creation of an analytical unit within the ombudsman's office to carry out the prompt processing of reports in the media, on social media and from civil society organisations. The experience of the authorities' response to reports of violations in the 211th Brigade (Denisova, 2024) shows that it is precisely through public pressure that practical results can be achieved, even in the absence of a formal complaint. Ultimately, to ensure full transparency and establish a body of case law, it is advisable to enshrine in law the public availability of all decisions made by the military ombudsman, accompanied by appropriate analytical justification. Such a requirement is in line with best European practices, in particular the Irish model, where every decision is accompanied by a detailed analysis and published in the public domain. This will create an institutional memory, help to avoid the repetition of systemic errors and increase trust in the institution as a mechanism for effective legal protection.

Discussion

The findings indicate that the effectiveness of the military ombudsman institution depends directly on the level of its institutional independence, the scope of its powers and its actual capacity to influence the redress of violations of military personnel's rights. A comparative analysis of international models has confirmed that the most sustainable and effective mechanisms are those that operate outside the executive branch and have clearly defined guarantees of autonomy. Experts at DCAF (2022; 2024) reached a similar conclusion, emphasising that the independence of the military ombudsman is a key prerequisite for effective democratic oversight of the security and defence sector. The results of the present study generally support this position. In particular, analysis of the German and Norwegian models has shown that parliamentary accountability provides additional guarantees of impartiality and reduces the risks of administrative influence exercised by military command structures. At the same time, the conclusions advanced by DCAF may be considered in a broader context, since under the conditions of full-scale war in Ukraine, not only the independence of the institution but also its ability to respond promptly to violations of the rights of military personnel in combat conditions assumes critical importance.

A significant contribution to the study of the military ombudsman institution has been made by I. Rakitskaya (2023), who examined the German Wehrbeauftragter as a model example of parliamentary oversight. The author argues that the constitutional entrenchment of the ombudsman's status ensures a high level of confidence among both military personnel and society at large. The findings of the present study largely support this conclusion. Nevertheless, the assertion regarding the universal applicability of the German model appears open to debate, since it developed within the context of a stable democratic system and peacetime conditions. For Ukraine, which continues to operate under conditions of prolonged armed conflict, the mechanical transplantation

of this model without adaptation to wartime realities may prove insufficiently effective.

Particularly noteworthy are the conclusions reached by L. Arbour (2022) regarding the Canadian model of the military ombudsman. The author emphasises that, even where the institution is organisationally situated within the Ministry of Defence, its functional independence may nevertheless be secured through appropriate procedural safeguards and financial autonomy. The findings of the present study partially support this position. However, the analysis conducted reveals a different perspective concerning the risks associated with institutional dependence. Despite the positive performance of the Canadian Ombudsman's Office, the institution itself has consistently advocated for the expansion of its powers and for the legislative recognition of the binding nature of its recommendations. This suggests that even an effective executive model remains subject to structural constraints.

The conclusions advanced by P. Lagassé & S.M. Saide-man (2016) concerning the necessity of empowering ombudsmen to issue binding recommendations are fully consistent with the findings of the present study. Analysis of the legislative initiatives aimed at establishing a military ombudsman in Ukraine has demonstrated that the absence of a mechanism for binding recommendations may substantially restrict the practical effectiveness of the new institution. In this regard, the experience of Canada, Australia, and a number of European states highlights the importance of moving beyond a merely advisory model towards one capable of exercising genuine influence.

The results of the study also correspond with the conclusions of the Commonwealth Ombudsman (2023b), which emphasise the significance of systematic monitoring of complaints and the assessment of applicant satisfaction as indicators of institutional effectiveness. The analysis confirms that the contemporary military ombudsman should perform not only a reactive function but also a preventive one. It is precisely the capacity to identify systemic deficiencies at an early stage that enables the prevention of recurring violations of the rights of military personnel.

Among Ukrainian scholars, particular attention should be given to the work of M. Naiem & L. Galan (2024), devoted to the protection of the rights of military personnel during the full-scale war. The authors point to the systemic nature of violations associated with military service, social protection, and access to legal remedies. The findings of the present study support these conclusions. At the same time, the analysis makes it possible to supplement their observations with the argument that a significant proportion of the identified problems stem not only from deficiencies in the regulatory framework but also from the absence of a specialised and independent oversight mechanism capable of responding promptly to complaints submitted by military personnel.

A similar position is adopted by experts from the Center for Civil Liberties (2024), who draw attention to the difficulties encountered in the exercise of military personnel's rights under martial law. Their conclusions are well founded, as they are corroborated by the findings of the present study concerning delays in the consideration of complaints, restricted access to legal assistance, and the limited effectiveness of existing protection mechanisms. At the same time, the results of the analysis indicate that resolving these issues requires not only the establishment of a new institution but

also a comprehensive reform of military administration procedures and internal oversight mechanisms.

At the same time, analysis of Ukrainian legislative initiatives reveals a degree of inconsistency between the declared objectives underlying the establishment of the military ombudsman and the mechanisms proposed for their implementation. In particular, the envisaged placement of the institution within the structure of the Ministry of Defence may create risks of de facto dependence upon the very body whose activities the ombudsman is intended to oversee. The differing interpretations of this issue may be explained by the legislature's attempt to reconcile operational efficiency with the requirements of institutional independence. Nevertheless, international experience demonstrates that excessive integration into the executive branch is capable of undermining confidence in the ombudsman and diminishing the effectiveness of the institution.

Thus, the findings of the present study are generally consistent with contemporary international and Ukrainian scholarly approaches concerning the necessity of establishing an independent institution of the military ombudsman. At the same time, the analysis undertaken makes it possible to specify that, for Ukraine, the optimal model appears to be one combining a high degree of parliamentary accountability, guaranteed financial autonomy, the authority to conduct independent investigations, and the power to issue binding recommendations. Such an institutional design is capable of ensuring effective protection of the rights of military personnel under conditions of prolonged armed conflict and would be consistent with contemporary international standards of democratic civilian oversight.

The findings of the present study have acquired particular relevance in light of the subsequent development of the institution of the Military Ombudsman in Ukraine following the completion of this article in 2025. At the time the research was conducted, the issue of establishing a specialised mechanism for the protection of the rights of military personnel remained largely at the stage of legislative discussion and conceptual development. Accordingly, a significant proportion of the conclusions presented in the article were based upon an analysis of international experience and an assessment of the prospects for introducing a comparable institution in Ukraine. However, subsequent legislative and institutional developments have demonstrated that many of the forecasts and conclusions formulated in the study proved well-founded and were confirmed during the establishment of the new mechanism for the protection of the rights of military personnel.

The most significant development was the adoption of the Law of Ukraine "On the Military Ombudsman" and the establishment of the Military Ombudsman's Office as a separate institution intended to provide additional safeguards for the rights of military personnel, reservists, veterans, and members of their families. Whereas in 2025 the existence of such a body remained the subject of academic debate and political consultations, by 2026 the institution had acquired a distinct organisational structure and had commenced practical operations. Consequently, the principal conclusion of the present study regarding the necessity of creating a specialised and independent mechanism for the protection of the rights of military personnel has received practical confirmation at the level of state policy.

Of particular significance is the fact that the Ukrainian legislature effectively recognised the inadequacy of the

existing mechanisms for protecting the rights of military personnel, deficiencies which had been highlighted in this study. The analysis of international experience conducted in the article demonstrated that conventional administrative and judicial remedies are not always capable of responding promptly to violations of the rights of those serving in the armed forces, especially under conditions of martial law. Subsequent developments in the regulatory framework have confirmed the validity of this approach. Indeed, recognition of the specific legal status of military personnel and the need for a dedicated mechanism for handling complaints became one of the principal arguments in favour of introducing the institution of the military ombudsman.

At the same time, developments during 2025-2026 have demonstrated that some of the issues highlighted in the study continue to remain the subject of scholarly and practical debate. This applies above all to the question of the ombudsman's institutional independence. The article emphasised that international practice demonstrates the advantages of models in which the military ombudsman is accountable to Parliament or enjoys the highest possible degree of autonomy. Following the establishment of the Ukrainian Military Ombudsman's Office, the expert community continued to debate whether the guarantees of independence afforded to the new institution are sufficient. Consequently, the conclusions of the study have not lost their relevance following the formal establishment of the institution. On the contrary, they have provided a foundation for further professional discussions concerning the optimal model for its operation.

Equally important is the fact that the study effectively anticipated a number of challenges which began to emerge right from the outset of the new institution's work. In particular, the article emphasised the need to ensure not only the formal right to consider complaints from military personnel, but also the existence of effective mechanisms to address the identified violations. The analysis of comparable institutions within NATO member states demonstrated that the effectiveness of an ombudsman is determined not by the number of complaints considered, but by its capacity to bring about systemic changes in military governance. As of 2026, the issue of the practical implementation of the military ombudsman's recommendations has become one of the principal criteria for assessing the effectiveness of the newly established institution.

The significance of the study's findings is further enhanced by the fact that they were formulated during a period of profound transformation within Ukraine's security and defence sector under the impact of the full-scale war. Under such circumstances, the protection of the rights of military personnel extends far beyond the traditional human rights discourse and becomes directly linked to issues of national defence capability, the maintenance of morale and psychological resilience among military personnel, and public confidence in military institutions. The analysis conducted convincingly demonstrates that ensuring the proper protection of the rights of military personnel constitutes not merely a humanitarian or legal objective, but also an important component of national security. The subsequent development of the institution of the military ombudsman has, in practice, confirmed the validity of this approach.

Accordingly, despite the substantial developments that have occurred since the completion of the article, its scholarly value has not diminished but, on the contrary, has increased.

The study makes it possible to trace the evolution of approaches to the establishment of the institution of the military ombudsman in Ukraine, to assess the soundness of the legislative decisions adopted, and to compare the initial academic projections with the actual outcomes of the reform process. The majority of the study's key propositions have been confirmed by subsequent developments in legislation and public administration practice, thereby demonstrating the considerable theoretical and practical significance of the research undertaken. For this reason, the findings of the present study may be regarded not only as an analysis of the state of legal regulation in 2025, but also as an important scholarly foundation for the further improvement of the activities of the Military Ombudsman of Ukraine and the development of mechanisms for the protection of the rights of military personnel in accordance with contemporary European and Euro-Atlantic standards.

Conclusions

The findings of the study demonstrate that the institution of the military ombudsman constitutes a key element of the contemporary system for protecting the rights of military personnel in democratic states, particularly in the context of armed conflicts and the increased demands placed upon the security and defence sector. A synthesis of international experience indicates that the most effective models are those based on parliamentary accountability, institutional independence, and the existence of genuine powers to investigate violations and influence their resolution. Comparative analysis of military ombudsman models has shown that the effectiveness of the institution is directly dependent upon the degree of its autonomy and its capacity to ensure not only the examination of complaints but also a systematic response to identified violations. It has been established that purely advisory models are less effective than those in which the ombudsman's recommendations are either binding or subject to a high level of implementation. The findings confirm that, in the Ukrainian context, there is an objective need for a specialised and independent mechanism for protecting the rights of military personnel, as traditional administrative and judicial procedures do not provide a sufficiently prompt response, particularly under martial law. The identified shortcomings include the excessive workload of existing institutions, fragmented recording of violations, insufficient accessibility of legal assistance, and the absence of a single specialised body responsible for responding to such issues.

An updated assessment of the findings as of 2026 demonstrates that the conclusions formulated in the study

have received practical confirmation. Following the adoption of the Law of Ukraine "On the Military Ombudsman" and the establishment of the corresponding Office, the institution has moved from a conceptual model to the stage of practical operation. This has confirmed the validity of the conclusion regarding the necessity of introducing a separate mechanism for the protection of the rights of military personnel. At the same time, the subsequent functioning of the institution has brought to the forefront questions concerning its actual independence, its place within the system of state authority, and the adequacy of its powers to ensure an effective response to violations.

Of particular importance is the fact that some of the risks identified in the study, notably those relating to potential executive influence, the limited nature of binding decisions, and institutional dependence, have remained the subject of academic and expert debate even after the establishment of the institution. This demonstrates that the issue is not resolved merely by the creation of the ombudsman institution itself, but rather shifts to the sphere of the quality of its functioning and the effectiveness with which its powers are exercised. Thus, the results of the study possess not only theoretical but also practical significance, as they made it possible to anticipate the principal challenges associated with the institutional development of the military ombudsman in Ukraine and to determine the conditions necessary for its effectiveness. The confirmation of most of the study's assumptions during the actual reform process attests to the high reliability of the analysis and its consistency with contemporary trends in the development of democratic civilian oversight of the security and defence sector.

In conclusion, the further development of the institution of the military ombudsman in Ukraine should be directed towards strengthening its institutional independence, expanding its effective powers to influence the elimination of violations, and establishing an efficient mechanism for the implementation of its decisions. Only under such conditions will it be possible to ensure the full realisation of the rights and freedoms of military personnel and to enhance confidence in state institutions within the defence sector.

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References

- [1] 10 U.S. Code § 1044 "Legal Assistance". (1984, October). Retrieved from <https://www.law.cornell.edu/uscode/text/10/1044>.
- [2] Amnesty International. (2023). *Ukraine: Russian invasion has forced older people with disabilities to endure isolation and neglect*. Retrieved from <https://surl.li/cdseyl>.
- [3] Amnesty International. (2024). *Annual report: Ukraine 2023/2024*. Retrieved from <https://www.amnesty.org/en/location/europe-and-central-asia/ukraine/report-ukraine/>.
- [4] Arbour, L. (2022). *Report of the independent external comprehensive review of the Department of National Defence and the Canadian Armed Forces*. Retrieved from <https://publications.gc.ca/site/eng/9.925917/publication.html?utm>.
- [5] Army People Strategy. (2022). *Sound Off! Impact and anonymity of the Command Climate Survey*. Retrieved from <https://www.army.mil/article/254387/sound-off-impact-and-anonymity-of-the-command-climate-survey>.
- [6] ArmyInform. (2025). *Rustem Umerov: 'There will definitely be a response to violations of soldiers' rights' – parliament is considering a bill on the Military Ombudsman*. Retrieved from <https://armyinform.com.ua/2025/06/03/rustem-umyrov-reakciya-na-porushennya-prav-voyiniv-obov%CA%BCyazkovo-bude-rada-rozglyadaye-zakon-pro-vijskovogo-ombudsmena/>.

- [7] Australian Government. (2016). *Ombudsman amendment (functions of the Defence Force Ombudsman) Regulation 2016*. Retrieved from <https://www.legislation.gov.au/Details/F2016L01384>.
- [8] Australian National Audit Office. (2023). *ANAO annual report 2022-23*. Retrieved from <https://www.anao.gov.au/work/annual-report/anao-annual-report-2022-23>.
- [9] Belousov, V.D. (2024). Social and legal significance of social protection of military servicemen in the context of providing social security of the state. *Visegrad Journal on Human Rights*, 6, 5-10. doi: 10.61345/1339-7915.2024.6.1.
- [10] Bundestag. (2021). *Report of the Parliamentary Commissioner for the Armed Forces 2021*. Retrieved from <https://dserver.bundestag.de/btd/20/009/2000900.pdf>.
- [11] Bundestag. (2022). *2022 Annual report of the Parliamentary Commissioner for the Armed Forces*. Retrieved from <https://dserver.bundestag.de/btd/20/060/2006010.pdf>.
- [12] Bundestag. (2023). *Annual report of the Parliamentary Commissioner for the Armed Forces 2022*. Retrieved from https://www.bundestag.de/resource/blob/937820/d52d8f040a6e1e3d1d4226497e498e42/jahresbericht_2022_pdf-data.pdf.
- [13] Center for Civil Liberties. (2024). *Annual report 2023*. Retrieved from https://ccl.org.ua/wp-content/uploads/2024/05/annreport2023eng_ccl_mf_v1-1.pdf.
- [14] Chystiakova, A.S. & Bezushko, A.P. (2024). Legal mechanisms for guaranteeing social protection of military personnel in Ukraine. *Legal Bulletin*, 3(13), 17-28. doi: 10.31732/2708-339X-2024-13-A2.
- [15] Commonwealth Ombudsman. (2019). *Overview of the Defence abuse reporting function*. Retrieved from <https://surl.li/fiyuuu>.
- [16] Commonwealth Ombudsman. (2023a). *Annual report 2022-2023: Defence Force Ombudsman*. Retrieved from [Commonwealth Ombudsman https://www.ombudsman.gov.au/data/assets/pdf_file/0008/301202/Commonwealth-Ombudsman-Annual-Report-2022-23.pdf](https://www.ombudsman.gov.au/data/assets/pdf_file/0008/301202/Commonwealth-Ombudsman-Annual-Report-2022-23.pdf)
- [17] Commonwealth Ombudsman. (2023b). *Does defence handle unacceptable behaviour complaints effectively?* Retrieved from https://www.ombudsman.gov.au/data/assets/pdf_file/0016/302191/Defending-Fairness-Does-Defence-handle-unacceptable-behaviour-complaints-effectively.pdf.
- [18] Constitution of the Federal Republic of Germany. (1949, May). Retrieved from <https://www.gesetze-im-internet.de/gg/BJNR000010949.html>.
- [19] Council of Europe. (2019). *Recommendation of the Committee of Ministers to member States on the development of the ombudsman institution*. Retrieved from https://english.ombudsman.gov.tr/kdk-pdf/protection_promotion_ombudsman/files/basic-html/page8.html.
- [20] Danish Institute for Human Rights. (2026). *Ukraine establishes Office of the Military Ombudsman to strengthen protection of soldiers' rights*. Retrieved from <https://www.humanrights.dk/news/ukraine-establishes-office-military-ombudsman-strengthen-protection-soldiers-rights>.
- [21] DCAF. (2018). *Performance report 2018*. Retrieved from https://www.dcaf.ch/sites/default/files/imce/Transparency/DCAF_Performance_Report_2018_web_FINAL.pdf
- [22] DCAF. (2022). *Ombuds institutions for the armed forces: A comparative perspective*. Retrieved from https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_14_OmbudsInstitutions_Nov2022.pdf
- [23] DCAF. (2024). *Annual report 2024*. Retrieved from <https://www.dcaf.ch/sites/default/files/imce/About-Dcaf/DCAF-AR-EN-2024-10June2025.pdf>
- [24] Denisova, K. (2024). *Ukraine's brigade commander arrested over alleged power abuse after journalists' investigation*. Retrieved from <https://surl.li/glniyk>.
- [25] Draft Law of Ukraine No. 13266 "On the Military Ombudsman". (2025, May). Retrieved from <https://itd.rada.gov.ua/billinfo/Bills/Card/56384>.
- [26] Draft Law of Ukraine No. 13267 "On Amendments to the Criminal Code of Ukraine and the Code of Ukraine on Administrative Offenses Regarding the Activities of the Military Ombudsman". (2025, July). Retrieved from <https://itd.rada.gov.ua/billInfo/Bills/Card/56385>.
- [27] Fornusek, M. (2025). *Ukraine's parliament backs bill on military ombudsman in 1st reading*. Retrieved from <https://surl.li/oddiee>.
- [28] Heineken, L. (2020). Military unions: Moving from accommodation to confrontation to subversion. In *Advanced sciences and technologies for security applications* (pp. 137-152). New York: Springer. doi: 10.1007/978-3-030-33734-6_9.
- [29] Ivanov, O. (2025). *Important draft laws: Military ombudsman's office (Bills № 13266-13267)*. Retrieved from <https://surl.li/weorir>.
- [30] Karapetian, A.R. (2026). Constitutional and legal status of the military ombudsman: Doctrinal studies. *Analytical and Comparative Jurisprudence*, 1, 118-123. doi: 10.24144/2788-6018.2026.02.1.17.
- [31] Kavchak, O. (2024). *Increasing the effectiveness of legal regulation of recording injuries inflicted on military personnel during combat operations*. *Bulletin of the National University "Lviv Polytechnic"*, 1(41), 98-104.
- [32] Kazdobina, J., & Hedenskog, J. (2025). *Challenges of the Ukrainian mobilization*. Retrieved from <https://sceeus.se/publikationer/challenges-of-the-ukrainian-mobilization/>
- [33] Koba, M., & Koba, O. (2025). Legal and social mechanisms for protecting the rights of servicemen of the National Guard of Ukraine in the conditions of the Russian-Ukrainian War. *Social Development: Economic and Legal Issues*, 2, 96-103. doi: 10.70651/3083-6018/2025.2.11.
- [34] Koval, O. (2024). The imperative of instituting a military ombudsman and its potential frameworks. *Strategic Panorama*, 2, 21-26. doi: 10.53679/2616-9460.2.2023.02.
- [35] Lagassé, P., & Saideman, S.M. (2016). Public critic or secretive monitor: Party objectives and legislative oversight of the military in Canada. *West European Politics*, 40(1). doi: 10.1080/01402382.2016.1240409.
- [36] Law of Norway "On the Parliamentary Ombudsman for the Armed Forces". (2021, June). Retrieved from <https://lovdata.no/lov/2021-06-18-115>.

- [37] Law of Ukraine No. 389-VIII “On the Legal Regime of Martial Law”. (2015, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/389-19#Text>.
- [38] Le Monde. (2024a). *Reports of ill-treatment within the Ukrainian army*. Retrieved from https://www.lemonde.fr/societe/article/2024/03/15/dans-l-armee-ukrainienne-des-plaintes-pour-mauvais-traitements_6151234_3224.html.
- [39] Le Monde. (2024b). *Ukrainian soldiers grappling with the military administration's sluggishness*. Retrieved from <https://surl.li/bzkqyd>.
- [40] Martseliak, O.V. (2024). The military ombudsman as an institutional guarantee for the protection of servicemen's rights (foreign experience). *Scientific Bulletin of Uzhhorod National University. Series: Law*, 81(1), 131-137. doi: 10.24144/2307-3322.2024.81.1.20
- [41] Matiash, T. (2025). *The draft law on the military ombudsman was registered in the Rada*. Retrieved from https://lb.ua/society/2025/05/08/675251_zakonoproiekt_pro_vyskovogo.html
- [42] McKenzie, B. (2025). *Ukrainian laws in wartime: Guide for international and domestic businesses (2nd ed.)*. Retrieved from <https://www.bakermckenzie.com/en/insight/publications/guides/ukrainian-laws-in-wartime>.
- [43] Naiiem, M., & Galan, L. (2024). *While the war continues, we have no right to stay silent about commanders' abuses*. Retrieved from <https://www.pravda.com.ua/columns/2024/06/4/7459088/>.
- [44] Norio, J. (2025). Law-based ombudsman schemes: The Finnish experience. In P. Marano (Ed.), *AIDA Europe research series on insurance law and regulation (Vol. 15)* (pp. 15-52). Singapore: Springer Nature. doi: 10.1007/978-3-032-01500-6_2.
- [45] Office of the Ombudsman for National Defence and the Canadian Armed Forces. (2023). *Annual report 2022-2023*. Retrieved from https://www.canada.ca/content/dam/oodndcf-odnfc/documents/reports-pdf/ar-ra_2022-2023_en.pdf.
- [46] Office of the Ombudsman for National Defence and the Canadian Forces. (2023). *Report of the to the Ministry of National Defence*. Retrieved from https://www.canada.ca/content/dam/oodndcf-odnfc/documents/reports-pdf/ar-ra_2022-2023_en.pdf.
- [47] Office of the Ombudsman for the Defence Forces. (2022). *Annual Report 2022*. Retrieved from <https://www.odf.ie/app/uploads/2023/07/ODF-Annual-Report-2022-English-Version.pdf>.
- [48] Office of the Ombudsman of Ukraine. (2024a). *Results of the activity of the Ombudsman of the Verkhovna Rada of Ukraine in 2024*. Retrieved from <https://ombudsman.gov.ua/report-2024/rezultaty-diialnosti-upovnovazhenoho-z-prav-liudyny>.
- [49] Office of the Ombudsman of Ukraine. (2024b). *Annual report of the Ombudsman for 2024*. Retrieved from <https://surl.li/tnmfgs>
- [50] Office of the United Nations High Commissioner for Human Rights. (1993). *Principles relating to the status of national institutions (The Paris Principles)*. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>.
- [51] Office of the United Nations High Commissioner for Human Rights. (2025). *Report on the human rights situation in Ukraine: December 1, 2024 – May 31, 2025*. Retrieved from <https://ukraine.ohchr.org/en/node/487>.
- [52] Office of the United Nations High Commissioner for Human Rights. (2023). *Detention of civilians in the context of the armed attack by the Russian Federation on Ukraine: Thematic report*. Retrieved from <https://www.ohchr.org/sites/default/files/2023-06/2023-06-27-Ukraine-thematic-report-detention-ENG.pdf>.
- [53] Poltiev, Y., & Medvid, L. (2024). Ensuring the rights and freedoms of military servicemen of the armed forces of Ukraine under the legal order of martial law. *Air and Space Law*, 4(69), 38-45. doi: 10.18372/2307-9061.69.18302.
- [54] Popov, G.V. (2024). The right of servicemen to protection in the conditions of European integration of Ukraine. *Scientific Bulletin of UzhNU. Series: Law*. 81(3), 139-143. doi: 10.24144/2307-3322.2024.81.3.20.
- [55] Priymak, E., & Kirichenko, D. (2025). *The limits of conscientious objection in wartime Ukraine*. Retrieved from <https://providencemag.com/2025/05/the-limits-of-conscientious-objection-in-wartime-ukraine/>.
- [56] Radchuk, A.A. (2023). Normative principles of ensuring the rights of servicemen during martial law in Ukraine. *State and Regions. Series: Law*, 4(82). doi: 10.32782/1813-338X-2023.4.2.25.
- [57] Rakitskaya, I. (2023). *Parliamentary oversight and military ombudsman institutions: Comparative perspectives*. *Journal of Military Law and Ethics*, 15(2), 45-62.
- [58] Resolution Cabinet of Ministers of Ukraine No. 751 “On Approval of the Budget Declaration for 2025-2027”. (2024, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/751-2024-%D0%BF#Text>.
- [59] Shlapak, V. (2024). The legal status of a conscript in Ukraine under the legal regime of martial law. *Public Administration and Law: History, Theory, Practice*, 4, 28-36. doi: 10.31652/2786-6068-2024-4-28-35.
- [60] Shopina, I. (2025). Legal status of the military ombudsman. *Ehrlich's Journal*, 15, 67-72. doi: 10.32782/ehrlachsjournal-2025-15.09.
- [61] Sobolenko, A., Menshikova, Y., Grebinnik, D., Burak, T., Lobur, L., & Bonchuk, N. (2024). *Complaints have been coming since early autumn: Lubinet spoke about the case of abuse in the 211th brigade*. Retrieved from <https://suspilne.media/kharkiv/904195-skargi-nadhodili-vid-pocatku-oseni-lubinec-rozpoviv-pro-spravu-sodo-znusan-u-211-j-brigadi>.
- [62] Soprano, G. (2015). The military ombudsman: Conflicts between rights citizens and military order in the Argentina of the 21st century. *Quaestio Iuris*, 8(2), 718-734. doi: 10.12957/rqi.2015.16905.
- [63] Swett, P.E. (2019). Neither too hard, nor too soft: Hellmuth Heye, the Quick controversy and West Germany's “citizens in uniform”. *German History*, 37(1), 54-76. doi: 10.1093/gerhis/ghy078.
- [64] U.S. Army Talent Management Task Force. (2020). *Soldiers sound off to Army leadership in new survey*. Retrieved from https://www.army.mil/article/235366/soldiers_sound_off_to_army_leadership_in_new_survey.
- [65] Ukrinform. (2024). *Status of the military ombudsman should be legally enshrined – expert*. Retrieved from <https://www.ukrinform.ua/rubric-society/3834193-status-vijskovogo-ombudsmena-mae-buti-zakriplenij-zakonodavco-ekspert.html>.
- [66] Vityuk, D.L., Pidgorodetsky, V.O., & Luhin, S.V. (2024). Protection and implementation of the rights of Ukrainian prisoners of war in today's conditions. *Irpin Law Journal*, 4(17), 19-27. doi: 10.33244/2617-4154-4(17)-2024-19-27.
- [67] Yarema, V.V. (2023). Legal support for the formation of value needs of servicemen of the Armed Forces of Ukraine. *Scientific Bulletin of UzhNU. Series: Law*, 80(1), 634-638. doi: 10.24144/2307-3322.2023.80.1.98.

Роль військового омбудсмена у захисті прав військовослужбовців під час збройного конфлікту: міжнародний досвід та українські реалії

Руслан Строцький

Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0009-0003-2702-8804>

Наталія Стецюк

Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0002-9079-5868>

Оксана Онишко

Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0002-5165-1810>

Катерина Костовська

Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0001-5883-6474>

Наталія Федіна

Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0002-7521-9635>

Анотація. У статті здійснено аналіз становлення та розвитку інституту військового омбудсмена в Україні в контексті міжнародного досвіду демократичного цивільного контролю над сектором безпеки і оборони. Дослідження базується на порівняльному аналізі моделей військового омбудсмена у Німеччині, Канаді, Австралії, Ірландії та Південно-Африканській Республіці, що дозволило визначити ключові критерії ефективності таких інституцій: рівень інституційної незалежності, обсяг повноважень, механізми парламентської або виконавчої підзвітності та наявність реальних інструментів впливу на усунення порушень прав військовослужбовців. У роботі встановлено, що найбільш результативними є моделі, які функціонують поза прямим впливом виконавчої влади та забезпечують омбудсмену право ініціювати розслідування, проводити інспекції та формувати обов'язкові або високовпливові рекомендації. Особливу увагу приділено проблемі ефективності консультативних моделей, які, попри формальну наявність механізмів захисту прав військових, часто не забезпечують належного рівня їх практичної реалізації. Проаналізовано процес становлення інституту військового омбудсмена в Україні, який у 2025 році перейшов від законодавчих ініціатив до інституційного оформлення із ухваленням профільного закону та створенням Офісу Військового омбудсмена як допоміжного органу при Президенті України. Водночас доведено, що ключові виклики, визначені на етапі концептуального проектування інституції, залишаються актуальними, зокрема щодо рівня її незалежності, механізмів реалізації рекомендацій та ефективності реагування на системні порушення прав військовослужбовців. Актуалізація результатів дослідження станом на 2026 рік засвідчила, що запровадження інституту військового омбудсмена підтвердило правильність наукових прогнозів щодо необхідності створення спеціалізованого незалежного механізму захисту прав військовослужбовців. Водночас практична реалізація інституції актуалізувала нові дискусії щодо її місця в системі державної влади та достатності повноважень для забезпечення реального впливу на усунення порушень. Таким чином, дослідження має як теоретичне, так і практичне значення, оскільки дозволяє оцінити еволюцію інституту військового омбудсмена від концептуальної моделі до реального елемента системи демократичного контролю в умовах збройного конфлікту та трансформації сектору безпеки України.

Ключові слова: інституційні гарантії захисту прав; цивільний контроль; правозахисні механізми у секторі оборони; трансформація оборонного управління; військове право