

Valeriia KLYMENKO

4th year cadet Dnipro State University
of Internal Affairs

Iryna TSAROVA,

Head of Language Training Department,
Dnipro State University of Internal
Affairs,
Doctor of Philology, Professor

LEGAL ASPECTS OF PRISONER-OF-WAR EXCHANGES

The legal framework governing prisoner-of-war exchanges is based on the norms of international humanitarian law, primarily the Geneva Convention (III) on the Treatment of Prisoners of War of August 12, 1949, and its Additional Protocols of 1977 and 2005 [1]. These instruments define the legal status of prisoners of war, the procedures for their detention, and the rights and protections afforded to them until their release or repatriation.

According to Article 4 of the Convention, prisoners of war are individuals who have fallen into the hands of the enemy during an armed conflict and belong to specific categories. In cases of doubt regarding a person's status, they are entitled to the protections of the Convention until a competent tribunal makes a determination.

The 1949 Geneva Convention enshrines the principle of humanity, which directly affects the treatment of prisoners of war. A state party is obliged to comply with the Convention, ensuring proper conditions of detention, access to medical care, and protection from torture and cruel treatment. Part IV of the Convention regulates the procedures for ending captivity, including the repatriation of seriously wounded and ill prisoners of war, as well as general principles for release after the cessation of hostilities. Repatriation occurs without conditions or quotas, unlike prisoner exchanges, which are governed by agreements between states under international humanitarian law. Article 6 of the Convention allows for the conclusion of special agreements regarding exchanges and other matters related to prisoners of war [1].

In Ukraine, the legal and social protection of prisoners of war is regulated by several legislative acts. Key among these are: the Law of Ukraine "On the Social and Legal Protection of Servicemen and Members of Their Families," which guarantees the preservation of pay, social benefits, and medical services for servicemen in captivity; Law No. 6104 of 2022 "On the Social and Legal Protection of Persons Whose Deprivation of Liberty Has Been Established..."; Cabinet of Ministers Resolution No. 168 of February 28, 2022 (as amended) on the procedure and amounts of payments to servicemen and their families during

captivity; and draft laws No. 7290 and No. 7436, which propose different approaches to regulating the exchange of individuals with procedural status (suspects, accused, or convicted of war crimes). The first draft focuses on prohibiting mitigation or exemption from punishment, while the second proposes mechanisms for release for exchange, which may raise concerns regarding compliance with international standards [2].

The legal framework for prisoner exchanges in Ukraine combines international humanitarian law with national legislation and regulations, creating a comprehensive system to protect the rights of prisoners and their families.

In practice, exchanges of prisoners of war in Ukraine are carried out by the Main Intelligence Directorate of the Ministry of Defense and the Security Service of Ukraine. The process is coordinated by the Joint Center for the Search and Release of Prisoners, which compiles information on prisoners of war, missing persons, and the sick. The International Committee of the Red Cross plays a crucial role in monitoring the humane treatment of prisoners and maintaining accurate records.

During exchanges in Ukraine, prisoners of war are not categorized: all defenders are treated equally, and the state works to ensure the return of each individual. At the same time, the aggressor state frequently violates the norms of the Geneva Conventions: it refuses to confirm prisoner status, withholds seriously wounded individuals, women, and non-combatants (such as doctors, chaplains, and musicians), and attempts to manipulate the “exchange pool” by including civilians. This complicates negotiations and turns exchanges into bargaining rather than an equitable process.

The complexity of legally securing prisoner exchanges arises from several interconnected factors. Balancing international obligations with national legislation places significant demands on the state’s legislative and executive mechanisms. Ukraine must comply with the Geneva Conventions and their Additional Protocols while simultaneously considering its national laws regarding the social and legal protection of servicemen and their families. This dual level of regulation requires clear procedures and mechanisms to ensure adherence to international standards while safeguarding national interests and security [3].

Exchanging individuals with procedural status, such as suspects, accused, or convicted of war crimes, creates a conflict between the political necessity of conducting exchanges and Ukraine’s international obligations to uphold accountability for serious violations of humanitarian law. In these cases, a dilemma arises: on one hand, the state must return its servicemen and address the humanitarian aspect of the exchange; on the other hand, it must uphold the principles of justice and international standards concerning war crimes accountability.

Moreover, the actions of the aggressor state significantly complicate the practical implementation of exchange procedures. Frequent violations of international humanitarian law, refusal to recognize prisoner status, withholding of

seriously wounded persons, women, and non-combatants, and manipulations with the so-called “exchange pool” turn what should be a humanitarian process into a cynical bargaining game [3].

The task of the legal framework for exchanges is to develop a clear procedure that distinguishes between combatant prisoners of war and individuals suspected of or convicted of war crimes, ensuring a balance between humanitarian considerations, national security, and Ukraine’s international obligations.

In conclusion, the legal provision for prisoner exchanges represents a complex integration of international norms, national legislation, and practical procedures aimed at protecting the rights of prisoners and their families. At the same time, the effectiveness of these measures depends on cooperation with other states and their adherence to international humanitarian law.

1. Zhenevska Konventsiiia pro povodzhennia z viiskovopolonenymy: *Mizhnarodna Konventsiiia vid 27 lypnia 1929 r. Verkhovna Rada Ukrainy*. URL : https://zakon.rada.gov.ua/laws/show/995_153#Text (data zvernennia: 20.09.2025).

2. Kovalyshena Yu. «Kozhen obmin – tse tsila spetsoperatsiia»: predstavnytsia Koordynatsiinoho shtabu pro povernennia zakhysnykiv z polonu. 2023. *Suspilne Novyny*: vebseit. URL: <https://suspilne.media/472870-kozenobmin-ce-cila-specoperacia-predstavnicia-koordinacijnogo-stabu-propovernenna-zahisnykiv-z-polonu/> (data zvernennia: 20.09.2025).

3. Krapyvin Ye., Pashkovskyi M. Obmin viiskovopolonenykh i kryminalnyi protses: yak unykuty bezkarnosti? (analiz zakonodavchykh initsiatyv). 2022. URL: <https://justtalk.com.ua/post/obmin-viiskovopolonenih-i-kriminalnij-protses-yak-uniknuti-bezkarnosti-analiz-zakonodavchih-initsiativ> (data zvernennia: 20.09.2025).

Maksym LESHCHENKO

cadet of Dnipro State

University of Internal Affairs

Scientific Supervisor:

Eleonora SKYBA

professor of the Department of Language
Training, Dnipro State

University of Internal Affairs

GENDER IDENTITY AND GENDER EQUALITY: SOCIO-LEGAL AND LANGUAGE ASPECTS

In the modern world, the problem of gender identity and gender equality takes one of the key places in the human rights system. This is due to the fact that gender relations cover almost all spheres of life - from private relationships and languages specific to global politics. Awareness of gender as a social category allows us to consider it not only through the prism of biological differences, but primarily as a result of the interaction of culture, social institutions, upbringing, traditions and social