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**S. Dobrovolskyi**

## THE EXPERIENCE OF THE EUROPEAN UNION COUNTRIES AND THE USA IN PROVIDING SOCIAL AND LEGAL PROTECTION OF MILITARY PERSONNEL

*The article analyses scientific, legislative and empirical materials on the scope and significance of international experience in the context of providing social protection for military personnel.*

*It is emphasized that the implementation of the state policy of social protection of servicemen and their families is extremely important and requires close attention of the authorities and society. The experience of the European Union and the United States in ensuring military personnel's social and legal protection in accordance with the legislation of these countries is considered in detail. In addition, the author emphasizes a number of additional programs aimed at supporting servicemen and their families, as well as social guarantees.*

*At the same time, the author focuses on the organizational and legal framework for guaranteeing social and legal protection of military personnel, and compares social and legal protection of servicemen and women in different countries. A number of general principles of social and legal protection of military personnel applicable in all EU countries are considered. The importance of guaranteeing social and legal protection of military personnel is determined. It is emphasized that after Ukraine gained the status of an EU candidate, in the conditions of repulsing the armed aggression of the Russian Federation, the issue of decent social protection of servicemen and implementation of EU and NATO standards is important.*

**Keywords:** social protection, legal protection, ensuring the rights of military personnel.

**Statement of the problem.** Currently, the issue of social security of military personnel of the Armed Forces of Ukraine (AFU) is quite relevant. The Constitution of Ukraine defines the right to social security for servicemen and their families [1]. These rights are also enshrined in the Universal Declaration of Human Rights [2] and the European Social Charter [3]. Considering the long experience of warfare and the large number of war veterans and military personnel, it is extremely important to study international experience and improve social protection mechanisms in Ukraine.

**Analysis of recent research and publications.** The experience of the European Union (EU) and the United States in providing social and legal protection to servicemen was considered by L. Mazurenko [4], Y. Norchuk [5], O. Kondratenko [8], S. Romantsova [9], O. Moskalenko [10], O. Yaroshenko [11] and other scholars. The researchers focused on the main aspects of the universal and regional systems, avoiding excessive detail, and showed them as mechanisms that dynamically adapt to new challenges. The issue of a

comprehensive study of the international experience in providing social protection of servicemen by the state remains unresolved.

**The purpose of the article** is to analyse the experience of other countries in ensuring social and legal protection of military personnel and their families.

**Summary of the main material.** Social and legal protection of military personnel is one of the most important aspects of ensuring their readiness to perform military duties. EU countries and the United States have considerable experience in providing social and legal protection for military personnel. This experience is based on the principles of a democratic society, human rights and social justice.

Let's take a closer look at the experience of EU countries. In the EU, social and legal protection of military personnel is regulated by national legislation. However, there is a number of general principles that apply in all EU countries. Here are some of them.

1. Equality of rights and duties of military personnel. Regardless of nationality, race, gender, religion, etc., all military personnel have equal rights and duties.

2. Social protection of military personnel. Military personnel and their families are entitled to social protection that ensures them a decent standard of living.

3. Legal protection of military personnel. Military personnel are entitled to legal protection that guarantees their rights and freedoms.

In most EU countries, there is a single law that defines the rights and obligations of military personnel. This law usually provides the following guarantees:

- remuneration and social benefits that meet the standards set for civilians;
- the right to medical care and social security;
- the right to education and professional training;
- the right to rest and leisure;
- the right to protection from discrimination and human rights violations.

Regarding the social protection of military personnel, its main elements are as follows:

Housing provision. Military personnel have the right to receive housing or compensation for its rental.

Medical care provision. Military personnel have the right to free medical care, including treatment in both public and private medical institutions.

Education provision. Military personnel and their families have the right to free education in public and private educational institutions.

Pension provision. Military personnel have the right to receive a pension after being discharged from service.

Here are the main elements of legal protection for military personnel:

Protection from discrimination. Military personnel have the right to protection from discrimination based on race, gender, religion, nationality, etc.

Protection from threats to life and health. Military personnel have the right to protection from threats to their life and health both during and outside of their service duties.

Protection from unfair dismissal. Military personnel have the right to protection from unfair dismissal from service.

Let's consider the experience of the United States. In this country, the social and legal protection of military personnel is regulated by the Uniformed Services Employment and

Reemployment Rights Act (USERRA) [6]. This law guarantees a number of rights and benefits for military personnel and their families, including the following:

Housing provision. Military personnel have the right to receive housing or compensation for its rental.

Medical care provision. Military personnel have the right to free medical care, including treatment in both public and private medical institutions.

Education provision. Military personnel and their families have the right to free education in public and private educational institutions.

Pension provision. Military personnel have the right to receive a pension after being discharged from service.

Additional guarantees of social and legal protection for military personnel in the United States are regulated by the National Defense Authorization Act (NDAA) [7]. This law provides for the following guarantees:

- Payment and social benefits, including monetary allowances, medical insurance, housing, and food;
- The right to medical care and social security;
- The right to education and professional training;
- The right to rest and leisure;
- The right to protection from discrimination and human rights violations.

Additionally, in the United States, there are several supplementary programs aimed at supporting military personnel and their families. These programs include:

- The Veterans Affairs program, which provides medical care, social security, and other services to veterans of military conflicts;
- The Military Family Support program, which offers support to the families of military personnel who are separated;
- The Transition Assistance Program, which helps military personnel prepare for the transition to civilian life [6].

The social and legal protection of military personnel in the European Union countries and the United States has some common features. Notably, in all these countries, military personnel are entitled to pensions, medical care, education, and housing. The social protection of military personnel in the EU and the US encompasses a wide range of measures.

Pensions and social benefits. Military personnel who have served the required term are entitled to a pension. Additionally, they may receive other social

benefits such as unemployment assistance, disability benefits, child allowances, and more.

Medical care. Military personnel are entitled to free medical care, including treatment in military hospitals and clinics.

Education. Military personnel and their families have the right to free education in military educational institutions.

Housing. Military personnel have the right to housing provided to them free of charge or at a reduced price.

Legal protection for military personnel in EU countries and the US encompasses a wide range of measures.

Protection from discrimination. Military personnel have the right to equal protection from discrimination based on race, gender, religion, sexual orientation, etc.

Protection from persecution. Military personnel have the right to protection from persecution for their political or religious activities.

Protection from punishment for actions carried out in the line of duty. Military personnel have the right to protection from punishment for actions carried out in the line of duty, even if these actions contradict the laws of peacetime.

However, there is also a number of differences. For example, in the EU, military pensions are usually paid in the form of a life annuity, while in the US they are paid as a lump sum.

As for medical care, in the EU, servicemen and their families are entitled to free medical care in public healthcare facilities, while in the US, they are entitled to free medical care in military hospitals.

Education for servicemen and their families in the EU and the US also has its own peculiarities. In the EU, servicemen and their families have the right to free education in public schools, while in the US, they have the right to free education in military schools.

In terms of housing, in the EU, military personnel are entitled to housing that is provided free of charge or at a reduced price. In the US, servicemen are entitled to such housing if they are stationed outside the US.

In recent years, the EU and the US have seen a trend towards strengthening the social and legal protection of military personnel. This is due to a number of factors, including:

- increased requirements for professional training and physical fitness of military personnel;
- longer duration of military service;
- an increase in the number of servicemen participating in combat operations.

These factors require states to provide military personnel and their families with greater social and legal protection.

In general, the EU and the US provide a high level of social and legal protection for military personnel. This helps to increase the motivation of military personnel to perform their military duties and ensures their social security.

Some specific examples of social and legal guarantees provided to military personnel in the EU and the USA are worth mentioning.

1. In most EU countries, military personnel receive a monthly salary that ranges from 60 % to 100 % of the average salary in the country. In the United States, military personnel receive a monthly allowance ranging from 2,000 to 5,000 US dollars.

2. In all EU countries and the United States, military personnel are entitled to free medical care and social security. In the United States, military personnel and their families are also entitled to free housing, food, and education.

3. In all EU countries and the United States, military personnel have the right to rest and leisure. In the United States, servicemen and women are entitled to 24 days of vacation per year, as well as 15 days of paid sick leave.

4. In all EU countries and the United States, military personnel have the right to protection from discrimination and human rights violations. In the United States, servicemen who are victims of discrimination or human rights violations are entitled to legal aid and compensation for damages.

Of course, there are also differences in the social and legal protection of military personnel in different countries. For example, in some EU countries, servicemen and women are entitled to longer leave than in the United States, and in some EU countries, servicemen and women are entitled to higher military pensions than in the United States.

Despite these differences, the overall level of social and legal protection for military personnel in the EU and the US is high. This helps to increase the motivation of military personnel to perform their military duties and ensures their social security.

## **Conclusions**

Thus, the social and legal protection of military personnel in the EU and the US is one of the most important areas of public policy. This protection ensures a decent life for servicemen and their families, and helps to motivate them to serve.

The main goal in gaining experience is primarily practical activity and the results achieved. The

analysis allows us to conclude that the US and EU government programs aimed at ensuring social protection of war veterans are highly developed. These measures cover all aspects of military personnel's lives. With the outbreak of a full-scale war and an increase in the number of war veterans, there is a need to exchange experience, join international projects to study the standards of the European Union and NATO members and, in general, create a comprehensive national system of social support and assistance to combatants in eastern Ukraine and their families.

The main areas for further research are to find ways of implementing and introducing international experience in the context of social protection of servicemen and their families into the national legislation of Ukraine, as well as to substantiate the need to improve the current system of social protection of servicemen.

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С. В. Добровольський

### **ДОСВІД КРАЇН ЄВРОПЕЙСЬКОГО СОЮЗУ І США ЩОДО ЗАБЕЗПЕЧЕННЯ СОЦІАЛЬНОГО І ПРАВОВОГО ЗАХИСТУ ВІЙСЬКОВОСЛУЖБОВЦІВ**

Здійснено аналіз наукового, законодавчого й емпіричного матеріалів щодо змісту і значення міжнародного досвіду загалом і в контексті питання забезпечення соціальної захищеності військовослужбовців зокрема.

Акцентовано на тому, що проведення державної політики соціального захисту військовослужбовців та членів їхніх сімей є надзвичайно важливим і потребує пильної уваги влади та суспільства. Доволі змістовно розглянуто досвід країн Європейського Союзу і США щодо забезпечення соціального і правового захисту військовослужбовців відповідно до законодавства цих держав. Крім того, наголошено на низці додаткових програм, які спрямовані на підтримку військовослужбовців та їхніх сімей, а також соціальні гарантії (оплата праці і соціальні виплати, а саме грошове утримання, медичне страхування, житло та харчування; право на медичне обслуговування та соціальне забезпечення; право на освіту та професійну підготовку; право на відпочинок та дозвілля; право на захист від дискримінації та порушення прав людини).

Поряд із цим увагу акцентовано на організаційно-правових засадах гарантій соціального і правового захисту військовослужбовців, проведено порівняння соціального і правового захисту військовослужбовців різних країн. Розглянуто низку загальних принципів соціального і правового захисту військовослужбовців, які застосовуються в усіх країнах ЄС. Визначено важливість гарантування соціального і правового захисту військовослужбовців. Наголошено, що після набуття Україною статусу кандидата в члени ЄС, в умовах відсічі збройній агресії РФ важливим є питання гідного соціального захисту військовослужбовців та впровадження стандартів ЄС і НАТО.

**Ключові слова:** соціальний захист, правовий захист, забезпечення прав військовослужбовців.

**Dobrovolskyi Serhii** – Student of the National Defence University of Ukraine  
<https://orcid.org/0000-0002-8851-3606>