Activities of international, medical and humanitarian NGOs in Ukraine under martial law

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Abstract
As a result of Russia’s full-scale military offensive on the territory of Ukraine, numerous international, non-governmental organizations have commenced providing assistance to the population through the implementation of different programs. Such assistance is manifested in various aspects, from humanitarian to financial. This article outlines the experience and legal basis for the operation of several international, non-governmental, medical and humanitarian organizations in Ukraine working under martial law imposed as a result of the war. To the purpose and objectives of the study, the work uses a combination of general and special methods of scholarly knowledge. The article uses the doctrinal provisions of science on the legal framework for the activities of international, medical and humanitarian, non-governmental organizations in Ukraine, as well as statistical data on the activities of public associations during the period of martial law. This study was conducted taking into account the experience of non-governmental organizations in other countries. The authors found that during the legal regime of martial law in Ukraine, international, non-governmental organizations such as Medecins Sans Frontieres, the International Committee of the Red Cross, and Oxfam play a leading role in providing humanitarian and medical assistance to war victims. These organizations play a key role in promoting democracy while helping to mitigate violence and the psychological trauma of war victims. It is the authors’ contention that such assistance furthers democratic governance, helps curb violence, and addresses the psychological trauma occasioned by the war.

Key words: life, health, crimes, criminal offenses, non-governmental organizations.
Introduction

Over the past decades, there have been a consistent increase in the number of international, non-governmental organizations and in their growing authority and influence in modern international, legal relations. Most often, this process is associated with insufficient resources and capabilities of states and international, intergovernmental organizations to deal with humanitarian crises. With the end of the Cold War, a strengthening of democratic processes in the field of domestic and international relations reduced ideological involvement in economic, social, and cultural problems and has become part of the policy of individual states.\(^1\)\(^2\) That is why the activities of NGOs have become a main form of public participation in addressing humanitarian issues.\(^3\) This trend is natural for a democratic state since the very category of "democracy" is translated from Greek as "rule of the people." People's participation in all processes of public life (including political, humanitarian, medical, educational, and legal spheres) is a natural phenomenon that leads to a constant growth in the number of regional, national, and international, non-governmental organizations.

The activities of international, non-governmental organizations are regulated by international law as well as national legislation of the respective state. For example, Article 71 of Chapter X "Economic and Social Council" of the United Nations (UN) Charter states that "The Economic and Social Council may make appropriate arrangements for consultations with non-governmental organizations concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned."\(^4\)\(^5\) Thus, it is a common practice for various UN councils to take into account proposals of international, non-governmental organizations, which is once again a manifestation of the principles of democracy at the international level.

On February 24, 2022, the Russian Federation attacked Ukraine, unleashing a full-scale war accompanied by war crimes and offenses against peace and security, humanity, and international law and order. As a result, a humanitarian crisis has arisen on the territory of Ukraine, which can only be resolved by coordinated actions of several different actors. These actors include international, non-governmental, medical and humanitarian organizations. The activities of such organizations are multidirectional and deserve special attention from the scholarly community.

Since many human rights violations and violence on a large scale are recorded during wartime, the participation of non-governmental international organizations in such situations is more than necessary.\(^6\) Non-governmental organizations are an important institutional component of the human rights protection process, as they operate at the local, regional, national, and international levels.\(^7\) Their activities are aimed not only at addressing immediate needs but also at publicizing problems faced by ordinary civilians. Civil society organizations make proposals to state institutions on how to address problems. For these reasons, a comprehensive study of the activities of international, non-governmental organizations both in Ukraine and abroad is relevant.

Methodological Framework

Many scholars address the peculiarities and legal basis for the functioning of international non-governmental organizations. For example, Lutsyshyn and Zazuliak (2018) examined the role of foreign NGOs in protecting human rights in Ukraine during the Russian-Ukrainian conflict.\(^7\) It highlighted the effective actions of these organizations in raising awareness, addressing violations, and providing assistance to victims in both Ukraine and the occupied territories. Chernyavska (2007) examined the main conceptual approaches and substantiated the methodological basis for the study of world politics in the context of globalization, and accordingly, international NGOs as subjects of world politics in these new
conditions. Tkachenko (2011) focused on exploring and describing the specific characteristics and legal aspects pertaining to international NGOs within the framework of modern, international law, and delved into the unique legal nature, rights, responsibilities, and regulatory frameworks surrounding these organizations in the context of international law. Mack (2008) examined the challenges of non-international, armed conflicts and strategies to promote compliance with humanitarian law, based on the ICRC's field operations and lessons learned. It emphasized the importance of bridging the gap between good intentions and the reality of suffering by influencing the behavior of warring parties and increasing respect for international humanitarian law. Gasser (1998) demonstrated that respecting and promoting international humanitarian law is crucial for limiting the suffering caused by warfare, protecting human values, and fostering a more humane world.

Among the general methods, Corbett and Connors (1999) used dialectical, formal-logical, system-structural, and system-functional methods; each method provided a unique perspective and set of tools for analysis and interpretation. The dialectical method is a philosophical approach that involves examining and understanding phenomena through the recognition and analysis of contradictions, conflicts, and opposing forces; in this study, it emphasized the dynamic and interconnected nature of reality, focusing on the process of change and development. The formal-logical method considers the legal status and functions of international, non-governmental organizations in wartime. The formal-logical method is a method of inquiry based on formal logic and deductive reasoning. It involves the application of logical principles such as deduction, induction, and syllogism to analyze and draw conclusions based on premises and logical relationships between concepts. The systemic-structural and systemic-functional methods are the analytical approaches that aim to understand and explain phenomena by examining their structural elements and their interrelationships within a system. They focus on identifying the components, their organization, and the hierarchical or functional relationships that exist among them, emphasizing the analysis of systems in terms of their functions, purposes, and results, and Fisher (2010) helped to describe the independence of international, medical and humanitarian NGOs, as well as analyzed their internal organization and considered the peculiarities of status through the implementation of their functions. It used the following special methods of scholarly cognition of legal science: comparative legal method and method of legal interpretation. The comparative method is a research approach that involves examining and analyzing similarities and differences between different cases or entities in order to draw conclusions or make generalizations and was used to identify the common and distinctive features between the activities of such public associations as Medecins Sans Frontieres, the International Committee of the Red Cross, and Oxfam. The method of legal interpretation involves analyzing the language, structure, context, and purpose of the legal text to determine its intended meaning and application and was used to interpret the provisions of the law and to reveal the content of concepts, which made it possible to identify some aspects of the legal regulation of the relations under study.

Results and Discussion

International NGOs have been an important part of civil society since their inception and functioning and can play a significant role in conflict resolution. They have considerable experience and the potential to introduce new tools for solving both global and local problems. Since the main goal of NGOs is to achieve lasting peace, members of organizations can be representatives of different sectors of civil society. This contributes to a comprehensive approach to overcoming difficulties in conflict resolution.

Regarding national legislation regulating the activities of international NGOs, it should be noted that according to the Constitution of Ukraine, no one may be forced to join any association of...
citizens or restricted in their rights for belonging or not belonging to political parties or public organizations. All associations of citizens are equal before the law.\textsuperscript{8} More detailed information on the activities of international, non-governmental organizations in Ukraine can be found in the Law of Ukraine of 22.03.2012 No. 4572-VI "On Public Associations." According to the fourth part of Article 2 of this legal action, public organizations of other states and international, non-governmental organizations operate on the territory of Ukraine by this Law and other laws of Ukraine, international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.\textsuperscript{9} Thus, the current legislation of Ukraine creates opportunities for the active work of international, non-governmental organizations (including medical and humanitarian organizations) in the territory of this country.

Given the above, international, non-governmental organizations may exercise the rights provided for in part one of Article 21 of the said legislative act. This provision stipulates that to achieve its goal(s), a public association has the right to 1) freely disseminate information about its tasks, goals, and functions; 2) to apply the procedure established by law to state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, their officials with proposals and applications; 3) to receive by the procedure established by law public information held by state authorities and other public information managers; 4) to participate in the development of draft regulatory legal acts issued by state authorities by the procedure established by law.

Based on the foregoing, it is considered that the listed rights of non-governmental organizations (including international, medical and humanitarian organizations) are not exhaustive and are limited to certain areas of activity that are directly provided for by law. It should also be added that according to part two of Article 21 of the Law of Ukraine "On Public Associations," a public association with the status of a legal entity has the right to:

1) be a party to civil legal relations, acquire property and non-property rights by the law;

2) by the law, to carry out an entrepreneurial activity directly, if it is provided for by the charter of a public association, or through legal entities (companies, enterprises) established by the procedure established by law if such activity corresponds to the purpose (goal) of the public association and contributes to its achievement. Information on the entrepreneurial activity carried out by a public formation shall be entered into the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Formations;

3) establish mass media to achieve its statutory goal(s).

International NGOs are actively involved in medical and humanitarian activities in countries where armed conflicts, disasters, and other emergencies are ongoing. Unfortunately, Ukraine is currently one of these countries. As a result of the full-scale war initiated on February 24, 2022 by the Russian Federation, every day hundreds of thousands of Ukrainian citizens face a humanitarian and medical crisis and are victims of criminal offenses by the Russian military and mercenaries, terrorist groups, and collaborators.

In such circumstances, activities are regulated by several legislative acts. In particular, by Article 11 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12.08.1949, the High Contracting Parties (in this case, the aggressor country—the Russian Federation and Ukraine) may at any time agree to entrust to an organization offering all guarantees of impartiality and efficiency the performance of the duties assigned to the Protecting Powers under the present Convention.\textsuperscript{10} In addition, by Article 3(2) of the Geneva Convention (III) relative to the Treatment of Prisoners of War of 12.08.1949, an impartial humanitarian body, such as the International Committee of the Red Cross (whose activities will be reviewed further), may offer its services to the parties to the conflict to assist wounded and sick soldiers.\textsuperscript{11}

In times of war, it is difficult to overestimate the activities of non-governmental, medical and humanitarian organizations that not only provide the necessary assistance to civilians and wounded
soldiers but also perform several forensic functions. Below, the authors undertake to examine the activities of some of these organizations in more detail.

**Medecins Sans Frontieres**

Since the beginning of the Russian Federation’s full-scale war against Ukraine in February 2022, *Medecins Sans Frontieres* has been one of the first non-governmental, medical, humanitarian organizations to start working in Ukraine. This non-governmental organization was established in Paris by a group of journalists and doctors in 1971. *Medecins Sans Frontieres* (MSF) is designed to help people affected by armed conflicts, various epidemics, and disasters. The organization’s members are mainly doctors, as well as logistics and administrative specialists united and guided by their charter. The main task of the organization is to provide quality medical care. Thus, the members of MSF, risking their lives, are constantly in the heart of conflicts and disasters, assisting victims of natural or man-made disasters.

For example, a person who has suffered damage to his or her health or lost relatives or friends as a result of war crimes or criminal offenses committed against peace, security, humanity, and international law and order (criminal offenses under Parts XIX-XX of the Criminal Code of Ukraine) capable of subsequently choosing a criminally unlawful model of behavior for the sake of revenge (with revenge being either personalized—i.e., directed against a specific individual or legal entity) or abstract (i.e., directed against certain groups of people). In these situations, MSF’s activities can serve as a factor that mitigates such actions. Assisting this category of people inspires faith in others and demonstrates humanism and respect for the individual. Or, as a result of direct or indirect exposure to war, a person may choose to commit criminal offenses against property. Again, the provision of free, professional, medical or humanitarian assistance can meet the relevant minimum needs of a person and prevent antisocial behavior.

According to MSF’s Statute, the organization consists mainly of doctors and healthcare professionals but is open to all other professions that can help achieve its goals. All members are guided by the principles that MSF: 1) regardless of age, gender, religion, race, or political beliefs, helps people in difficulty, victims of natural disasters, man-made disasters, and armed conflicts; 2) is an independent and impartial actor in the name of universal, medical ethics and the right to humanitarian assistance, insisting on unimpeded access to the population and full freedom of action; 3) consists of members who are neutral in their political, religious, and economic views, obliged to respect their professional code of ethics; 4) whose volunteers are aware of all possible risks during the performance of their tasks, and therefore, do not claim any form of remuneration for themselves or their appointees other than that provided by the association.

MSF is actively involved in assisting victims of the war waged by the Russian Federation against Ukraine, responsible for wounded and killed civilians/military personnel, destruction of infrastructure and personal property, and a humanitarian crisis. Under such conditions, it is quite difficult to provide quality and timely medical care. In addition, there is a shortage of doctors and other healthcare professionals. This argument is confirmed by MSF where its official website states that people who remain where hostilities are taking place or under constant rocket attacks from the Russian Federation face lack of food, clean water, medicines, and electricity. Doctors experience a shortage of essential medicines, especially for surgical, trauma, and intensive care units. In addition, there is a need for specialty medicines (e.g., insulin for diabetics, asthma medicines, HIV/AIDS patients, etc.).

According to the statistics provided by the organization, 703 MSF employees are currently working in Ukraine of whom 570 are citizens of Ukraine and 133 are nationals of other countries. At the same time, new staff (surgeons, other doctors, nurses, psychologists, etc.) are joining the above-mentioned employees every day.
MSF has deployed its personnel in multiple cities across distinct regions within Ukraine. Members work both in the logistics centers of Western Ukraine and in the regions and cities where there are active hostilities. Thanks to MSF’s contribution, the lives and destinies of many Ukrainians affected by the Russia-Ukraine war have been saved.

MSF's continues to be active outside of Ukraine, demonstrating resilience and belief in the organization's mission. In August 2021, the Taliban entered the city of Kabul, Afghanistan and initiated a regime change. Horrors took place there and, unfortunately, continue to this day. Many of the wounded, sick, and raped needed and still need medical care. While many people and organizations have left Afghanistan, MSF teams have remained to provide essential medical care, including outpatient care. Volunteers at the Kahdestan clinic provide treatment for various diseases, as well as sexual and reproductive health examinations. After the end of hostilities, the number of casualties began to decrease as hospitals and clinics are gradually returning to work, meaning that there is a slight increase in the supply of medical services.15

International Committee of the Red Cross

In addition to MSF, the International Committee of the Red Cross (ICRC) has launched an active campaign to help civilians and wounded soldiers. The ICRC is an international, non-governmental organization whose mission is:

1. To support and promote the fundamental principles of the International Red Cross and Red Crescent Movement (hereinafter - the Movement): humanity, impartiality, neutrality, independence, voluntariness, unity, and universality.16 Effective assistance to victims of armed conflict is only possible if the above principles are strictly obeyed. For example, disregard for the principles of impartiality and independence will be grounds for not allowing representatives of this organization to enter the territory controlled by one of the warring parties, which, in turn, will lead to the termination of the ICRC’s activities in any meaningful sense.

2. In the event of the establishment or resumption of the activities of a national society that meets the conditions for recognition, to recognize such a society by the provisions of the Statute, as well as to notify other national societies of such recognition. Therefore, the ICRC is authorized to recognize relevant national, non-governmental organizations that intend to operate under the auspices of the Movement. For example, the Ukrainian Red Cross Society (URCS), which operates in Ukraine, was recognized by the ICRC in September 1993.17 Therefore, the activities of non-governmental organizations under the auspices of the Movement depend on their recognition (or non-recognition) by the ICRC. This function of the ICRC is very important, as it excludes the possibility of discrediting the Movement in the international arena by unethical organizations or those that do not comply with the basic principles and provisions of international, humanitarian law.

3. By the Geneva Conventions, to carry out its activities in good faith by the rules of international, humanitarian law applicable in armed conflicts, as well as to respond to any complaints based on violations of these rules. As noted above, by the Geneva Conventions, with the consent of the parties involved in the military conflict (in this case, the Russian Federation and Ukraine), ICRC representatives may be admitted to the relevant territory to carry out a humanitarian mission or provide medical assistance. In addition, the staff of this public organization records the facts of violations of international, humanitarian law, which is a deterrent.

4. Since the ICRC is a politically neutral organization whose humanitarian activities are carried out during various types of armed conflicts, as well as during internal confrontation, it must make efforts to ensure the protection and assistance of military and civilians during such events and their direct results.

5. Ensure the operation of the Central Tracing Agency, as provided for by the Geneva Conventions.

6. Promote the training of medical personnel and the preparation of medical equipment in
advance of armed conflicts in cooperation with national societies and authorities, military and civilian medical services at the local level, and other competent authorities. Such measures allow transferring the necessary knowledge and practical skills to the relevant medical professionals that will be needed during the active phase of a military conflict. Increasing the professionalism and awareness of healthcare workers allows them to diagnose relevant diseases and injuries promptly, make quick and correct decisions, respond promptly to changes in the patient's condition, etc.

7. Explain the provisions of international, humanitarian law applicable during armed conflicts, disseminating information, and preparing any developments.

8. To fulfill the tasks and assignments set by the International Conference.

By the Charter, the International Committee of the Red Cross, as a fully independent and politically, economically, and religiously neutral institution, may take any humanitarian initiative and mediate in conflict resolution. And it can consider any issue that requires consideration by such an institution. Thus, the role of the ICRC in providing humanitarian and medical assistance to victims of military conflicts cannot be underestimated. Naturally, this international, non-governmental organization is actively involved in assisting victims of the war waged by the Russian Federation against Ukraine since February 2022. This assistance is multifaceted and covers many aspects in the humanitarian sphere, including education and medicine.

In general, the ICRC has been working in Ukraine since 2014, when Russia started the war in Eastern Ukraine and annexed the Autonomous Republic of Crimea. With the outbreak of a full-scale war in February 2022, the ICRC expanded its activities to the territories directly affected by the hostilities. Today, the NGO's staff works in Lviv, Kamianets-Podilskyi, Vinnytsia, Kyiv, Poltava, Dnipro, Odesa, Sloviansk, Luhansk, and Donetsk. In addition, new offices have been opened in neighboring countries—the Republic of Moldova, Hungary, the Republic of Poland, and Romania.

As in the case of MSF, ICRC not only provides humanitarian and medical assistance during the Russian Federation invasion, but also significantly expanded its activities in Ukraine and neighboring European countries. In the latter case, hundreds of thousands of Ukrainians forced to leave the territory of Ukraine as a result of the military conflict were able to receive professional assistance from the ICRC.

During the war, the ICRC, together with the Ukrainian Red Cross Society and other Red Cross partners, has provided medical care to the population, as well as emergency assistance to the wounded and sick. The organization has also set up a support hotline to help treat psychological wounds sustained during the armed conflict. It also conducts psychosocial support sessions and training on psychosocial support for Ukrainian Red Cross staff and volunteers.

The latter activity is very relevant and significant, as Ukrainians are faced with the consequences of Russian aggression daily, staying amid hostilities, becoming victims of enemy shelling and bombing, and receiving information about the war and crimes committed on the territory of Ukraine by the military and mercenaries of the aggressor state. Such tension can lead to serious health disorders and even become a cause or basis for committing criminal offenses, so such hotlines have a positive impact on protecting the lives and health of citizens, and in some cases, even become a beacon that saves people from rash and sometimes even fatal actions.

The statistics on the ICRC's activities in Ukraine for the period from February 24 to August 2022 are impressive. This public organization, together with the Ukrainian Red Cross Society and other partners, has provided emergency assistance to people living in conflict zones and displaced as a result of armed hostilities. In particular, it provides food for more than 800,000 people, as well as hygiene items, kitchen sets, household appliances, mattresses, blankets, and other essentials for more than 300,000 internally displaced persons. More than 200,000 people received financial assistance to cover immediate expenses. In Moldova, the ICRC, together with the
Red Cross Society of the Republic of Moldova, delivered food and hygiene kits to 5,000 families, and another 600 families received cash assistance in Transnistria. These data suggest that the ICRC is a leader among non-governmental organizations that provide medical and/or humanitarian assistance to victims of the war in Ukraine. The ICRC's activities are a benchmark for a large number of state and international, non-governmental associations.

The ICRC was actively involved in the conflict zones in Afghanistan during the 2000s. During this period, six physical rehabilitation centers were established to help victims. The organization's staff regularly visited detainees held by the Afghan government and international forces, and since 2009, has also had occasional access to people held by the Taliban. In addition to providing direct medical care, they provided basic first aid training and first aid kits. In August 2021, when NATO-led forces withdrew from Afghanistan, the ICRC remained in the country to continue its mission of assisting and protecting victims of the conflict. Since June 2021, more than 40,000 people affected by the armed conflict have been treated in ICRC-supported facilities.

Oxfam

The international NGO, Oxfam, is actively working to provide medical and humanitarian assistance to victims of the war waged by the Russian Federation against Ukraine. This public association was founded by a confederation of independent, non-governmental organizations in 1995. The association has had an effective impact on global poverty and injustice. Today, Oxfam operates in more than 70 countries. Oxfam unites 21 organizations located in Australia, Belgium, Brazil, Canada, Colombia, Denmark, France, Germany, Hong Kong, Hong Kong Special Administrative Region of China, Ireland, India, Italy, Mexico, the Netherlands, New Zealand, South Africa, Spain, Turkey, Turkey, the United Kingdom, and the United States.

With the outbreak of Russia's full-scale war against Ukraine in February 2022, Oxfam launched its humanitarian operations in Ukraine and neighboring democratic states. In particular, the NGO channels financial and technical assistance through more than 20 local partner organizations in Ukraine, the Republic of Moldova, the Republic of Poland, and Romania to help people affected by the war. These activities provide immediate, life-saving assistance and protection daily in a variety of areas: water and sanitation, shelter, food, financing, legal assistance (including the risks of becoming victims of human trafficking and gender-based violence), psychological assistance, and various integration services (such as, language courses or job search support). Overall, the organization has assisted over 719,000 people affected by the war in Ukraine. Based on the above, during the war in Ukraine, Oxfam has been conducting activities that cover the medical, humanitarian, social, and criminological spheres. For example, through local NGOs, Oxfam coordinates financial flows aimed at assisting victims of Russian military aggression, including the provision of medical services and procurement of necessary medicines and equipment and is actively involved in the prevention of criminal offenses through training and lectures that help to deactivate the determinants of crimes and criminal offenses.

In the context of our study, it is worth paying attention to the organization's activities in Iraq. Oxfam Iraq seeks to build resilience in conflict-affected areas of the country by restoring existing basic services and providing long-term interventions in the areas of water, sanitation, and hygiene and to promote emergency food security and reduce vulnerable livelihoods in coordination with local authorities and partners. By leveraging their advocacy expertise, we hope to influence approaches to humanitarian assistance to ensure that the rights of all people affected by the current conflict are promoted and protected. As we can see, the organization's activities are quite diverse and adapted to the needs of the affected population. These areas of activity can significantly reduce the number of victims during the war and neutralize the causes and conditions of criminal offenses, especially against civilians.
Conclusion

Ukraine was attacked by the Russian Federation on February 24, 2022, which resulted in a full-scale war with numerous military and state-sponsored crimes against peace, security, humanity, and international law and order. This led to a humanitarian crisis in the country of Ukraine, which can only be resolved through the joint efforts of various actors. Among these actors are international, non-governmental, medical and humanitarian organizations that assist millions of citizens affected by the war. The work of these organizations has many aspects and requires special attention from the scholarly community.

Since the outbreak of a full-scale war in Ukraine, we can observe a revival of the activities of international, medical and humanitarian, non-governmental organizations focused on assisting the victims of this conflict. The leading role in this area belongs to such public associations as Medecins Sans Frontieres, the International Committee of the Red Cross, and Oxfam. Thanks to these and other organizations, millions of Ukrainians have received timely medical and humanitarian aid. In addition, such work can significantly reduce the crime rate in this country, as it has a positive impact on the dynamics of the spread of criminal offenses.

Common to other similar organizations is that they provide medical assistance in areas affected by conflicts, epidemics and other humanitarian crises. During armed conflicts, the focus is on providing medical assistance to victims of violence and conflict, as well as providing medical services in areas where access to them is limited. They provide medical assistance in emergency situations such as bullet and blast injuries, burns, mental trauma, epidemics, famine, and water shortages. In addition, they also work to prevent disease and provide preventive health care in conflict zones.

Medecins Sans Frontieres, the International Committee of the Red Cross, and Oxfam are engaged in ensuring the protection of the rights and dignity of war victims, as well as providing the necessary assistance and support to these people. They also provide humanitarian aid to victims of armed conflicts: shelter, medical aid, food, water, clothing, and other material goods, as well as psychological support to victims of violence. Cooperation between the government and international organizations helps to provide the necessary assistance and to ensure human rights in conflict zones.

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