

*Symon Serbenyuk** <https://orcid.org/0000-0002-6806-6319>

RETHINKING NEUTRALITY IN HUMANITARIAN ACTION: LEGAL AND PRACTICAL PERSPECTIVES¹

Abstract. For decades, the importance and impact of the principle of neutrality in international humanitarian action has been debated in the context of its mission. Most publicists and scientists agree about the positive aspects of neutrality, as evidenced by the successful activities of the International Committee of the Red Cross for more than a century. However, there are also critics of neutrality. In particular, they argue that neutrality is based on “tolerating crimes in exchange for carrying out humanitarian activities.” The main goals of this article are the following: to show the essence of the concept of “neutrality” in order to identify “stumbling blocks” that lead to a “distortion” of the understanding of the positive impact of neutrality in international humanitarian activities; to review the contribution of the International Committee of the Red Cross in the context of a strictly neutral international non-governmental organization; to present possible ways of diplomatically and legally developing the concept of “neutrality.” In this research, general and special scientific methods of legal cognition are used. Among them we can note the following: the logical (including analysis and synthesis, deduction, and abstraction), structural, and comparative, as well as dogmatic, etc. legal methods.

Keywords: international humanitarian law, neutrality, human rights, International Committee of the Red Cross

* Kharkiv National University of Internal Affairs, simon6@ukr.net

¹ This paper is based on the essay which is the winner of the competition organized by the Delegation of the International Committee of the Red Cross in Ukraine, <https://blogs.icrc.org/ua/2023/10/last-update/6380/>



PONOWNE PRZEMYŚLENIE NEUTRALNOŚCI W DZIAŁANIACH HUMANITARNYCH: PERSPEKTYWY PRAWNE I PRAKTYCZNE

Streszczenie. Od dziesięcioleci trwa debata nad znaczeniem i wpływem zasady neutralności w międzynarodowych działaniach humanitarnych w kontekście ich misji. Większość publicystów i naukowców zgadza się z pozytywnym aspektem neutralności, o czym świadczy udana działalność Międzynarodowego Komitetu Czerwonego Krzyża od ponad wieku. Istnieją jednak również krytycy neutralności. W szczególności twierdzą oni, że neutralność opiera się na „tolerowaniu przestępstw w zamian za prowadzenie działań humanitarnych.” Główne cele niniejszego artykułu są następujące: ukazanie istoty koncepcji „neutralności” w celu zidentyfikowania „przeszkód”, które prowadzą do „zniekształcenia” rozumienia pozytywnego wpływu neutralności w międzynarodowej działalności humanitarnej; dokonanie przeglądu wkładu Międzynarodowego Komitetu Czerwonego Krzyża w kontekście ściśle neutralnej międzynarodowej organizacji pozarządowej; przedstawienie możliwych sposobów dyplomatycznego i prawnego rozwoju koncepcji „neutralności.” W badaniach tych wykorzystywane są ogólne i specjalne metody naukowe poznania prawnego. Wśród nich można wyróżnić: metody logiczne (w tym analizę i syntezę, dedukcję i abstrakcję), strukturalne i porównawcze, a także dogmatyczne itp. metody prawne.

Słowa kluczowe: międzynarodowe prawo humanitarne, neutralność, prawa człowieka, Międzynarodowy Komitet Czerwonego Krzyża

1. INTRODUCTION

International humanitarian action is one of the key factors influencing the protection of human rights in the event of armed conflicts, man-made or environmental accidents, natural disasters, etc., in particular, in the cases when due to certain force majeure circumstances, representatives of public authorities are unable to fully regulate the protection of human rights for people who are or who live in a certain territory within which an emergency is taking place or has taken place. Moreover, “the prophylaxis of human rights violations is a key part of a protective policy of every country. It is implemented by states under great assistance of non-governmental organizations” (Myronets et al. 2019). So, such “international organizations can be considered an additional guarantee for the observance and protection of human and civil rights and freedoms” (Voitsikhovskyi et al. 2022, 305).

Neutrality is one of the principles of international humanitarian action. The observance of this principle by international humanitarian organizations, including situations of armed conflicts, is often criticized by the civilian population. At the same time, international level discussions about the appropriateness of such a principle or the required level of compliance with it, have been going on for decades. Despite the international community’s agreement on the importance of this principle and its indispensability to provide humanitarian assistance to victims, including the cases of armed conflicts, the discussion continues, and

this includes the so-called legal illusion of “tolerating crimes in exchange for carrying out humanitarian activities.”

Let us consider some aspects of the modern understanding of neutrality based on a number of recent publications. In the main part of his article, Slim (1997), considered “current usage of the terms ‘humanity’, ‘neutrality’, ‘impartiality’, and ‘solidarity’, as they are used in the discourse of humanitarian operations.” Really, “neutrality may be a legal status, an attitude to international relations, or a foreign policy dogma in peacetime; in wartime, it is a doctrine that governs all dimensions of foreign relations” (Danspeckgruber 2019). Furthermore:

[T]he traditional rules of neutrality do not find scope of application. Yet, transposed into fundamental principles of humanitarian law, they continue to rule over peace-keeping and humanitarian operations. In addition, they complement the existing rules for military action mandated by the UN Security Council, especially during operations at sea. (Gavouneli 2012, 271)

Positive humanitarian practices based on the principle of neutrality, are noted in a number of papers on the examples of armed conflicts e.g., the Korean War (Turcotte 2022), the Libyan civil war of 2011 (Mačák 2014). Also, within the survey on new works, the following dilemma is interesting: “the law of neutrality, and whether it may be better situated within the *jus ad bellum*, the body of law governing the use of force, or the *jus in bello*, the body of law governing hostilities following the initial use of force” (Clancy 2022, 353). In addition, the negativity of discussions about neutrality and the role of neutrality in the devaluing humanitarian action, was noted by a number of researchers. For example, one can recall the following: “The International Committee of the Red Cross is one of the most widely recognized NGOs operating today. The important role played by the ICRC in developing and monitoring international humanitarian law is often overlooked in the midst of discussions on the controversial issue of neutrality [...]” (Ku, Brum 2003, 73).

In author’s opinion, according to the existing discussions, it is necessary to conduct a summary research with the following goals: to investigate the essence of the concept of “neutrality”; to identify the “cornerstones” in understanding its nature; to characterize the activity of the ICRC, which is the greatest supporter of this principle; to determine the place of neutrality in international humanitarian action; and to formulate further possible ways of developing neutrality in the context of international legal relations and as a legal category. This paper is devoted to these questions.

General and special legal research techniques are used. Let us note the main ones. The logical method (this technique includes analysis and synthesis, deduction, and abstraction) was used in the study of approaches to understanding the main existing concepts, as well as in the formulation of conclusions. The dogmatic method was useful for the analysis of legal norms. The structural method was used to study the role of neutrality in international humanitarian

action. The comparative method was useful for creating an overview of scientific concepts and known discussions.

In this paper, the essence of the legal category “the principle of neutrality” and the relationship of neutrality with other principles of international humanitarian activity, are studied by an analytical overview of scientific publications. Also, attention is given to the activities of the International Committee of the Red Cross, to the importance of neutrality, and to further possible ways of its evolution and scientific investigations.

Finally, let us remark that in the context of this topic, an important issue is defining the boundaries between international humanitarian law, human rights law, and humanitarian activities. However, it should be noted that a number of lawyers have focused their attention on this discussion. Let us consider the most concise interpretations.

Human rights law is a set of international rules, established by treaty or custom, on the basis of which individuals and groups can expect and/or claim certain rights that must be respected and protected by their States. [...] Both IHL and human rights law strive to protect the lives, the health and the dignity of individuals, albeit from different angles – which is why, while very different in formulation, the essence of some of the rules is similar. [...] There are however important differences between them: their origins, the scope of their application, the bodies that implement them, and so on.” (ICRC 2015)

In general, the latter source focuses on the subjects and objects, as well as on such characteristics of International Humanitarian Law (hereafter IHL) and human rights law as the time and geography of application.

An interesting perspective on the distinction between international humanitarian law and human rights law was also presented by the United Nations Office on Drugs and Crime (UNODC), where the distinction was considered in terms of the nature of the regulation of legal relations, as well as aspects such as the right to life, the participation of children in hostilities, and compensation for psychological and physical harm. In particular, based on the latest discussion, the following features can be highlighted:

- IHL defines the legal regulation of hostilities and the protection of persons in armed conflicts, while human rights law does not disappear on its own, but its combination with IHL is characterized by a lack of regulation.
- International humanitarian law defines the minimum universally binding standards for the observance of human rights.
- International human rights law provides a higher level of protection than IHL.
- The scope of subjects and objects of IHL regulation is broader than the corresponding characteristics of human rights law.
- IHL does not have a mechanism for ensuring violated rights.
- “IHL does not provide compensation for moral damage, but only for physical damage,” etc. (UNODC).

In general, in our opinion, the most concise and systematic list of distinctions between IHL and IHRL is provided by the Ukrainian Red Cross Society (2025). That is: “International Human Rights Law: applies both in peacetime and during armed conflict; protects everyone; allows for certain derogations; regulates the relationship between the state and the individual; applies only during armed conflicts.” Also, “the international human rights system emerged after World War II.” International Humanitarian Law: protects those who do not participate, or no longer participate, in hostilities, as well as combatants; allows no derogations; regulates the conduct of all parties involved in armed conflict.” Finally, “its rules and customs of warfare have a long history” (Ukrainian Red Cross Society 2025).

International humanitarian action involves implementing a system of comprehensive measures to save lives, alleviate suffering, and protect human dignity in various emergency situations and their aftermath, including activities in the field of preparedness and prevention of such crises. A key feature of humanitarian activities is that they are driven by the urgent needs of all persons in need of assistance, regardless of biological, social, political, religious, and other factors. The ideological and normative basis for such activities is the fundamental and widely recognized principles (humanity, impartiality, neutrality, and independence) based on international humanitarian law. In addition, the specific nature of humanitarian activities requires compliance with these principles when providing humanitarian assistance, as well as when planning humanitarian missions and sustainable recovery. With regard to humanitarian activities in armed conflicts, an important area is humanitarian negotiations (the main purpose of which is to ensure access and effective protection for persons in need of assistance), and compliance with these principles is a complex mechanism due to the large number of actors involved in the relevant relations (UNHCR).

2. THE ESSENCE OF THE PRINCIPLE OF NEUTRALITY

The principle of neutrality is one of the most controversial and complicated humanitarian principles (Sharpe 2023; Plattner 1996). In the context of human rights law and international humanitarian law, this principle is interpreted as a prohibition to “take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature” (ICRC 2015, 4). “Nowadays there tends to be a ‘for or against’ attitude to neutrality, based on its usual rather than on its legal definition, and this leads to misunderstandings which stand in the way of any objective appraisal of its meaning” (Plattner 1996, 179). “There is a great risk that neutrality may become an argument in defence of moral indifference.” The concept of neutrality must be convincing under the development of world consciousness (Red Cross 1969, 41). In the end of the nineteenth century,

the concept of neutrality was based on the concept of a militarily neutral state, the modern meaning of which is rather difficult to understand (Plattner 1996, 163).

“To inquire into neutrality is to open up the contested and contingent basis of humanitarian-ness itself, and its relationship to politics” (Gilbert 2020, 150). It is difficult to form a correct idea of neutrality, because “humanitarians act in diverse contexts where people are likely to see politics everywhere” (Gilbert 2020, 150). Thus, to successfully describe their activity as neutral, “humanitarians must frequently submit their actions, and their status as humanitarians, to the evaluation of others who might have their own ideas about what constitutes “neutrality” or “politics.” Indeed, neutrality is a semantic shifter; that is, its meaning can only be defined relatively and in relation to other definitions and categories (see Brada 2016), such as “politics” (as that which it is not)” (Gilbert 2020, 150). For example, the notion of “neutral humanitarian assistance” includes eleven (Plattner 1996, 175–177) mandatory factors. This is based on the opinion of lawyers, as well as the following legal norms: Articles 70 and 75 of Additional Protocol to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) of June 8, 1977; para. 2 of article 18 of the Additional Protocol to the Geneva Conventions of August 12, 1949, relating to the protection of victims of armed conflicts of a non-international nature (Protocol II) of June 8, 1977; Resolution 5 “Armed Protection of Humanitarian Assistance” and Resolution 11 “Principles of Humanitarian Assistance” adopted by the Council of Delegates in 1993. In particular, the neutrality of humanitarian aid is noted in para. 1 of Article 70 of Additional Protocol I and para. 2 of Article 18 of Additional Protocol II, the guidelines annexed to UN General Assembly resolution 46/182 “Strengthening of the coordination of humanitarian emergency assistance of the United Nations” (December 19, 1991).

The discussion on the complexity of the concept of neutrality can be supplemented by a number of studies on the relationship between neutrality and other principles. One can note that:

The more independence is definite and strong, the greater are the possibilities and guarantees for a neutral approach. [...] A neutral movement, which refrains from participating in conflicts and controversies, is ready and in a position to give its whole attention to suffering individuals and help them in proportion to their suffering, without a secondary purpose and without discrimination. (Haug 1996, 630)

Non-discrimination and proportionality follow from neutrality, not the other way around, and are both the negative and positive poles of a neutral humanitarian operation (Plattner 1996, 169). As for the criticism of the use of neutrality in humanitarian action, one can remark that:

[N]eutrality has been called into question by non-governmental organizations of French origin. [...] their objections [...] to be based on two premises: neutrality imposes silence and, from the standpoint of justice, silence is reprehensible. (Plattner 1996, 169–170)

Despite these contradictions, many humanitarian organizations recognize neutrality and impartiality as key principles of humanitarian action (Haug 1996). For example, neutrality is mentioned in the following documents: Resolutions 46/182 and 58/114 of the UN General Assembly, the Mohonk Criteria for Humanitarian Assistance in Complex Emergencies, and Guiding Principles on the Right to Humanitarian Assistance, which was adopted by the Council of the International Institute of Humanitarian Law in April 1993.

3. INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) AND NEUTRALITY

“[D]ifferent humanitarian organizations have different comparative advantages and that the ICRC is arguably the most ‘strictly’ neutral” (Haug 1996, 629). Let us remark that according to the Geneva Conventions and Additional Protocol I, the ICRC as a neutral and impartial non-governmental humanitarian organization composed of individuals, has universally recognized legal personality in international relations, because it is intended to act as a substitute for a protecting state for persons in special emergencies, where it is necessary to ensure the implementation of the basic principles of human rights law. According to Article 5, para. 1, of the Statute of the International Red Cross and Red Crescent Movement, the Committee is single-national and is co-opted from citizens of neutral Switzerland.

The ICRC (1863), the International Federation of Red Cross and Red Crescent Societies (IFRC and ChP; 1919), and 190 national Red Cross and Red Crescent societies are components of the International Red Cross and Red Crescent Movement. The last-mentioned organization is the world largest volunteer humanitarian network of organizations, as well as was created to protect key human rights when the state is unable to fully or partially provide them to its citizens due to force majeure. According to para. 4 and para. 5 of Article 7 of the Movement’s Statute, the internal and external cooperation of the Movement members is based on the observance and mutual respect of basic humanitarian principles, including neutrality. The Movement members provide the following activities: a wide range of assistance to non-combatants, victims of man-made and natural disasters; a support for military medical services, social program, and medical projects; they promote compliance with international humanitarian law and monitor its observance, as well as conduct research in this area, etc.

The Movement also provides significant assistance in activities related to the mission of the *Sustainable Development Goals (SDG)*. SDG were formulated by the UN General Assembly in 2015. In addition, one can note that the ICRC is a three-time laureate of the Nobel Peace Prize (1917; 1944; in 1963, the ICRC was awarded jointly with the League of Red Cross Societies).

The tendency to support the side affected by the armed conflict:

[H]as put pressure on the Red Cross to take sides and has given rise to questions about the validity and legitimacy of its neutrality and impartiality, but also its confidential bilateral approach with all parties to an armed conflict. [...] It's a recurring phenomenon that usually arises in connection with any kind of a watershed event that polarizes public opinion. (Melzer, Rushing 2023)

In the context of the presented discussion, attention should be given to the practical implementation of the principle of neutrality in order to achieve humanitarian goals. In the work of the ICRC, one of such tasks is the return of hostages. As noted by the British Red Cross (2025), the ICRC has a good track record in facilitating the release of hostages, having carried out such work in recent years in Afghanistan, Colombia, Nigeria, Palestine, and Peru. For example, October 10, 2025 (when the ceasefire agreement between Israel and Palestine came into force), the ICRC as a neutral mediator, facilitated the return and transfer of 20 Israeli and 1,809 Palestinian hostages, and in 2023, 109 and 154 hostages, respectively. However, the ICRC's neutrality in this area is reflected in the confidentiality of information regarding the conditions of detention of hostages by the parties to the conflict, as confidentiality plays a key role in achieving a positive outcome. In addition, the ICRC does not participate in negotiations between the parties but only facilitates the achievement of an agreement between them, as well as conducts confidential talks with the parties, using "open dialogue and urging parties to implement their obligations under international humanitarian law" (British Red Cross 2025).

Mouly (2024) examines the activities of humanitarian workers in the context of the dangers of their work and the difficulties of adhering to the principle of neutrality, including the situation in Ukraine and Gaza, appears to be of interest in the context of this study. In each of these situations, given factors such as the danger to foreigners, the effectiveness of the Ukrainian healthcare system, and restrictions on entry into Gaza, humanitarian aid is mainly provided by national humanitarian workers organized by existing national or local institutions and organizations. The situation in the Gaza Strip was characterized by a complete blockade of humanitarian support by Israel, and first aid began to arrive only after several weeks of negotiations. In turn, Ukraine and international solidarity aid faced intense and unpredictable Russian bombing. Such situations are factors in the ineffectiveness of international humanitarian aid, but national humanitarian actors are involved in humanitarian activities, becoming the first and key providers of humanitarian aid. However, they often become targets for enemy forces because of their effectiveness and involvement with the affected party. For example, In Ukraine, from the start of the war in February 2022 to August 2024, 13 Ukrainian humanitarian workers were killed, 35 were injured, and 39 were kidnapped, while 8 international workers were killed and 13 were injured. During the first

three months of the war in Gaza, 163 humanitarian workers were killed, and between October 2023 and August 2024, 275 national humanitarian workers were killed and 79 were injured, while only seven international humanitarian workers were killed and only two were injured. In general, the effectiveness of humanitarian aid in Ukraine and Gaza is recognized precisely because of the activity of national humanitarian workers and medics, but the latter are unprotected. International humanitarian workers are less effective, but they are better protected. That is why it is believed that “neutrality is the cornerstone of humanitarian aid in armed conflicts”, because there can be no better guarantee for humanitarian access and protection in wartime than the absence of affiliation or suspicion of affiliation with one of the parties (Mouly 2024).

In the context of the latter argument and respect for IHL, emphasis is placed on the positive impact and potential of the ICRC in terms of agreements on medical evacuation, the provision of vital humanitarian aid, visits to prisoners, etc. (Droege 2024). However, as virtually all recent legal sources indicate, humanitarian access is directly proportional to the degree of neutrality, which in turn is inversely proportional to accountability.

However, even neutrality is not a factor in security.

With the number of armed conflicts on the rise (130 in 2024, more than double the number 15 years ago), affecting 204 million people, medical and humanitarian workers are increasingly becoming targets. For example, between 2023 and 2024, there were more than 600 attacks on medical facilities and their staff, and in 2024, there were 338 attacks on humanitarian workers. In 2025, 25 volunteers and employees of the Red Cross and Red Crescent were killed (IRC 2025).

In 2025, ensuring access to medical care remained central to the ICRC’s activities. The latter organization provided support to medical facilities in Ukraine, Sudan, South Sudan, eastern Democratic Republic of Congo, Afghanistan, Myanmar, Gaza, and many others. Confidential dialogues were also an important tool for the ICRC in helping people deprived of their liberty due to armed conflicts and other situations of violence. Humanitarian teams visited places of detention to assess the conditions of detention and treatment of prisoners (medical care, access to water and food, conditions of detention, and contact with family members, etc.), and assistance was provided to facilitate communication between detainees and their relatives. However, the ICRC’s key role as a neutral organization was in humanitarian operations to release and/or transfer hostages or other detainees and to safely move people across the front line. “[S]ustained confidential dialogue with the parties has remained essential to enable humanitarian activities and promote respect for international humanitarian law. While often invisible, this intermediary role has had direct consequences for people’s safety and well-being” (IRC 2025b).

Such conclusions are not uncommon. For example,

[T]he Sudan case reaffirms that neutrality is not merely a guiding principle but a practical necessity. Ensuring safe and sustained humanitarian access demands constant vigilance, adaptive strategies and collaboration across sectors – lessons learned from Somalia that remain critically relevant today. [...] The Somalia case provides a valuable lesson in how differing interpretations of neutrality among humanitarian, military and media actors can generate friction and undermine the effectiveness of aid operations. To achieve better results on the ground, these actors must understand each other's objectives, respect each other's roles and coordinate their efforts effectively. (Céspedes Navarro 2025)

4. THE IMPORTANCE AND FURTHER EVOLUTION OF NEUTRALITY IN INTERNATIONAL HUMANITARIAN ACTIVITIES

The right to life has been and remains the key among all possible human rights, even in the conditions of scientific and technological progress and the modern evolution of social relations, since this right gives rise to other rights. This right proclaimed in Article 3 of the Universal Declaration of Human Rights and duplicated in the International Covenant on Civil and Political Rights (Article 6.1), in the African Charter on Human and Peoples' Rights (Article 4), and the American Convention on Human Rights (Article 4) , as well as in the European Convention on Human Rights (Article 2).

Therefore, in order to answer the central problematic questions of this discussion, we must first ask: does neutrality help to save the life of at least one person? Experience shows that it does. Moreover, neutrality facilitates diplomatic negotiations, that involve the enforcement of human rights law, by improving respect for and compliance with international humanitarian law.

For the second, one can draw an analogy between the ecological system and the system of social organizations in society. Just as in the ecological system, the destruction of one living organism leads to the gradual 'dying out' of the system, so in the system of social relations (in our case, the area of humanitarian relations), each humanitarian organization is a component (the so-called "puzzle") of the 'mosaic' of social and humanitarian relations. Each organization has its own differences in the promoted principles, the means and characteristics of work, and the way negotiations are conducted. For example (as mentioned above), the ICRC has the strictest adherence to neutrality. If we conditionally imagine a complete rejection of neutrality in modern humanitarian action, the 'mosaic of the humanitarian sphere of social relations' will remain without key puzzles. That is, it will not be able to function fully. Each voluntary organization with its activities, influence on observance of legal norms and organization of work based on a certain combination of legal principles complement each other, form a single system and contribute to the observance and development, in particular, of international

humanitarian law. It is worth noting that the International Red Cross and Red Crescent Movement, as a strictly neutral voluntary movement, has been carrying out its tasks with high quality for more than 100 years, despite the obstacles that have arisen in the course of its activities.

For the third, the debate on the appropriateness and relevance of the principle of neutrality in the activities of humanitarian organizations has been going on for more than a decade. Many conference reports, interviews (especially with representatives of the ICRC), and discussions have been held on the issue of the concept of neutrality and its leverage. In addition, this issue has been repeatedly addressed in legal scientific publications in the following international humanitarian law journals: *International Review of the Red Cross*, *The Yearbook of International Humanitarian Law*, *Journal of International Humanitarian Legal Studies*, *Journal of Conflict and Security Law*, *The International Journal of Human Rights*, *Global Responsibility to Protect*, *The International Humanitarian Law Series*, etc.

It is difficult to provide other arguments that do not duplicate someone else's opinion, given the considerable attention that has been paid to discussions, debates, and researches on the feasibility of neutrality in humanitarian action for decades. The question of whether *humanitarian organizations should adhere to the principle of neutrality in modern armed conflicts*, can be answered in the affirmative, i.e., neutrality should be present in humanitarian action. Each organization independently determines its own principles for the provision of humanitarian aid and, if it chooses the principle of neutrality as a fundamental principle of its action, it must not abandon it.

Taking into account the trends of the modern development of social relations, development of information technologies, science and engineering, etc., neutrality is most likely a catalyst of effective humanitarian action, although the specifics of the provision of humanitarian aid in one or another case depend on a whole system of circumstances and ideologies adhered to by subobjects of legal relations. Moreover, it should be emphasized that the last question should be studied in the following context: "What are the possible vectors of further rational development (evolution) of the concept of neutrality in humanitarian action under the existing conditions of the development of socio-political relations, science, culture and technologies?"

Such an extremely important issue would be appropriate for the research by contemporary legal researchers and publicists. To begin with, one can define some possible directions of the development of the concept of neutrality:

- *Conditional neutrality*. Given that the right to life is key among other human rights, it can be considered an inviolable foundation on which all principles of humanitarian action are based. That is, for example, if there are obstacles to the provision of humanitarian assistance that directly affect the enjoyment of this right, humanitarian organizations, without taking

sides, publish or facilitate the publication of evidence of actions that cause the relevant obstacles. The main content: "The access of humanitarian organizations to the uninterrupted and proper provision of humanitarian aid is guaranteed by the influence of 'fear' of publication, open condemnation or collection of evidence of attacks on life, health, honor, and dignity, etc."

- *Strict neutrality*. A brief formulation of this direction is following: "Whatever happens, the main thing is not to get into any conflicts or contradictions, but to ask for access to people in need of help and the opportunity to provide this help." Negotiations are the maximum means of influence.
- *Democratic neutrality*. This is a direction that occupies an intermediate position between two directions, which were mentioned above. Here it is necessary to define and improve the system and technique of diplomacy in negotiations, to determine the limits of the leverage over obstacles to the provision of humanitarian aid. Here diplomatic negotiations, mutual assistance on equal terms without recognizing anyone's ideology, and contractual relations are the main tool. In order to avoid abuse, it is important that the specific tools available are clearly defined and recorded.

5. CONCLUSIONS

Neutrality is more likely to be a catalyst for effective humanitarian action, although the specifics of providing humanitarian aid in one case or another case depend on a whole system of circumstances and ideologies adhered to by the subjects of legal relations, a certain combination of legal principles complement each other, form a single system and contribute to the observance and development, in particular, of international humanitarian law. The main niches in the further development of the notion (concept) of neutrality can be singled out as 'conditional neutrality' (the access of humanitarian organizations to the uninterrupted and proper provision of humanitarian aid is guaranteed by the influence of 'fear' of publication, open condemnation or collection of evidence of attacks on life, health, honor, and dignity, etc.), 'strict neutrality' (the main goal is not to enter into any conflicts or contradictions, but to ask for access to people in need of help and the opportunity to provide this help; negotiations are the maximum means of influence), and 'democratic neutrality' (diplomatic negotiations, mutual assistance on equal terms without recognizing anyone's ideology, and contractual relations are the main tool). Further research may focus on improving or symbiosis of these types of neutrality.

Neutrality is one of the social mechanisms which provide the basis for volunteers and social workers to have the access to people in need of help and the opportunity to provide this help. The development of neutrality creates new opportunities in social work for expanding the possibilities of providing these people. In addition, the experience of the International Red Cross and Red Crescent

Movement shows the undeniable positive impact of neutrality on the availability of social assistance (social work and social security) for the most vulnerable or affected populations. This is particularly evident in cases of armed conflicts. Understanding the concept of neutrality is also important for social workers, because they are an integral part of society. The acquisition and development of certain neutrality skills by social workers is useful for improving social work and for providing access to social support for those who need it in certain conflict situations. Against this background, the topic of further scientific research on the development of the practical application of neutrality to improve the accessibility of social work in cases of conflicts is interesting. Such research will be considered in future articles of the author.

BIBLIOGRAPHY

- Brada, Betsey Behr. 2016. "The Contingency of Humanitarianism: Moral Authority in an African HIV Clinic." *American Anthropologist* 118(4): 755–771. <https://doi.org/10.1111/aman.12692>
- British Red Cross. 2025. "Explainer: What is the Red Cross doing to help hostages taken from Israel?" *British Red Cross*, 15 October. <https://www.redcross.org.uk/stories/disasters-and-emergencies/world/what-is-the-red-cross-doing-to-help-hostages-in-gaza>
- Céspedes Navarro, Sofia. 2025. "Navigating neutrality and humanitarian access in Sudan's ongoing crisis: lessons from Somalia." *The Humanitarian Practice Network*, 14 November. <https://odihpn.org/en/publication/navigating-neutrality-and-humanitarian-access-in-sudans-ongoing-crisis-lessons-from-somalia/>
- Clancy, Pearce. 2022. "The Law of Neutrality: Jus ad Bellum or Jus in Bello?" *Journal of International Humanitarian Legal Studies* 13(2): 353–361. <https://doi.org/10.1163/18781527-bja10055>
- Danspeckgruber, Wolfgang F. 2019. "Neutrality and the Emerging Europe." *Emerging Dimensions of European Security Policy*: 265–288. <https://doi.org/10.4324/9780429042270-18>
- Droege, Cordula. 2024. "Championing IHL compliance in contemporary armed conflict: the 2024 ICRC Challenges Report." *Humanitarian Law & Policy*, 9 October. <https://blogs.icrc.org/law-and-policy/2024/10/09/championing-ihl-compliance-in-contemporary-armed-conflict-the-2024-icrc-challenges-report/>
- Ebersole, Jon M. 1995. "The Mohonk Criteria for Humanitarian Assistance in Complex Emergencies: Task Force on Ethical and Legal Issues in Humanitarian Assistance." *Human Rights Quarterly* 17(1): 192–208. <http://www.jstor.org/stable/762353>
- Gavouneli, Maria. 2012. "Neutrality – A survivor?" *European Journal of International Law* 23(1): 267–273. <https://doi.org/10.1093/ejil/chr107>
- Gilbert, Andrew. 2020. "Neutrality." In *Humanitarianism: Keywords*. Edited by Antonio De Lauri. 149–151. Leiden: Brill. https://doi.org/10.1163/9789004431140_070
- Haug, Hans. 1996. "Neutrality as a fundamental principle of the Red Cross." *International Review of the Red Cross* 315: 627–630. <https://international-review.icrc.org/articles/neutrality-fundamental-principle-red-gross>
- ICRC. 2015. "What is the difference between IHL and human rights law?" *International Committee of the Red Cross*, 22 January. <https://www.icrc.org/en/document/what-difference-between-ihl-and-human-rights-law>

- ICRC. 2025. "Perspektywy humanitarne 2026: Świat pogrążony w wojnie." *International Committee of the Red Cross*, 11 December. <https://www.icrc.org/en/article/humanitarian-outlook-2026>
- ICRC. 2025a. "The ICRC in 2025: On the front line for humanity, always." *Committee of the Red Cross*, 22 December. <https://www.icrc.org/en/article/icrc-2025-front-line-humanity>
- Ku, Charlotte. Joaquín Cáceres Brun. 2003. "Neutrality and the ICRC contribution to contemporary humanitarian operations." In *Mitigating Conflict: The Role of NGOs*. Edited by Henry F. Carey and Oliver P. Richmond. 57–73. London: Routledge. <https://doi.org/10.4324/9780203503898>
- Mačák, Kubo. 2014. "Principles of neutrality and impartiality of humanitarian action in the aftermath of the 2011 Libyan conflict." In *Humanitarian Action: Global, Regional and Domestic Legal Responses*. Part II. Edited by Andrej Zwitter, Christopher K. Lamont, Hans-Joachim Heintze, Joost Herman. 447–474. Published online: Cambridge University Press. <https://doi.org/10.1017/CBO9781107282100.026>
- Melzer, Nils. Elizabeth Rushing. 2023. "Humanitarian neutrality in contemporary armed conflict: a conversation with Nils Melzer." *Humanitarian Law & Policy Blog*, 26 January. <https://blogs.icrc.org/law-and-policy/2023/01/26/humanitarian-neutrality-in-contemporary-armed-conflict-a-conversation-with-nils-melzer/>
- Mouly, Nicolas. 2024. "How the Ukraine and Gaza conflicts showcase the vital role of local players, despite their disputed neutrality." *Humanitarian Alternatives. Ukraine-Gaza: exchange of views* 27. <https://www.alternatives-humanitaires.org/en/2024/11/27/how-the-ukraine-and-gaza-conflicts-showcase-the-vital-role-of-local-players-despite-their-disputed-neutrality/>
- Myronets, Oksana. Mykhailo Burdin. Oksana Tsukan. Yurii Nesteriak. 2019. "Prevention of human rights violations." *Asia Life Sciences. The Asian International Journal of Life Sciences* 2: 577–591.
- Plattner, Denise. 1996. "ICRC neutrality and neutrality in humanitarian assistance." *International Review of the Red Cross* 36(311): 161–180. <https://international-review.icrc.org/sites/default/files/S0020860400084072a.pdf>
- Red Cross. 1969. "Red Cross and Neutrality." *International Review of the Red Cross* 9(94): 37–42. <https://doi.org/10.1017/S0020860400088501>
- Sharpe, Marina. 2023. "It's all relative: The origins, legal character and normative content of the humanitarian principles." *International Review of the Red Cross*, 16 March. <https://blogs.icrc.org/law-and-policy/2023/03/16/humanitarian-principles-historical-legal/>. <https://doi.org/10.1017/S1816383123000292>
- Slim, Hugo. 1997. "Relief agencies and moral standing in war: Principles of humanity, neutrality, impartiality and solidarity." *Development in Practice* 7(4): 342–352. <https://doi.org/10.1080/09614529754134>
- Turcotte, Jean-Michel. 2022. "The Major Humanitarian Dilemma of Neutrality: The International Committee of the Red Cross and Prisoners of War in Korea, 1950–1953." *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 13(3): 263–280. <https://doi.org/10.1353/hum.2022.0016>
- Ukrainian Red Cross Society. 2025. "International Humanitarian Law and International Human Rights Law: What Do They Have in Common, and How Do They Differ?" *Red Cross*, 28 May. <https://redcross.org.ua/en/news/2025/05/114095/>
- Voitsikhovskiyi, Andrii. Oleksandr Bakumov. Olena Ustymenko. Yevheniia Lohvynenko. 2022. "El papel de las organizaciones internacionales en la protección de los derechos humanos en Ucrania." *Novum Jus* 16(2): 305–340. <https://doi.org/10.14718/NovumJus.2022.16.2.12>

Other sources

Guiding Principles on the Right to Humanitarian Assistance. <https://international-review.icrc.org/sites/default/files/S0020860400082206a.pdf>

UNHCR. The UN Refugee Agency. “Humanitarian principles.” <https://emergency.unhcr.org/protection/protection-principles/humanitarian-principles>

UNODC. Relationship between international humanitarian law and international human rights law. <https://www.unodc.org/e4j/fr/terrorism/module-6/key-issues/relationship-between-ihl-and-intern-human-rights-law.html>

The Fundamental Principles of the International Red Cross and Red Crescent Movement. Geneva: ICRC. <https://shop.icrc.org/the-fundamental-principles-of-the-international-red-cross-and-red-crescent-movement-pdf-en.html>