



International Humanitarian Law

ECHO FACTSHEET

Facts & Figures

- All EU Member States have ratified the four Geneva Conventions and their additional protocols.
- 195 States, including all UN Member States, have ratified the 4th Geneva Convention on protection of civilians, which equals universal acceptance.
- However, 22 States have not ratified the important 1st protocol (relating to the Protection of Victims of International Armed Conflicts), including the United States, Israel, Iran, Pakistan, India, and Turkey.
- Violations of International Humanitarian Law have significantly increased in the past 10 years.
- Over the last decade, the risk of humanitarian workers being attacked has increased.
- In 2014, 329 aid workers from 27 countries were assaulted.



Ambulance attacked, Photo: EC/ECHO/Maria Jose Pallares Paredes

Key messages

- **International Humanitarian Law (IHL) sets out the responsibilities of states and non-state parties during armed conflict.** The law defines basic issues, such as the right to receive humanitarian assistance, protection of civilians, including medical and humanitarian workers, and the protection rights of refugees, prisoners, the wounded and sick.
- While IHL is codified and binding on all states and non-state parties in conflict and many of its provisions are now accepted as international customary law, it is **increasingly violated by warring parties.**
- The **EU contributes to the global respect for and compliance with IHL through advocacy and political measures**, such as dialogue, statements and initiatives, as well as with humanitarian funding to ensure humanitarian access and wider dissemination. The EU funds training in IHL of both military personnel and humanitarian actors and finances large-scale information campaigns to raise awareness of international humanitarian law in the wider public.
- Professional humanitarian workers are in danger if they are associated in the minds of warring factions with military, political, religious and ideological authorities. It is therefore **essential that all involved respect the distinct and separate roles of humanitarian agencies and workers**, comply with international rules, abide by the principles of international humanitarian law and defend humanitarian action.

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What is IHL ?

International Humanitarian Law (IHL) is a set of rules which seek to limit the effects of armed conflict on civilians. It protects persons who are not or no longer participating in hostilities and restricts the means and methods of warfare.

IHL is applicable to humanitarian assistance and protection of civilians and is based on the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War and the 1977 Additional Protocols. The Fourth Convention sets out the humanitarian obligations of states in international armed conflict in relation to evacuation of or access to besieged or encircled areas (article 17) and the obligations of the parties to allow free passage of medical supplies, as well as of certain goods to groups of beneficiaries (article 23). It also establishes the rights of non-citizens in the territory of a party involved in the conflict, including rights to individual and collective relief (article 38), and prescribes the obligations of an occupying power as regards relief schemes for the benefit of the population of an occupied territory (articles 59-62).

Article 3 common to all the Geneva Conventions and applicable to non-international armed conflicts, stipulates that the wounded and sick shall be collected and cared for, and an **impartial humanitarian body may offer its services to the parties of the conflict**. The two 1977 Additional Protocols contain further provisions relevant to humanitarian assistance in international and non-international armed conflicts.

In addition to treaty law, some obligations have also developed into customary international law, i.e. are based on state practice accepted as law. These include rules on the **rapid and unimpeded passage of humanitarian relief** and the **freedom of movement of humanitarian relief personnel**. Rules of customary law also provide protection applying specifically to humanitarian relief personnel and objects.

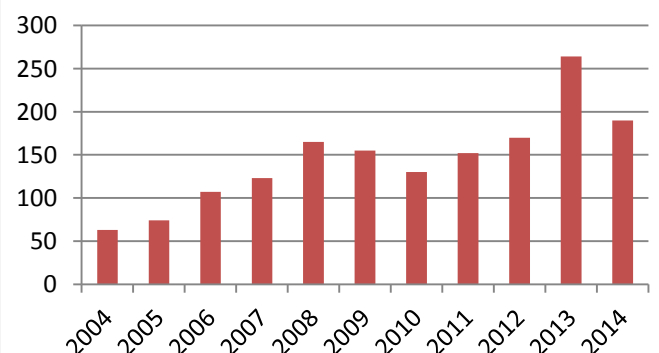
It is important to distinguish between international human rights law and IHL. They are distinct bodies of law and, while both are principally aimed at protecting individuals, there are important differences between them. **IHL is applicable in time of armed conflict and occupation.** Conversely, human rights law is applicable to everyone within the jurisdiction of the state concerned in time of peace as well as in armed conflict. Thus, while distinct, the two sets of rules may both be applicable in the same situation.

Humanitarian situations and needs

There are few conflicts today where civilians are not effectively being held hostage by the warring parties. International humanitarian law is less and less respected, there are fewer defenders of the law, and indiscriminate attacks frequently occur. While the protection of civilians provided by the Geneva Conventions and Additional Protocols is extensive, States and non-State armed groups are far too often unwilling to act on this responsibility.

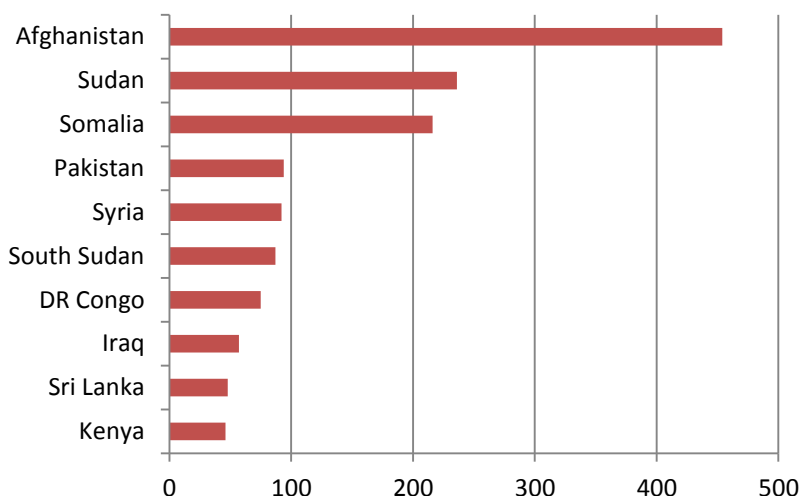
As a result civilians continue to suffer excessively in almost every armed conflict. There is also a growing tendency to close the door to humanitarians, preventing them from helping the victims. **In 2014, 190 major attacks against aid operations occurred, affecting 329 aid workers in 27 countries.** This represents a decrease of roughly 30 per cent from 2013's year's all-time high but must be seen in the context of growing no-go areas limiting humanitarian aid delivery. (aidworkersecurity.org, as of 6 August 2015).

Total number of attacks per year



Number of incidents per country 1997-2014

Source: aidworkersecurity.org as of 7 July 2015



Today, Afghanistan, South Sudan, Syria and more recently Central African Republic are among the countries where humanitarian workers are most at risk. Buildings belonging to relief organisations have been attacked, vehicles and convoys hijacked, and personnel murdered or kidnapped. Violence against these workers affects civilians and prevents millions of people from receiving life-saving assistance.

The principles and values on which humanitarian aid are founded are not acknowledged or are simply ignored. **Humanity, independence, neutrality and impartiality – these principles are the foundations of**

humanitarian aid and should protect relief workers, enabling them to operate freely. They should be respected but the reality can be very different.

A key reason for deliberate attacks on humanitarians may simply be that their role is not fully recognized, understood or differentiated. It has become increasingly difficult to identify what defines a genuine "humanitarian". How can humanitarian action be considered neutral if in the same emergency soldiers are carrying out "humanitarian" actions as well? How is relief aid to be recognized as independent when armed forces use aid agency emblems to deceive their opponents?

Some links between humanitarians and the military are essential as military logistics are often needed for large and rapid humanitarian operations. However, this should not be regarded as the norm and where links do exist, the respective roles should be clearly defined and in line with their respective duties. The confusion of roles puts humanitarian workers in danger. Civilians face a double jeopardy: targeted themselves and unable to obtain aid because the people trying to help them are denied access or, in extreme cases, killed in the course of their work.

Professional humanitarian workers are in danger if they are associated in the minds of warring factions with the military, or political, religious or ideological authorities. It is therefore essential that all involved respect the distinct and separate roles of the humanitarian agencies and workers, comply with international rules, abide by the principles of international humanitarian law and defend humanitarian action.

States should avoid integrating humanitarian activities into their political and military campaigns. This is best left to the professionals. Authorities must stop blocking humanitarian aid and provide access to victims when the needs are real and lives are in danger. If neutral and independent agencies are denied access to victims and intimidation is widespread, civilians are doubly at risk of suffering.



European Union's Humanitarian Response

All EU Member States have ratified the four Geneva Conventions and their additional Protocols. At EU level, [Guidelines on promoting compliance with IHL](#) were adopted in 2005 and adapted in 2009. The **EU is committed to encouraging wider awareness-raising of, and training in international humanitarian law**. In this context, humanitarian partner organisations can play an important role. The EU contributes to the global respect for and adherence to IHL with advocacy and political measures, such as dialogue, statements and initiatives as well as humanitarian funding to ensure humanitarian access.

Furthering this objective, the **European Commission supports five types of concrete activities** for the dissemination and implementation of IHL:

- **First**, in the context of its funding of humanitarian assistance in response to conflicts and emergencies it **funds IHL advocacy activities of our partners** (ex. Palestine) **or it does advocacy itself** (ex. Syria or Columbia).
- **Second, the European Commission funds training programs targeting a wide range of stakeholders.** In contemporary conflicts we are increasingly faced with non-state actors, such as armed groups, who usually have little information of any law, including IHL. For instance, the EU has funded IHL training and dissemination by the International Committee of the Red Cross (ICRC) for military/security forces and armed non-state actors in key conflict-affected countries of Iraq, Colombia and DRC.
- **Third, the EU funds activities aimed at increasing the capacities of humanitarian workers in advocating for IHL.** In recent years, ECHO has funded several projects to increase awareness of IHL and the humanitarian principles among European humanitarian organisations and their implementing partners working in conflict-prone or post-conflict countries.
- **Fourth, the Commission tries to raise awareness among partners worldwide** about some of the unintended consequences of new counter-terrorism legislation and policies, which may limit humanitarian action, including training in international humanitarian law. Some states have passed domestic criminal legislation prohibiting material support to listed terrorist entities. Such legislation also effectively prohibits the funding of training in IHL when it is directed at armed groups labeled as 'terrorist'. IHL has developed over time but the nature of conflicts has changed very rapidly, and the law may also need to be adapted to the new realities of armed conflicts. The EU therefore fully supports initiatives to strengthen and develop IHL further.
- **Last, the Commission funds and implements large-scale information campaigns** to raise awareness of international humanitarian law in the wider public, such as the yearly World Humanitarian Day campaign.

World Humanitarian Day 2015

In 2015, as with every year, the European Union supports the [World Humanitarian Day](#) on 19 August to honour the brave men and women who risk their lives while they provide help to people who suffer and to draw attention to the increasing dangers faced by humanitarian workers.

