DISCUSSION SERIES:

Ensuring the protection, safety and security of humanitarian workers and medical personnel in armed conflicts
The security context in which humanitarian actors operate is often volatile and dangerous and has become increasingly complex and challenging over the last two decades. This correlates with a high number of attacks against, injuries to, and fatalities of civilians, including humanitarian and medical personnel, at times resulting from arrests or abductions. Humanitarian emblems and flags, which have been established to provide protection for humanitarian and medical workers and their activities from attacks, face enhanced exposure to risk in conflict settings.

Between March and June 2021, the European Union, together with France, Germany, Mexico, Niger, Norway, and Switzerland, organised a series of discussions on “Ensuring the protection, safety, and security of humanitarian workers and medical personnel in armed conflicts” in New York. The objective of these discussions was to identify the main challenges linked to the safety and security of humanitarian and medical workers in armed conflicts, and to explore detailed practical solutions and best practices that can be adopted by the international community, both in the short and the long term. The Discussion series was also meant as part of existing initiatives, notably to contribute to the development of key elements of the “Call for Action to strengthen respect for international humanitarian law and principled humanitarian action” launched by Germany and France and endorsed by all the co-hosts of the discussion series.
The Five Key Recommendations

1. Prioritizing compliance with IHL and respect for the humanitarian principles. States bear the first responsibility for ensuring respect for and compliance with IHL. In order to build the basis for a collective, systematic, and public denunciation of attacks on humanitarian and medical personnel, and other IHL violations it is imperative that all attacks are investigated, accountability of perpetrators is strengthened, and existing impunity is addressed. States and international actors should promote a more systematic implementation and use of existing frameworks and instruments, at the domestic and international level, by utilizing all possible international mechanisms when national action cannot be undertaken, and explore new possibilities when existing mechanisms are insufficient.

2. There is ample room for building a more standardized and comparable monitoring system for the safety and security of humanitarian and medical workers. The System should provide an accurate overview of the situation on the ground, ensure the full independence, neutrality, and objectivity of the data, guarantee safe and protected data collection, without compromising the independence, neutrality, and impartiality of humanitarian organizations and actors. This can be done by promoting collaborative platforms for both data collection and analysis building upon existing mechanisms (at the UN and outside of the UN system, see annex). The end result should be a consolidated system that provides a reliable overview of the situation, identifies trends, and informs policymakers’ prevention, mitigation, and response to the security threats.

3. Humanitarian organizations and in particular local actors must have timely access to available information and resources to enable accurate risk assessment and decision-making and thus ensure effective security risk management. For this, there is a need to enhance data-sharing mechanisms and to facilitating field-driven support services to humanitarian actors, including training and orientation sessions, creating real-time alert systems, and sharing comparative and thematic analyses with local NGOs.
The Integration of Security Risk Management (SRM) at all stages and in all programs and mandates, using a “risk-sharing” approach, should be prioritized. This would increase the general awareness of the importance of security among the staff at HQ and in the field. In particular in the context of the implementation of the localization agenda and the recommendations of the Grand Bargain the specific dangers faced by local humanitarian workers should be considered. Localization is dependent on local participation and both SRM and localization should be informed by field perspectives.

It is imperative to address the effects of sanctions and counter-terrorism measures on humanitarian action, including the criminalization of humanitarian workers, through effective mitigating measures, including through the consistent introduction and application of well-framed humanitarian exemptions where relevant. In addition, clearer guidance for member states, including donors, humanitarian organizations, the private sector, and financial operators on the regulatory requirements applicable to these exemptions; stronger partnerships between regulatory and implementing actors, especially for the private and banking sector to avoid over compliance; and support from member states, including donors in complying with sanctions through guidance notes, comfort letters (to facilitate the transfer of humanitarian funds).
How to Implement the Five Key Recommendations

**Donors**

- Donors should support strong, sustainable, and reliable data collection, analysis (see annex existing databases), and efforts to establish collaborative platforms towards a more standardized and comparable system that could provide a general overview and a clear and reliable picture of what occurs on the ground. Donors should better harmonize their scattered efforts and budget allocation towards humanitarian security platforms. Supporting such organizations can create a multiplication effect in enhancing the protection of humanitarian workers.

- Donors should support strategic collaborative platforms that enable organisations to learn and build capacity collectively on SRM from boards and senior management, through programme and security responsible staff to field implementation of good practice (GISF).

- Donors should support capacity building on data collection and good SRM practice for individual NGOs and local partners.
**Donors (contd.)**

- Donors should support field-driven services to humanitarian actors, in particular for local NGOs, including training and orientation sessions, and support the establishment of real-time alert systems.

- Donors should discuss with humanitarian actors and agree on basic guidance on SRM to be implemented by their partners while working in highly volatile security environments.

- Donors should foster an open dialogue and collaboration with partners, especially with local, less-resourced, and limited capacity organizations, and develop capacity-building programs to improve knowledge of and training on SRM strategies.

- Donors should incorporate relevant empirical and evidence-based data and analysis into their strategies, policies, and approaches to humanitarian safety and access.

- Donors should agree that security costs are recognized and included in the project or program budget as a direct cost to enable the intended purpose of the project/programme and facilitate proper long-term funding for organizations to undertake appropriate and effective SRM strategies. Donors should ensure similar costs are included and passed onto local implementing partners.

- Donors should provide assistance on the delivery of humanitarian activities in compliance with CT and sanctions regimes, through guidance notes, comfort letters (to facilitate the transfer of humanitarian funds) and, where humanitarian exemptions for impartial humanitarian organizations are not in place, support with requesting humanitarian derogations as appropriate, including in the context of the COVID-19 pandemic.

- Donors should recognize the principle of the non-vetting of beneficiaries of humanitarian assistance, i.e. non-screening of final beneficiaries, and revise the practical guides on contract procedures accordingly. This principle should apply to impartial humanitarian organizations regardless of which instance is funding them.

- Donors should ensure balanced risk-sharing and risk-management measures among donors and humanitarian partners working on CT and sanctions contexts.

- Donors should also address situations of over-compliance by private actors of the regularity measures, including by banks, and an overall ‘chilling’ effect. Continued dialogue between all parties involved in humanitarian assistance, including banks, remains key in striking a balance on this delicate issue. Donors should identify and promote good practices in this regard.

- Donors can play a key role in providing support to states’ national law enforcement efforts, including by promoting the sharing of good practices and providing training.
United Nations

- Continue to reinforce their normative framework through the UNGA resolution on the safety and security of humanitarian workers and the protection of medical personnel.

- UNDSS together with the United Nations Security Management System organizations should continue to improve the incident data system, through a more holistic approach and creating more strategic partnerships with regional and non-governmental stakeholders to ensure effective monitoring and management of security risks and more timely data sharing and to continue building on the existing “Saving Lives Together” initiative.

- UN agencies should define and implement a duty of care policy towards their personnel.

- UN agencies should ensure that their implementing and operational partners have the resources they need to ensure and improve staff safety. Therefore, they should invest in the security of their implementing partners, including in the translation of training materials into local languages to improve access to context analysis and security indicators; fund new information technologies; reinforce the provision of and access to digital technologies for international and local humanitarian organizations.

- Provide specific guidance for Member States to implement CT measures and sanctions in accordance with IHL and the humanitarian principles, as reflected in IHL and relevant UNSCRs.

- Encourage the training of permanent and future UNSC Members on IHL in the context of CT and sanctions.

- Address the effects of sanctions and counter-terrorism measures on humanitarian action by promoting the consistent inclusion of standing, well-framed humanitarian exemptions where relevant, and offer clearer guidance for States, humanitarian organizations and financial operators on the regulatory requirements to apply these exemptions.

- Explore the adoption of targeted UN sanctions against individuals or entities that are responsible for attacks against humanitarian workers or impede principled humanitarian activities.

- Enable the work of the Special Advisor for Humanitarian Space to support and engage with States to investigate, report, and strengthen local national frameworks, as well as focus on tracking, collecting data, and reporting on trends of attacks against humanitarian and medical personnel, gaps in compliance, accountability and state cooperation in all conflicts.
United Nations (contd.)

- Strengthen the language around the security and protection of aid workers in peacekeeping mandates.

- Strengthen civil-military coordination or deconfliction mechanisms to effectively consider and reflect risks related to humanitarian perceptions, positions, and programs, particularly in the context of the Triple Nexus.

Humanitarian Actors

- Humanitarian actors should have a duty of care policy towards their personnel, including staff mental well-being.

- Humanitarian actors should promote an open dialogue and collaboration on how to contribute to the collection and sharing of data on attacks against humanitarian workers and medical personnel.

- Humanitarian actors should promote open dialogue and collaboration for the development of sector-wide good practice and capacity development for effective security risk management.

- Humanitarian actors, particularly local actors, should invest in the integration of contextually defined and driven Security Risk Management in their operations. This includes the broader context of effective security risk management, including well-designed humanitarian programs, adequate security resources in program planning, good leadership, strong personal and organizational resilience, strong context analysis, and effective communication.

- International partners should proactively engage with local partners to ensure sufficient resources are available for effective risk-sharing and capacity development.

- Humanitarian actors, particularly local actors, should register with existing data-sharing platforms (see annex). Formalized systems through which local actors can engage and express their positions should be established and INGOs must work with States and non-UN partners to share knowledge and best practices.

- Humanitarian actors should continue strengthening their internal accountability processes to ensure that aid benefits the population in need.

- Humanitarian actors should engage in continued dialogue between all parties involved in humanitarian assistance to avoid unintended negative impacts of CT and sanction measures.
States

- States have a duty to uphold international law, including international humanitarian law and humanitarian principles, and parties to conflicts must allow and facilitate safe, rapid, and unimpeded access to people in need by neutral and independent humanitarian organizations and respect and protect humanitarian relief personnel. In this regard, States should endorse the Humanitarian Call for Action launched by France and Germany in 2019, which identifies concrete commitments that Member States can make to strengthen respect for international humanitarian law and principled humanitarian action.

- States should make data more accessible and commit to their responsibility to protect by providing information on measures they take to respect and ensure respect for IHL, at national and multilateral levels.

- States should support safe and protected data collection as a prerequisite to improving monitoring and reporting, without compromising the independence, neutrality, and impartiality of humanitarian organizations and actors.

- States that have not yet done so should ratify Additional Protocols I and II to the Geneva Conventions.

- States should consistently include humanitarian exemptions in relevant instruments and domestic legislation where relevant as the most effective way to shield humanitarian organizations from criminal liability for otherwise legitimate humanitarian activities.

- States should promote the strengthening of partnerships with relevant implementing actors and support multi-stakeholder engagement to exchange on best practices to avoid unintended impacts of CT and sanctions measures.

- States should explore the creation of a dedicated humanitarian banking channel to ensure the timely and unhindered flow of humanitarian funds.

- States should strengthen cooperation between Member States, humanitarian organizations, and financial institutions to identify and document the specific risks and challenges and to exchange good practices.

- States should adopt or reinforce national protection frameworks and ensure the domestic implementation of IHL.

- States should develop robust national capacity to investigate violations of IHL and promote collaboration between national authorities, to deepen judicial cooperation between States to ensure investigations into attacks on humanitarian and medical workers are launched and proceedings start.
States (contd.)

- States and international actors should promote a more systematic use of existing frameworks and instruments, including a more robust implementation of UNSCR 2417, UNSCR 2286, and UNSCR 2573.

- In case of attacks against humanitarian and health workers and when appropriate national action is not undertaken, States should consider referring the situation to the International Criminal Court, where applicable, or to other international/legal judiciary bodies, including the International Court of Justice which might be mobilized regarding States failure to respect its international obligations.
Key Areas of Action

1. Monitoring the protection, safety and security of humanitarian and medical workers in armed conflicts

Data collection and monitoring mechanisms on security incidents are key to provide a clear picture of what occurs on the ground, in particular in the more dangerous areas where mainly local organizations and front-line workers are active. Data on the level of insecurity in conflict settings, including the nature, frequency, and target of attacks against civilians and humanitarian and medical workers, is collected, compiled, corroborated, and analysed to 1) identify trends 2) inform policymakers’ prevention, mitigation and response to the security threats, 3) operationalize situational awareness and security planning and 4) advocate for stronger safety mechanisms.

While there are currently good data sets and methodologies (see annex), each database has different targets and objectives, and thus collects different “slices” of the overall existing data. All initiatives share the same goal of upholding the respect of international humanitarian law thereby ensuring the protection, safety, and security of actors involved in principled humanitarian assistance, but the absence of a standardized data collection, sharing, and analysis system across existing mechanisms could limit the reliability, comparability, and accessibility of the data, among others, and makes reaching that goal more challenging.

The data currently available does not tell the full story, as a number of attacks remain unreported due to limited access, lack of protection measures, and security concerns related to information sharing. In particular, protection measures are needed that would meet specific safety needs of especially local humanitarian actors who share data and information with international organizations and states. Data must be collected and shared without compromising the neutrality and impartiality of humanitarian organizations and actors.

It is important to collect disaggregated data in order to develop a comprehensive and intersectional understanding of the situation, including the gendered dimensions of security challenges in armed conflict.

Though they are key partners in the delivery of humanitarian assistance and have an in-depth knowledge of the context, existing initiatives and approaches tend to leave out local actors and overlook their specific needs related to both protection and capacity. In some instances, local partners have limited access to available data due to a lack of resources and/or information sharing.

This is strongly linked to the lack of sustainable and quality funding for humanitarian organizations for a budget that comprises equipment, security measures (including acceptance), negotiations, and training (for international and local partners) which would reduce dependency over time. Better coordination between the existing initiatives on data collection and analysis also depends on the availability of donor funding.
2. **Security risk management practices for humanitarian organizations**

While working on the frontlines for delivering humanitarian assistance will always carry a degree of risk, donors, governments, and organizations can do much to develop a safer and more secure working environment for humanitarian personnel. All humanitarian organizations, regardless of size and nationality, have a duty of care towards their personnel. Donors have a responsibility to ensure that implementing partners, including local organizations, have the resources they need and are free of unduly onerous bureaucratic constraints, to improve staff safety, while all parties to armed conflict, including governments, have a duty to uphold international humanitarian law and humanitarian principles and take all necessary measures to support safe humanitarian access and the safety of humanitarian staff.

Humanitarian security risk management procedures, when coupled with effective policies and practices by states, allow greater access to and impact for crisis-affected populations. The aim of security risk management (SRM) is to enable organizations to reach those most in need, whilst protecting their personnel and fulfilling their duty of care. It is thus not about being risk-averse, but about managing risks. It is important to move from a ‘Risk transfer’ strategy (donors and international humanitarian agencies expect local partners to manage risk) to ‘Risk sharing’ which refers to a more partnership-based approach to understanding, managing, and mitigating risk.

In spite of the progress of the localization agenda, there is little SRM support specifically for local actors. The dominance of short-term, project-based partnerships often prevents local NGOs from receiving strategic and sustainable support for security risk management. This is also linked to donor restrictions on overhead costs, even in short-term projects. From a local organization’s perspective, one of the main challenges to ensure full SRM is the insufficient capacity to analyse risk, including a lack of resources to run organization-wide systems for recording and analysing incidents, which prevents them from using this insight to inform their security risk strategy.

SRM is a shared responsibility between international and local humanitarian organizations, donors, and states. In fact, the role of states and all parties to armed conflicts is key in preserving the humanitarian space and keeping a balance with their own security imperatives. States play a defining role in ensuring the safety and security of humanitarian and medical staff, as decisions made by States and their foreign policy/military engagement can have a direct impact on the safety of humanitarian and medical operations.: States should take concrete steps in the implementation of the Triple Nexus in complex settings to preserve the principle of neutrality of humanitarian action.
3. Preventing and Countering the Criminalization of Humanitarian Work and Preserving the Humanitarian Space

Counter-terrorism (CT) measures and sanctions serve legitimate purposes. They are at times aimed to protect the safety and security of the same population that requires humanitarian assistance and protection. Yet, CT measures may be in direct contention with IHL and can generate unintended negative consequences, such as the criminalization of humanitarian workers should they provide any support, including activities permitted under IHL to designated terrorist groups or individuals, compromising the principles of neutrality and impartiality, and impeding their ability to deliver principled humanitarian assistance and ultimately impact the civilian population living in areas controlled by such groups.

One specific challenge that many humanitarian organizations face is the inability to access financial services to receive or transfer funds for their operations. Such bank de-risking therefore also impedes the delivery of humanitarian activities to people in need. Another challenge is the requirement by donors to screen final beneficiaries of aid against sanction lists (for example due to the provisions of Anti-Money Laundering and Financing terrorism regulations) which undermine humanitarian principles, and potentially the access, acceptance, and security of humanitarian personnel and the security of the beneficiaries themselves.

Most humanitarian organizations, especially those funded by State or institutional actors, abide by strict risk management and due diligence processes and have reinforced these depending on the different regulations in place, including but not restricted to the beneficiary selection, accountability measures, internal and external reporting, monitoring and control on the use of funds, awareness-raising on the risks of deviation for terrorist financing, screening of partners and providers, internal audit, and investigatory mechanisms.

While recognizing the crucial role of sanction and CT measures in the upkeep of international peace and security, these unintended negative effects on humanitarian action should be addressed through a number of mitigating measures, including through the consistent inclusion of standing and well-framed humanitarian exemptions where relevant, as well as in domestic legislation; clear guidance for humanitarian organizations, financial operators and donors on the regulatory requirements applicable to these exemptions; stronger partnerships between regulatory and implementing actors, especially with the banking sector to avoid over compliance; support for donor assistance in the delivery of humanitarian activities through guidance notes, comfort letters (to facilitate the transfer of humanitarian funds) and implementation of humanitarian exemptions, including in the context of the COVID-19 pandemic.

Ensuring that principled humanitarian action can be carried out without undue restrictions is especially relevant in counter-terrorism contexts, necessitating the adoption of clear legal protections).

In fact, in the past years, the UN Security Council and General Assembly have insisted that CT
and sanctions measures must comply with States’ obligations under IHL. Security Council resolutions 2462 (2019) and 2482 (2019) urge Member States to take into account the potential effect of counter-terrorism measures, including measures aimed at countering the financing of terrorism (CFT), on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law.

States must ensure that their domestic laws, policies and practices are reflective of these obligations. In addition, many States lack an institutional framework to consider the effects of countering the financing of terrorism (CFT) measures on humanitarian activities and only a small number of States have implemented specific measures aimed at considering and mitigating the impact of CFT measures on principled humanitarian action. More should be done on implementation. Legal safeguards that exclude principled humanitarian action from the scope of sanctions and CT measures must be adopted to mitigate the risk from such operations and to prevent the criminalization of legitimate humanitarian and medical activities and actors.

NGOs need clear guidance on what ‘engagement’ means as organisations may even shy away from negotiating for access with proscribed groups because of fear of the CT legislation.

4. Strengthening accountability in the fight against impunity for attacks against humanitarian workers in armed conflicts

Investigating attacks against humanitarian and medical workers in armed conflicts, including violations of international humanitarian law, and ensuring accountability are critical in order to deter future attacks and contribute to providing the necessary legal protection afforded by international and national law to humanitarian activities. However, in spite of existing international and national legal frameworks, most attacks are insufficiently investigated and remain unpunished.

There is a consolidated international legal framework (IHL) that clearly stipulates the obligations of all parties to an armed conflict; and various mechanisms in place to monitor, investigate, and prosecute violence against humanitarian and medical personnel in armed conflict.

The Security Council has adopted a number of resolutions inter alia UNSCR 2175, UNSCR 2286, UNSCR 2417, and UNSCR 2573 that require States to investigate alleged war crimes committed by their armed forces, to improve domestic accountability, conduct investigations within their jurisdiction into attacks on healthcare, and to ensure safe and protected data collection as a prerequisite to improve monitoring and reporting.

Among the most relevant international mechanisms to ensure individual criminal accountability, the International Criminal Court (ICC) investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community. Among non-judicial
mechanisms, the International Humanitarian Fact Finding Commission (IHFFC) established by Additional Protocol I to the Geneva Conventions, is a permanent body whose primary purpose is to investigate allegations of grave breaches and other serious violations of international humanitarian law.

However, the current situation is unsatisfactory. States and the international community are failing to establish or to use the preconditions and measures required to monitor, investigate and impose responsibility for violations.

The lack of implementation of international obligations of existing legal frameworks in a comprehensive manner hamper the achievement a successful fight against impunity. States and international actors need to strengthen comprehensive approaches for discerning, scrutinizing and attributing violations, and support cross-disciplinary training and monitoring systems. All forms of violations must be pursued in a comprehensive manner, including the attribution of responsibility of States for failure to perform their IHL obligations.

Another challenge is the lack of safe mechanisms to collect data and weak information sharing mechanisms on attacks against aid workers, in a manner to support accountability for these acts.

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1 While they may face similar safety and security challenges in armed conflicts, medical personnel (as well as objects) benefit from specific protection under international humanitarian law. Maintaining these distinctions serves to preserve the ability of impartial humanitarian organizations’ personnel to perform their activities in accordance with IHL and in line with the fundamental principles guiding their action (i.e. neutrality, humanity, impartiality and independence). For medical personnel and objects, maintaining these distinctions also serves to give appropriate attention to the protection especially of individual local medical care providers who may not be part of an impartial humanitarian organization.
Annex: Key Stakeholders

Key Stakeholders in managing relevant databases and collaborative (GISF) platforms

The **International NGO Safety Organisation (INSO)** is an international charity that supports the safety of aid workers in high-risk contexts through its field coordination platforms. INSO provides its +1,000 registered NGO partners with a range of free services including real-time incident tracking, analytical reports, safety-related data and mapping, crisis management support, staff orientations, and training.

The **Global Interagency Security Forum (formerly EISF)** is a member-led NGO forum that drives positive change in security risk management through its global network of over 130-member organizations. Through the knowledge and experience of its members, they provide resources for effective security risk management and good practice guidance that works for the whole humanitarian sector, improving the security of aid workers and operations to achieve safe and sustainable access. The GISF research on SRM from the local partner perspective can be found [here](#) along with related guidance (link).

**Humanitarian Outcomes** is an independent research organization providing evidence and policy advice to inform better humanitarian action. They notably run the Aid Worker Security Database, its associated reports and alerts, the Survey on Coverage, Operational Reach, and Effectiveness (SCORE), the SCORE database, and the country-specific reports on access. Together with InterAction, and a group of participant NGOs, they conducted the NGOs and Risk study, which focused on risk management for local partners.

**Insecurity Insight** examines threats facing people living and working in dangerous environments. Insecurity Insight issues bi-monthly news briefs on Aid Security and offers Situation Reports for selected countries that also include overviews of how violence affects the health, education, and protection sectors. Insecurity Insight's data is available on the Humanitarian Data Exchange (HDX). Insecurity Insight's work supports security focal points in Security Incident Information Management (SIIM), the process of recording, analysis, and using security incidents for security risk management.

**INSSA** is a non-profit global membership association of individuals committed to improving the quality and effectiveness of safety and security for humanitarian relief and development assistance workers operating in complex and dangerous environments.

The **Saving Lives Together (SLT)** is a series of recommendations aimed at enhancing UN and NGO security collaboration in the field. Under the SLT framework, the UN and the humanitarian community cooperate in the collection, analysis, and dissemination of critical security and safety information, while operational decisions made based on such information remain the responsibility of the respective organizations.