Toolkit: Responding to Violence against Humanitarian Action on the Policy Level

Rationale and methods to share information, speak out, and challenge impunity in cases of violence against humanitarian action
This document was produced through a series of consultations in 2017-2018 with members of the Working Group on Protection of Humanitarian Action, an initiative gathering more than 20 partners and organized by the Advanced Training Program on Humanitarian Action (ATHA) at the Harvard Humanitarian Initiative (HHI) and Action Against Hunger (Action contre la Faim). The Working Group aims to mobilize a community of practice and foster cooperation through peer-to-peer professional exchange and information sharing, research, and advocacy. The purpose of this toolkit is to offer guidance to humanitarian actors for responding to violence against humanitarian action, in order to promote a more protective environment for the provision of humanitarian aid to civilians.

Members of the Working Group involved in producing this Toolkit include representatives from the Advanced Training Program on Humanitarian Action (ATHA), Action Against Hunger (Action contre la Faim), CARE International, the Johns Hopkins Center for Humanitarian Health, and the European Interagency Security Forum (EISF), in consultation with other leading international and humanitarian organizations.

Purpose

The purpose of this toolkit is to offer guidance to humanitarian actors for responding to violence against humanitarian action. It aims to complement and strengthen operational and security responses and facilitate the development of more effective and coordinated policies geared toward addressing this issue.

Attacks against humanitarian actors and operations endanger lives; violate the protection of civilians, including humanitarian actors, under international humanitarian law (IHL); and jeopardize the provision of life-saving aid where it is needed most. Moreover, such violence represents a particularly serious manifestation of denial or hindrance of humanitarian access and assistance to populations in need – a dilemma that has become dangerously normalized in certain conflict settings.

For the purpose of this toolkit, “violence against humanitarian action” refers to acts of violence or incitement to violence against a humanitarian mission, or humanitarian organizations’ personnel, facilities, assets, and activities. A few examples of such violence include bombing, shooting, murder, rape and sexual assault, armed robbery, abduction, hostage-taking, kidnapping, harassment, and illegal arrest and detention, whether against national or international staff of local or international NGOs, United Nations (UN) personnel, first responders, or healthcare providers. It also includes attacks on humanitarian convoys or acts of destruction and looting of their assets.

Focusing on the aftermath of serious incidents of violence against humanitarian action, this toolkit seeks to provide a range of options and guidance regarding sharing information, speaking out, and challenging impunity in response to attacks. These options are meant to highlight possible and complementary responses to incidents of violence against humanitarian action. The toolkit applies to cases where an organization has been directly affected, as well as to incidents perpetrated against other organizations in a particular setting. The following sections contain resources and templates to help country directors; regional directors and desks; security managers; communications officers; as well as advocacy, policy, and legal staff – at global and field levels – make informed decisions about whether and how to share information, speak out, and challenge impunity in cases of violence against humanitarian action.

Context

Humanitarian actors are often subject to violence in their areas of intervention, especially when operating in highly insecure environments, such as conflict zones or areas in which governance is fragile. While the causes for violence are diverse, humanitarian organizations have expressed concern over persistent and targeted violence against humanitarian action. The fact that, in some settings, humanitarians consider their logos less as emblems of protection and more as distinctive markers that make field workers and their operations potential targets of violence illustrates this development.
Whether targeted or indiscriminate, attacks and assaults against humanitarian action often coincide with other forms of violence against civilians, including attacks on hospitals or schools in conflict settings. Civilians are thus not only subject to increasingly protracted conflicts and complex emergencies but are also deliberately barred or effectively hindered from receiving life-saving humanitarian assistance and protection. All these forms of violence have in common the aim to endanger civilians’ lives or the provision of life-saving, emergency services to vulnerable populations. In this sense, the policy and advocacy framework relating to the protection of humanitarian action is distinct from, but overlaps with, the protection of the medical mission.

The protection of humanitarian action is key to delivering tailored, principled, and effective humanitarian aid to those in the greatest need. The international community has generally acknowledged this notion as a priority, yet there has been little mobilization in practice to implement or enforce this protection. In Resolution 2175 (2014), the United Nations Security Council firmly condemned all forms of violence and intimidation against humanitarian action: “including, inter alia, murder, rape and sexual assault, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their assets.” In Resolution 2286 (2016), the UN Security Council further condemned attacks against medical facilities and personnel and demanded an end to impunity for those responsible. During the World Humanitarian Summit (WHS) in 2016, States further committed to enhancing compliance and accountability to international law and adherence to humanitarian principles as the “Norms for Safeguard Humanity,” including by improving the protection of humanitarian and healthcare workers, healthcare facilities, schools, and other civilian infrastructure.

Nonetheless, far too little has been done at the policy level to implement international law and enforce the protection of humanitarian and medical actors. Indeed, the follow-up of such incidents at the national and international levels remains largely characterized by impunity. As a result, practitioners often express a sense that increased insecurity is the “new normal” for humanitarian action.

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Why is it challenging for operational organizations to respond on the policy level?

Operational humanitarian organizations respond to insecurity by taking security risk management measures to better protect the beneficiaries of their activities – as well as their staff, operations, and reputations – and to ensure the continuity of the delivery of assistance. However, in such circumstances, organizations are generally highly exposed to a variety of challenges, both in country and internationally. When acts or threats of violence occur, they may face the need to engage in crisis management and to deploy immediate measures of protection, including the reorganization of programs or presence; the need to protect and support staff; a climate of fear and mistrust; pressure to communicate with authorities and donors; and other challenges that extend beyond security risk management, such as advocacy or the pursuit of accountability. Especially when individual victims and operations remain at risk on the ground, immediate response and operational constraints can make it difficult for concerned staff in country to think about addressing – through advocacy, policy, or the pursuit of accountability and justice – the overall context for the sector.

As a result, responses to violence against humanitarian action often remain dominated by safety and security risk management considerations, and these adaptations generally fail to address the overall deteriorating environment for humanitarian action and erosion of respect for IHL. Moreover, violence directed at humanitarian operations not only impacts staff and programs but also the availability and quality of assistance to beneficiaries. Organizations’ legitimate obligation of duty of care toward their staff may make organizations opt for restrictive security measures that further limit access to quality life-saving aid for civilians; and by other organizations; or more generally affect the way aid is delivered, including by impacting organizations’ adherence to humanitarian principles.

In this sense, violence against humanitarian action affects the whole sector, and its consequences are not limited to directly affected organizations or countries. The impact of attacks and assaults against humanitarian action can be felt in other countries and by other organizations. Yet when attacks occur, beyond commendable operational solidarity and agencies to evacuate and protect staff, each organization may be left to deal with the aftermath of such incidents individually. With no consistent range of options or support for operational organizations to engage in advocacy or justice processes, the dangerous systematization, scale, and impact of violence against humanitarian action remain largely unseen outside of security networks.

This toolkit therefore aims at supporting operational organizations in sharing information, speaking out, and challenging impunity in cases of violence against humanitarian action, both individually and collectively, in order to reassert the protection of humanitarian action at the policy level.
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Why share information and document incidents?

The documentation and sharing of information on incidents of violence affecting humanitarian actors and operations is critical to addressing insecurity at a policy level. Properly responding to violence on the policy level requires: 1) documenting cases to provide qualitative and quantitative information on incidents; and 2) sharing information immediately after an attack to allow others to react promptly.

The documentation of incidents of violence against humanitarian action benefits individuals, organizations, and the humanitarian community as a whole by providing evidence of a phenomenon on the local, national, and global levels. More accurate information helps organizations take mitigating action to protect their staff, and more standardized methods of information collection and sharing enable better assessments of unfolding trends. Documenting evidence of attacks is also critical to fostering the political will necessary to address the issue. Improved documentation demonstrates an issue of collective concern to the larger humanitarian community and can strengthen advocacy efforts.

The collection, sharing, and analysis of data on security incidents affecting humanitarian actors has significantly improved in recent years, and many mechanisms and fora exist to collect, share, and analyze incident data. However, gaps remain in the level of information documented and shared. While organizations generally seek information from other organizations, they are not always willing to share it themselves due to sensitivity and security constraints in the field. In light of this state of affairs, this toolkit encourages organizations to make greater use of the available resources and fora for handling sensitive information in humanitarian contexts in order to improve understanding of the phenomenon across the sector.

How to share information?

In order to allow rapid and effective security management responses, inter-agency communications, and where appropriate, advocacy initiatives at the local, national, regional, or global levels, humanitarian organizations should share – internally, as well as with other key external actors – some basic information immediately after the attack. More detailed information can be shared later on to internal and external databases to provide evidence for longer-term advocacy and policy.
It is important to note that different levels and types of information have different uses: while detailed incident reports may be more useful to certain audiences (e.g., security risk managers, or other agencies or partners operating in the same context), providing general information to partners and shared reporting mechanisms is essential to better protect you, or other, organizations from violence in the future.

A. Internally, in a systematic way

A great deal of information is lost without proper internal reporting mechanisms and guidance on how, what types, and to whom humanitarian actors should report information. For this reason, this toolkit encourages operational organizations to set up mechanisms for reporting and sharing information internally, in a systemic way.

Complaint mechanisms: Internal mechanisms for receiving and addressing internal concerns, complaints, and questions from staff or beneficiaries around issues such as security risk management, risk acceptance thresholds, sexual harassment, human resources issues, or duty of care.

Incident reporting mechanisms: Many organizations maintain their own internal databases, and some publish public summary reports on a periodic basis.

Note that it is also important for staff to be able to report incidents anonymously, especially in the case of sexual assaults or incidents that implicate the behavior of colleagues or supervisors that individual staff may be reluctant to report.

A number of good practices are available to assist in setting up these internal mechanisms:

- Security Incident Information Management Handbook (RedR, Insecurity Insight and EISF)
- Tools on protection from sexual exploitation and abuse (PSEA) by personnel of the UN, NGOs and other IOs (PSEA Taskforce)
- Guidance Note – Communicating about Sexual Violence Incidents as Humanitarian Organisations (Report the Abuse)
- “Gender and Security: Guidelines for mainstreaming gender in security risk management” (EISF)

B. Externally

It is also important to share information externally with other humanitarian actors that could be indirectly affected or that could act in solidarity or support. For the humanitarian community to respond or speak out, non-directly affected actors need to know: 1) that an attack against humanitarian action has happened; and 2) what basic information they can share about it.

Identify the amount and level of information you can share with your various partners. The amount and level of information might differ depending on whether you are engaging with humanitarian or human rights actors, national authorities, or international partners, etc. Consider what information (e.g. the nature and scale of attack, the impact on the protection of staff, operations and service delivery, the impact on access) you are able to share without posing a danger to operations. There is also the possibility that you will be unable to disclose details that may reveal the identity of a protected source of the information. However, this toolkit advises that, even if the amount of information you are able to disclose is small, the information could indeed still prove to be useful to external actors. Humanitarian partners, in particular, are likely to understand that there are limits to what organizations can share externally.

Share as much information as possible with external actors, and additionally, identify what information they can share publicly (e.g. the name of your organization, location; type of attack; impact on civilians; access; operations). Past practices have been inconsistent in this regard. In some cases, when sharing information with partners, humanitarian organizations have included no notice of what can or cannot be shared publicly. In other cases, as a precaution, affected organizations have labeled all information “confidential,” leading to a situation in which partners keep silent and avoid communicating altogether. At a minimum, report that an attack has occurred and its impact on the safety and security of humanitarian staff, operations, or beneficiaries.

It is possible that your organization will produce a public or press communication. Please share it with the wider humanitarian community as soon as possible so that other agencies can see what kind of information you have agreed to make public and can publicly express their solidarity.

There are various possible ways to share information after an incident has occurred, and this toolkit encourages use of as many of these avenues as are appropriate:

- Email or otherwise communicate to NGO Directors and/or Heads of UN agencies in country, directly or through NGO fora, Humanitarian Country Team (HCT) mailing lists, or other coordination mechanisms.
- Organize confidential meetings with NGO Fora Members, the Resident/ Humanitarian Coordinators (RC/HC), heads of the UN Office for the Coordination of Humanitarian Affairs (OCHA), heads of UN agencies, relevant national authorities, etc.
- Share information verbally during regular HCT meetings.
- Request an ad hoc HCT meeting dedicated to information sharing about the attack.

See for example the methodology of the health cluster for northern Syria, which collects and publishes data on attacks on health services without compromising the operations of humanitarian organizations that are its sources (See Mohamed Elamein, Hillary Bower, Camilo Valderrama, Daher Zedan, Hazem Rihawi, Khaled Almilaji, Mohammed Abdelhafeez, Nabil Tabalb, Naser Almahwash, Sophie Maes, Azza Abuzeid, Attacks against health care in Syria, 2015–16 results from a real-time reporting tool, The Lancet, 2017, ISSN 0140-6736, http://dx.doi.org/10.1016/S0140-6736(17)31328-4 ).
If your organization deems a context too sensitive to share any information about an incident, find another agency or relevant partner to share information anonymously on your behalf. Other actors – such as a humanitarian or human rights organizations (whether local or international), OCHA, the Humanitarian Coordinator (HC), the United Nations Department for Safety and Security (UNDSS), NGO fora and consortia, international security management organizations, or donors – can help to communicate anonymously about an incident.

C. In collective databases

Over the longer term, it is important to register incidents within international databases in order to inform broader assessments of the environment for humanitarian action, strategic planning, and higher-level advocacy and policy engagement. Organizations can report acts of violence, threats, or incitement to violence against humanitarian actors and operations to any of the following databases:

Inter-agency tracking mechanisms and databases of incidents affecting humanitarian actors and operations at the international level

- For United Nations personnel: the UN Department of Safety and Security (UNDSS) maintains a Security Incident Reporting System and has published annual safety and security reports since 2000.

- The Security in Numbers Database (SiND), a project of Insecurity Insight, provides statistics on security incidents affecting aid agencies and delivery of aid. Incident data is from open sources as well as confidential NGOs reports, then anonymized, and shared. SiND data is accessible to partner organizations, and provides publicly available aggregated reports on a monthly and quarterly basis.

- The Aid Worker Security Database (AWSD), a project of Humanitarian Outcomes, is a public database that records major incidents of violence against aid workers (killings, kidnappings, and attacks that result in serious injury), with incident reports from 1997 through the present.

- For NGO personnel, the International NGO Safety Organisation (INSO) establishes safety coordination platforms in insecure contexts, including incident tracking and analysis (information is not released publicly). Only available in some countries.

Several organizations collect statistics and publish reports on incidents affecting healthcare, in particular, including:

- The International Committee of the Red Cross (ICRC), Healthcare in Danger initiative
- The World Health Organization (WHO), Attacks on Health Care project
- The Safeguarding Health in Conflict Coalition

Coordination Mechanisms for Sharing Information at the National and Regional Level

- Saving Lives Together (SLT), a joint effort of the UN Security Management System (UNSMS) and NGO consortiums, facilitates coordination and collaboration at the country and global levels.

- Security coordination networks also exist at the regional and global levels for sharing information and developing good practice from lessons learned, including the European Interagency Security Forum (EISF), InterAction (for US-based NGOs), and national NGO coordination mechanisms.
II. Speaking out in Safety

Why speak out?

Incidents of violence against humanitarian action often go unreported or unspoken about. Aside from some statements by the international and humanitarian community about the most serious incidents, attacks and assaults are mostly dealt with in silence and behind closed doors. The reasons for this state of affairs vary but include: concerns for the protection of affected individual(s); perceived risks of reprisals against staff, programs, or beneficiaries; embarrassment at institutional or personal failings, and fear of associated loss of funding from donors or loss of individual employment or career advancement; risks of appearing partial or non-neutral for engaging in advocacy; and concerns about the local justice system (lack of rule of law, inhumane forms of punishment of suspected perpetrators, etc.). These concerns tend to foster a “culture of silence” in the humanitarian sector that then fails to provide the international community with the information and political pressure necessary to address the issue at a policy level.

These concerns should certainly be considered as the basis for a thorough risk analysis of any advocacy or communications initiative in the wake of an attack. However, the risks of “not speaking out” often remain under-estimated by organizations, especially during crises when sensitivities are heightened. In order to strengthen responses to attacks, organizations should consider, where appropriate and within the framework of crisis management, moving from a culture of “silence by default” to one of “condemnation by default.”

Who should speak out?

- **Directly affected humanitarian organizations** bear the primary responsibility to speak out when violence affects humanitarian action.
- **Other humanitarian organizations**, whether they are working in the country or not, also have the legitimacy, and a direct responsibility, to condemn acts of violence affecting the delivery of aid to people in need.
- **Other actors** – including the UN; NGOs; States; civil society groups; human rights organizations; NGO networks, fora and consortia; as well as beneficiary communities – also have the legitimacy to speak out in case of attacks, as such violence affects the aid sector as a whole.

How to speak out?

Set expectations and prepare the ground with authorities or parties to the conflict. Humanitarians, at times, can be accused of being partial or non-neutral when they take public positions or make public statements. Parties to conflicts, authorities, and combatants should know in advance that, if an instance of violence against humanitarian actors occurs, humanitarian organizations, as a matter of organizational policy, will issue public statements and will call for action. These measures can help protect local representatives by fostering the expectation that intimidation will not prevent action, and deflecting blame to headquarters when necessary. Where relevant, depending on the context, this measure can also help to build an atmosphere of accountability for potential perpetrators by creating an expectation of advocacy.

A. Consult headquarters or partners

At a minimum, consult your headquarters, partners outside the country, Members of the Working Group on the Protection of Humanitarian Action, or other professional networks to discuss opportunities, risks, and benefits of communicating about an attack.

Staff on the ground may not always be in the best position to speak out, given their proximity to risk. Given this possibility, those at a safer distance can support country operatives in balancing the potential risks of speaking out against the costs of silence. It is not an easy decision to take a risk to expose colleagues in the field. It may also be difficult to make strong critical statements when directly facing representatives of governments or armed groups in the field, for fear of reprisals. Additionally, there may be a perceived career risk of speaking out (e.g. by losing a job, being transferred, or being removed from the country). Those at a safer distance, such as in regional or global offices, may thus be in a better position to engage in advocacy.

Propose to speak out in advocacy meetings, statements, or media engagements, and request support from your headquarters or partners.

Possible partners include specialized or global networks, such as:

- Members of the Working Group on Protection of Humanitarian Action
- Crisis Action
- The European Interagency Security Forum (EISF)
- The International Council of Voluntary Agencies (ICVA)
- Insecurity Insight
- InterAction
B. Communicate publicly

Identify what factual information your organization can share publicly (e.g. the nature and scale of the attack and its impact on civilians, humanitarian operations, or access). Consider mitigating possible risks by removing specific information (e.g. the exact location of the incident, the name of your organization, suspected perpetrators) that could harm victims, beneficiaries, or other persons or activities.

- At a minimum, prepare to communicate that an attack has occurred and what impact it has had on the safety and security of humanitarian staff, operations, or beneficiaries.
- Identify the most appropriate issuer of communications. A statement or a press release can be shared by the organization in country, at the regional or international level, in different countries, and in different languages. Using a headquarters, a network, or a partner outside the country to send out communications can later help humanitarian actors in the field to deflect responsibility for the communication and reduce the risk of retaliation.
- If your organization does not consider a public communication to be possible, use networks and other organizations that may be able to speak out while maintaining confidentiality (see the table below on “speaking out via a third party”).

Consider speaking out individually, collectively, in coordination with others (i.e. multiple voices condemning an attack independently using the same or complementary language), or via a third party (i.e. another relevant credible actor, such as a human rights NGO or an NGO network, that may be better placed than yours to speak out), as outlined in the table below:

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<th>Advantages</th>
<th>Disadvantages</th>
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<tr>
<td>Speaking out individually</td>
<td>• Possibility to send a stronger message, especially if your organization is affected&lt;br&gt;• Control over the strength of the content and the exact choice of words&lt;br&gt;• Speed</td>
<td>• Public exposure of the organization&lt;br&gt;• Potential for retribution</td>
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<td>Speaking out collectively</td>
<td>• Provides protection in numbers by making it more difficult to single out individual agencies for potential retaliation&lt;br&gt;• Benefit from others’ experience and networks</td>
<td>• More difficult to produce, considering the need for multiple organizations to sign on to a statement, and the higher level of approval often required within organizations for such action&lt;br&gt;• Takes time and tends to weaken the content of the message or lead organizations to refrain from speaking</td>
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<td>Coordinating individual messages</td>
<td>• Multiplying the number of initiatives or statements tends to make more impact than just one collective action&lt;br&gt;• Different agencies can use different levels or angles of advocacy to complement each other (e.g. using more diplomatic State voices to complement civil society voices, or having human rights NGOs complement humanitarians’ perspectives)</td>
<td>• Poorly coordinated messages can weaken the collective impact (e.g. messages may fail to reinforce each other and may even undermine others, especially if information about incidents and messages is not widely shared)&lt;br&gt;• Coordination always depends on the level of information available to partners: the better the information sharing and the more identified information is shared, the better coordinated and the more effective the messages can be&lt;br&gt;• Possible reduced credibility of the message when relayed by an organization not directly affected&lt;br&gt;• By externalizing the advocacy, a limited capacity to respond to possible follow-up questions and enquiries can reduce the quality of information shared&lt;br&gt;• Fails to show the affected organization’s concern about the deteriorating environment for humanitarian action</td>
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<td>Speaking out via a third party*</td>
<td>• Enables confidentiality and mitigation of risks for the affected organization&lt;br&gt;• Potential for more information to be shared&lt;br&gt;• Shifts the blame and the burden of speaking outside the organization and/or the country&lt;br&gt;• Provides some safe distance from victims and directly affected persons</td>
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* Contact information for organizations to reach out to can be found in Annex 3
Prepare a public statement (and make sure it is clearly marked as shareable) containing as much factual information as can be shared publicly, possibly including the nature and scale of the attack, the impact on civilians, humanitarian operations and access, location, etc. Remove the specific information that could harm the beneficiaries of your action, your organization (including your staff and those affected by the incident), partners in country, etc. This could include removing, if necessary, the exact location, the name of your organization, involved groups, etc. At a minimum, communicate that an attack has occurred and articulate the impact of the violence on the safety and security of humanitarian staff, operations, or beneficiaries.

**Acknowledgement and condemns incidents and patterns of violence against humanitarian action in violation of international humanitarian and human rights law and make reference to the life-saving character of humanitarian action.**

When drafting a public message or statement, identify the appropriate language, respectful of victims, and with a maximum impact for advocacy. While certain contexts make it difficult to use certain terms such as “sexual violence” or “rape,” shying away from the facts by using more generic terms like “abuse” or “violence” tends to diminish the event and the survivor and reinforces the stigma and the culture of silence. Consider the most clear, appropriate, and impactful language that can be used.

A _template statement_ is available in **Annex 1**. Several examples of actual statements made by humanitarian organizations in response to attacks are available in **Annex 2**.

Disseminate your organization's statement to partners, national authorities, civil society, and the international community. Disseminate your statement as widely as possible, possibly to local or national authorities, embassies, States' representatives at regional and global levels, donors, NGO fora, civil society groups, human rights organizations, local and international universities, UN agencies, OCHA, the IASC, Members of the Working Group on Protection of Humanitarian Action, ICVA, InteAction, and other NGO networks. If contacts are not available, ask other organizations, and your colleagues in other locations, to provide additional contacts or support for dissemination. Non-directly affected humanitarian organizations are especially encouraged to show their solidarity by supporting communications and dissemination following acts of violence against humanitarian action—provided that they are able to do so in a safe and appropriate manner. In order to be more effective, messages condemning violence against humanitarian action should circulate widely and resonate internationally and throughout the humanitarian community.

Use your organization's statement to produce a press release or send out your statement directly to the press. For dissemination, consider the most appropriate audience (e.g. local, national, or international press). Do not neglect local and national newspapers or other media outlets that reach the local public, as they tend to have a more direct influence on perpetrators or the communities in which they operate. Disseminate to the press as soon as possible after an attack. The attention span of the media tends to be limited in the aftermath of incidents, so it is often more effective to communicate rapidly, even with limited information, than to wait to have a highly refined and comprehensive text. Follow-up can be undertaken as more information becomes available.

**C. Conduct advocacy meetings and interviews**

Whether an organization is able to issue a public statement or not, this does not preclude the possibility of a more confidential means of communicating key messages, such as _meetings with parties to conflict, the host government, military leaders, States/embassies, donors, etc._ Organizations may also choose to speak to _journalists_, though this should be done carefully, and ground rules should be established about what may be reported, to whom information may be attributed, etc.

Beyond the country where the attack occurred, consider conducting these meetings in different locations, including regional or international hubs, such as Addis Ababa, Amman, Bangkok, Beirut, Brussels, Dakar, Dubai, Geneva, Nairobi, New York, etc.

Request meetings with advocacy targets and journalists to:

- **Express concern** over the act of violence against humanitarian action.
- **Provide as much information** about the attack as possible (e.g. the nature and scale of the attack; its impact on civilians, humanitarian operations, or access; the name of your organization; the location).
- **Explain that your organization can only provide some information for sensitivity reasons and do not hesitate to be firm on the impossibility of providing more** (you may have to remove information about location, involved groups, exact events, etc.).
- **Do not be discouraged by the small amount of information your organization is able to disclose, or your inability to disclose details that may reveal the identity of a protected source of the information. Rather, consider what information you are able to share without posing a danger to operations.**
- **Communicate the gravity of the attack and its impact on the future delivery of aid** in that particular area/country/region.
- **Ask for support in ensuring that perpetrators are effectively held accountable.**
- **Ask your interlocutor to communicate about your visit and concern to his/her colleagues, capital, or headquarters.**
- **Ask your interlocutor to condemn the attack against humanitarian action and to seek accountability.**
- **If the advocacy target is the perpetrator, seek guarantees of non-recurrence and non-retaliation.**

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7 For more information, see Report the Abuse, _Communicating about Sexual Violence Incidents in Humanitarian Organisations_.
D. React internally in a systematic way

Reacting quickly and appropriately when an attack occurs requires the involvement of a large number of persons within organizations, especially country-based staff, security management staff, policy and advocacy staff, communications staff, etc. Organizations that wish to engage in more impactful advocacy should better prepare to effectively and promptly react, with identified responsible focal persons, ready-to-use templates for communications, and a language that underlines the gravity of an attack against humanitarian action.

A few guiding principles should be considered for setting up such mechanisms:

- **Have the discussion as a matter of standard practice.** Whether directly impacted or not, humanitarian actors have the legitimacy and responsibility to condemn any attack against humanitarian action, anywhere. An internal discussion among a previously identified group of persons within the organization should take place after all attacks that seriously violate international humanitarian law and impede humanitarian aid. After any attack against humanitarian action affecting the entire humanitarian sector’s capacity to deliver quality and principled aid to people in need, organizations seeking to respond should assess the opportunity to speak out on the basis of “speaking out by default.”

- **Diversify decision-making.** Involve a team comprised of operations, security, advocacy, policy, and legal staff, from within and outside the country where the attack occurred. Make sure that specific persons are identified and responsible, and communicate about their roles and contacts throughout the organization.

- **Communicate internally** about the “abnormal,” illegal and harmful character of violence against humanitarian action and promote a culture of solidarity and transparency within the humanitarian sector.

III. Challenging Impunity

**Why challenge impunity?**

Targeted attacks against humanitarian actors or operations impede the effective delivery of fundamental humanitarian assistance. As with deliberate violence against other civilian targets, any such attack also constitutes a serious violation of IHL that may amount to a war crime. Nonetheless, the perpetrators of such attacks – whether state or non-state actors – continue to enjoy widespread impunity, contributing to the dangerous “normalization” of this type of violence.

Challenging this impunity is key to reaffirming the protection of humanitarian action and enabling the continued provision of assistance and protection to those in the greatest need. There is a great need to elevate the costs to potential perpetrators of attacking humanitarian action in order to deter such violence in the future.

It should be noted that humanitarian organizations may not be in a position to invoke justice and accountability mechanisms directly for a variety of reasons (including organizational neutrality, the risk of losing access, and the risk of retaliation against other staff, programs, or beneficiaries). Nonetheless, organizations affected by attacks against humanitarian action can find appropriate ways to contribute to challenging impunity, whether directly or indirectly. This may include working through networks, third parties, or human rights organizations. The following sections provide more details and considerations on how to engage in such efforts in ways that support the humanitarian mission.

**How to challenge impunity?**

**A. Document and preserve evidence**

To the greatest extent possible, attempt to document evidence of critical incidents in a manner that can later be used in further investigations or legal proceedings. These efforts may include the preservation of physical evidence of an incident or photographic, video, or other documentary evidence.
Commissions (TRCs)
• Transitional justice mechanisms, if applicable, such as Truth and Reconciliation Commissions (TRCs);

• Local or national courts
• Local or national police or investigative authorities
• Traditional or community justice mechanisms
• Transitional justice mechanisms, if applicable, such as Truth and Reconciliation Commissions (TRCs);
• Local or national courts
• Local or national police or investigative authorities
• Local or national courts
• Local or national police or investigative authorities
• Local or national police or investigative authorities
• Traditional or community justice mechanisms
• Transitional justice mechanisms, if applicable, such as Truth and Reconciliation Commissions (TRCs);

In some contexts where evidence collection is difficult, investigations are rare or incomplete, and local justice systems are fragile. Moreover, high evidentiary standards may be exploited by those in power seeking to block justice or place additional restrictions on humanitarian actors.

B. Seek justice

National judicial mechanisms
States bear the primary responsibility to ensure respect for IHL, the rule of law more generally, and its enforcement on their territory. Organizations that have been victims of attacks may seek investigation and legal action with:

• Local or national police or investigative authorities
• Local or national courts
• Traditional or community justice mechanisms
• Transitional justice mechanisms, if applicable, such as Truth and Reconciliation Commissions (TRCs);
• Influential embassies in the area (to help pursue or place pressure on local officials for accountability)

Note that the pursuit of criminal justice is generally a slow process, taking place over the course of years or even decades. In some cases, legal standards of evidence and justice may also constitute a significant hurdle to criminal accountability for attacks against humanitarian action. After all, these incidents typically occur in contexts where evidence collection is difficult, investigations are rare or incomplete, and local justice systems are fragile. Moreover, high evidentiary standards may be exploited by those in power seeking to block justice or place additional restrictions on humanitarian actors.

International investigation mechanisms

International monitoring, reporting and fact-finding bodies established at the international or national level may also be engaged to support investigations into violence against humanitarian action. Examples of existing commissions with potential authority to investigate violence against humanitarian action include those mandated by:

• The UN Human Rights Council (e.g. the UNHRC Special Procedures; the Independent International Commission of Inquiry on the Syrian Arab Republic; the Commission on Human Rights in South Sudan, and the International Eminent Group of Experts on Yemen);
• The UN Security Council (e.g. the Monitoring and Reporting Mechanism (MRM) on grave violations of children’s rights in situations of armed conflict);
• The UN General Assembly (e.g. the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic);
• Other UN bodies such as the UN Secretary-General Boards of Inquiry (e.g. on the incident involving a relief operation to Urum al-Kubra, Syria; on Damage to UN Facilities during Operation Protective Edge, Gaza); and
• By a treaty (e.g. the International Humanitarian Fact-Finding Commission, established by Article 90 of the First Additional Protocol to the Geneva Conventions of 1949).

The Universal Periodic Review (UPR) process, which involves a review of the human rights records of all UN Member States, can also be used as a mechanism for pursuing accountability for violence against humanitarian action. Through the UPR process, NGOs can provide reports, make statements, seek to influence other States in their questions and recommendations, and challenge the concerned State in the implementation of its obligations under international human rights law.

A practical guide for NGOs’ interaction with the Human Rights Council is available here.

The fragmentation of mandates, capacities, and jurisdictions of many of the mechanisms noted above suggest the importance of strengthening global mechanisms to better address violence against humanitarian action. In particular, concerned organizations should seek adherence by relevant parties to their existing obligations, including through the implementation of international law and UN Security Council Resolutions, and consider efforts to expand international monitoring, reporting, and investigation of violence against civilians and humanitarian action, as well as to open new avenues for accountability.
C. Seek changes in policy and practice

Beyond criminal accountability, organizations should seek specific changes in policy and practice by the parties responsible for attacks against humanitarian actors. Particularly with state militaries or non-state armed groups that have a functioning chain of command, leaders should be encouraged to:

• Issue a formal apology and guarantees of non-recurrence;
• Take disciplinary measures against those responsible;
• Provide compensation to affected individuals or organizations; and
• Institute new practices and safeguards to prevent recurrence.

States should be encouraged to respect and ensure respect for IHL through effective mechanisms to monitor attacks against humanitarian action and ensure accountability of perpetrators, with the goal of raising the cost of attacks for perpetrators, and ultimately, to deter such violations. States and parties should also be encouraged, through active advocacy, to put pressure on governments or groups who perpetrate violence against humanitarian action, for example, through political censure or financial sanctions.

International criminal mechanisms

• The **International Criminal Court** may consider alleged serious violations of international law amounting to war crimes, crimes against humanity, or genocide. Information may be submitted to the Office of the Prosecutor of the ICC, in particular, in cases where the country in which the incident occurred is a State Party of the ICC, nationals of a State Party were involved in the incident, or the UN Security Council has referred the situation to the ICC. The dialogue between the Court and NGOs is constant, and many events are organized with civil society groups in the countries where the Court conducts investigations. The ICC also organizes a biennial roundtable on issues of common interest with representatives of international and local NGOs at the Court’s headquarters in The Hague. In addition, NGO members of the Coalition for the International Criminal Court participate as observers in sessions of the Assembly of States Parties, the ICC’s governing and oversight body. NGOs wishing to participate in these events may apply for accreditation through the Coalition or contact the ICC. For NGOs wishing to play a more formal role as intermediaries for the Court, the ICC has adopted Guidelines governing relations between the Court and intermediaries.

• **Special International Criminal Tribunals**, where applicable, may also be engaged. Such tribunals have been established on an ad hoc basis (e.g., by the UN Security Council or through agreements with affected states) to prosecute those individuals most responsible for serious violations of international law giving rise to individual criminal responsibility. Examples include the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

• **Hybrid International Criminal Tribunals**, where applicable, may also be engaged. Such tribunals have been established in order to prosecute those individuals most responsible for serious violations of international law giving rise to individual criminal responsibility. By connecting with the national judicial system, hybrid tribunals also seek to support the reestablishment of rule of law in the affected state. Examples include the Special Court for Sierra Leone (SCSL); the Extraordinary Chambers in the Courts of Cambodia (ECCC); the Special Panels for Serious Crimes in Timor Leste (SPSC); the International Judges and Prosecutors Program in Kosovo (UPP); or Regulation 64 Panels; the War Crimes Chamber in the State Court of Bosnia and Herzegovina (WCC); and the Special Tribunal for Lebanon (STL).

For more information:

Annex 1: Template for Speaking Out

[Organization] strongly condemns the attack on [humanitarian actors working for organization or humanitarian convoy in [location/country] on [date], which resulted in [injury/death].

Humanitarian actors in [country] provide critical assistance to [affected population] in the areas of [healthcare, shelter, food security, nutrition, WASH, protection, etc.]. Across [country], [organization] is providing [...].

Violence against humanitarian action, including the most recent attack, lessens our ability to carry out these essential activities, ultimately leaving the most vulnerable people in [country] at greater risk. Our operations had to be suspended for [number of days/until further notice], leaving [number of beneficiaries] extremely vulnerable people without assistance. Our organization, and possibly others, will have to re-evaluate our capacity to operate in [location], with regard to our duty of care toward our staff, partners, and beneficiaries.

Such acts of violence against humanitarian action are a particularly serious manifestation of the overall denial of humanitarian access and assistance to civilians in need. They endanger lives and violate civilians’ rights, including those of civilians and of aid workers, under international humanitarian law (IHL). The protection of humanitarian action is key to delivering tailored, principled, and efficient aid. The UN Security Council firmly condemned, via resolution 2175 (2014), all forms of violence and intimidation against humanitarian action: “including, inter alia, murder, rape and sexual assault, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their assets.”

Yet, this attack is symptomatic of an overall erosion of respect for IHL and degradation of the environment for humanitarian action in [country], as well as in a variety of other contexts around the globe.

[Organization/individual] calls on the parties to the conflict to uphold their responsibilities under international humanitarian law to protect civilians, including humanitarian workers. It also calls on relevant authorities to ensure perpetrators are brought to justice and that this incident does not result in impunity and silence. It further calls upon all parties to ensure that those providing humanitarian assistance have safe access to people in need and can carry out their lifesaving work unhindered.

Our organization also calls on your help in making sure this event is appropriately condemned at local and international levels, and that perpetrators understand the costs of such violence are borne by civilians in need of life-saving assistance. We encourage you and your Government to make public statements about this attack, and to engage with the Government of [country] to ensure that perpetrators are held accountable.

[Organization/individual] reminds all actors in [country] of the neutral and impartial nature of humanitarian action and appeals to all parties to permit aid workers to continue to safely serve all those in need in the country, wherever they may be.

[Signed]
Annex 2: Example Statements

The following are examples of statements issued in recent years in response to attacks against humanitarian action, including by UN officials and agencies, NGOs, and States. It is not meant to be an exhaustive list but rather an illustration of possible statements.

A. UN Statements

Afghanistan
- **Action Humanitarian Coordinator For Afghanistan Appalled By Attack On Humanitarian Organisation** (24 January 2018)
- **Statement from the Humanitarian Coordinator, Mark Bowden: Aid workers killed in Afghanistan** (2 June 2015).
- **Statement from the Humanitarian Coordinator, Mark Bowden – Abducted aid workers killed in Afghanistan** (11 April 2015)
- **UNMIS condemns attack on Jalalabad office of International Committee of the Red Cross** (30 May 2013)
- **Afghanistan: UN and humanitarian community call for respect for humanitarian personnel and aid** (14 February 2010)

Central African Republic
- **UNHCR condemns attack on its staff in Central African Republic** (4 July 2017)
- **Humanitarian Community In Central African Republic Condemns Attacks On Its Workers** (26 September 2016)

Nigeria
- **UN Humanitarian Coordinator In Nigeria Gravely Concerned by Ambush on Convoy Carrying Humanitarian Items in Borno State** (18 December 2017)

Somalia
- **UN condenms killing of aid worker in Somalia** (28 August 2012)

South Sudan
- **South Sudan: Humanitarian Coordinator Condemns Attack Against Civilians, Aid Workers In Duk County** (29 November 2017)
- **The Humanitarian Coordinator condemns the latest attack that claimed the life of an aid worker** (5 November 2017)
- **South Sudan: Humanitarian Coordinator Condemns Horrific Killing of Aid Workers in Wau** (15 April 2017)

• South Sudan: Humanitarian Coordinator Demands Immediate End to Attacks on Civilians, Aid Workers (8 April 2017)
• South Sudan: Humanitarian Coordinator Condemns Killing of Six Aid Workers (26 March 2017)
• IOM Director General Condemns Attack on Humanitarian Convoy in South Sudan (16 March 2017)
• IOM Director General Condemns the Killings of ICRC Staff in Afghanistan (9 February 2017)
• Humanitarian Coordinator Demands There Be No More Attacks Against Aid Workers in South Sudan (19 August 2016)
• Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Remarks to the Press on South Sudan, New York (10 August 2016)
• UN Humanitarian Chief Condemns Violence Against Civilians and Aid Workers in South Sudan (3 August 2016)
• South Sudan: Humanitarian Coordinator Calls for Unhindered Access to Assist People in Juba (12 July 2016)
• South Sudan: Humanitarian Coordinator Condemns The Killing of a Health Worker (25 May 2016)
• South Sudan: Humanitarian Coordinator Strongly Condemns Armed Robbery of Nile Hope Compound in Juba (23 November 2015)
• Under-Secretary-General Stephen O’Brien Briefing to the Security Council The Humanitarian situation in South Sudan (25 August 2015)
• Statement by Toby Lanzer, Humanitarian Coordinator in South Sudan: Humanitarian Action Requires Freedom of Movement for Aid Workers (23 April 2015)
• Humanitarian organizations in South Sudan horrified by killings in Maban County (6 August 2014)
• South Sudan Aid Chief Appalled by Killing of Aid Worker (4 August 2014)
• Safety of civilians and aid workers crucial in South Sudan – Statement by Toby Lanzer, Humanitarian Coordinator in South Sudan (3 January 2014)
• Looting of civilian property and humanitarian supplies in Jonglei is unacceptable (13 May 2013)
• Statement by the Humanitarian Coordinator for South Sudan, Mr. Toby Lanzer (28 February 2013)

Sudan
- **United Nations Humanitarian Chief Condemns Killing of Aid Worker in Southern Sudan** (25 April 2011)

Syria
- **Statement by Ali Al-Za’tari, the UN Resident/Humanitarian Coordinator for Syria on attack on a joint UN/SARC/ICRC convoy** (17 June 2017)
- **Joint Statement by the Regional Humanitarian Coordinator and the Humanitarian Coordinator on recent air strikes affecting hospitals in Syria** (26 April 2017)
- **United Nations Assistant-Secretary and Regional Humanitarian Coordinator for the Syria Crisis, Kevin Kennedy – Statement on International Day of Solidarity with Detained and Missing Staff Members** (25 March 2017)
Yemen / Syria: Red Cross and Red Crescent Movement condemns killing of four more Red Crescent workers (3 April 2015)
Syria / Yemen / Mali: Red Cross and Red Crescent Movement shocked by deadly attacks on humanitarian workers (31 March 2015)
National Red Cross and Red Crescent Societies
Red Cross Red Crescent Movement and SARC condemn attack on SARC aid distribution centre in Hamadaniya, Aleppo (8 February 2017)
Canadian Red Cross Secretary General and CEO condemns attack on ICRC Afghanistan office in Jalalabad (30 May 2013)
Syria: ICRC-SARC condemn strongly the killing of a volunteer (25 June 2012)
C. NGO Statements
NGO-community Afghanistan calls for action to ensure the protection of aid workers following the attack on Non-Governmental Organizations in Jalalabad (26 January 2018)
South Sudan: Aid Agencies Condemn Attacks on Aid Workers (8 August 2014)
Action contre la Faim (ACF)
Seeking Justice for Aid Workers Assassinated in Sri Lanka: We Will Never Give Up (3 August 2017)
The Muttur Massacre: 10 Years On (3 August 2016)
Aid workers' murders in Sri Lanka: Ten years after Action against Hunger commemorates the Muttur massacre (26 July 2016)
Ensuring the Protection Aid Workers: Why a Special Mandate Holder is Necessary (2015)
CARE
CARE condemns ‘brutal killing’ of aid workers in South Sudan (27 March 2017)
Médecins Sans Frontières (MSF)
MSF Condemns Attack on Protection of Civilians Site in Malakal, South Sudan (12 January 2016)
DRC: MSF condemns the attack against its compound in Mweso (5 December 2017)
Syria: MSF-supported hospital in Idlib bombed to the ground amid increased intensity of attacks (15 May 2017)
Afghanistan: Médecins Sans Frontières condemn brutal killing of ICRC staff (9 February 2017)
Nigeria: MSF strongly condemns the aerial bombing of a camp for displaced people in Ramu (17 January 2017)
Syria: Latest attacks on east Aleppo hospitals leave medical care in tatters (15 October 2016)
Syria: Attacks on healthcare continue in besieged east Aleppo (8 September 2016)
Save the Children

Statement from Dr. Jill Biden, Save the Children U.S. Board Chair on the Attack in Jalalabad, Afghanistan (25 January 2018)

Save The Children Condemns Attack on Red Cross Aid Workers in Afghanistan (8 February 2017)

Save The Children Condemns Killing of Two Aid Workers in Khan Eshieh, Syria (October 2016)

D. Governmental Statements

Germany

Federal Foreign Office condemns attack in Afghanistan (9 February 2017)

United States

Statement by U.S. Embassy Kabul Chargé d’Affaires Ambassador Hugo Llorens on Terrorist Attack in Jowzjan Province, Afghanistan (9 February 2017)

U.S. officials condemn attacks on aid workers in Afghanistan (August 9, 2010)
Annex 3: Contact Information

For more information please contact:

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Other organizations:

- Aid Worker Security Database (AWSD), Humanitarian Outcomes [www.aidworkersecurity.org]
- Crisis Action [www.crisisaction.org]
- European Interagency Security Forum (EISF) [www.eisf.eu]
- International Council of Voluntary Agencies (ICVA) [www.icvnetwork.org]
- Insecurity Insight [www.insecurityinsight.org]
- InterAction [www.interaction.org]