

Justice and accountability for attacks against humanitarian personnel

WORKSHOP REPORT

3-4 February 2025 King Baudouin Foundation, Brussels







Table of Contents

DISCLAIMER	2
ACKNOWLEDGEMENTS	
EXECUTIVE SUMMARY	
Context	3
Workshop objectives and methodology	3
Summary of discussions	
OPENING REMARKS	5
1. VOICES FROM THE FRONTLINE: EXPERIENCES OF SURVIVORS, LAWYERS AND THEIR	
ORGANISATIONS	
Lyana Shcherbyna - Head of Kharkiv Office, NGO Proliska, Ukraine	
Olesia Skobova - Lawyer, Kharkiv Human Rights Protection Group, Ukraine	
Joseph Belliveau – Executive Director, MedGlobal, Palestine	9
Hanin Ahmed - Founder, Old Omdurman Emergency Response Room - External	
Officer, Sudan's Emergency Response Rooms, Sudan	10
Pierrot Chambu - Lawyer, South Kivu Bar - Researcher, Catholic University of	
Louvain (Belgium), Democratic Republic of Congo	11
2. AVENUES FOR JUSTICE	12
2.1 Strategic litigation: the perspectives of lawyers and legal practitioners	13
2.2 Legal remedies for humanitarian aid workers victims and survivors of attacks	17
3. SELECTED THEMES	20
3.1 Investigation, prosecution and reporting	
3.2 Access to legal services	
3.3 Victim- and survivor-centered justice and accountability	
3.4 Advocacy	26
3.5 Preventing and responding to arbitrary detention	
3.6 Collaborative research, learning, and training	
4. RECOMMENDATIONS	31
5. WORKSHOP EVALUATION	35
ANNEX 1 - LIST OF PARTICIPANTS	39
ANNEX 2 - AGENDA	41
About Protect Humanitarians & Legal Action Worldwide	45

Disclaimer

This report has been compiled by Protect Humanitarians and Legal Action Worldwide (LAW), the hosts of the workshop. The presentations, interventions, and summaries of discussions by participants documented in this report do not necessarily represent the views of Protect Humanitarians or Legal Action Worldwide.

The workshop was held under Chatham House Rule. Positions cannot be attributed to organizations or individuals that joined the workshop, except for those who have explicitly given their consent for their names to appear and have approved the content covering their interventions.

The discussions included the examination of cases of violence against humanitarian aid workers, whether pending or closed. For reasons of discretion and sensitivity, they have not been named or described in this report.

The terms humanitarian personnel and humanitarian aid worker are used synonymously throughout this report. The notion of attack used in this report is broad and includes acts against humanitarian personnel such as targeting, killing, arbitrary arrest and detention.

This report does not aim to provide a comprehensive account of every discussion or detailed exchange that took place. Instead, it seeks to capture the main points and key insights discussed, reflecting the opinions expressed by the participants which may differ from the official positions of their organisations.

Acknowledgements

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Executive Summary

Context

While the number of humanitarian aid workers injured, killed and kidnapped has reached record numbers in the past years, accountability for the victims and survivors remains extremely limited to Strengthening non-existent. effective access to justice for humanitarian specifically national personnel, locally recruited personnel, is crucial to combat impunity attacks for humanitarian personnel and strengthen the broader protection of civilians in conflict zones.

United Nations (UN) Security Council Resolution 2730 (2024) and Secretary-General's recommendations pursuant to this resolution urge States to address the lack of accountability for perpetrators and ensure that humanitarian and UN and associated personnel survivors and victims have access to justice. In 2024, Legal Action Worldwide published its report "Justice and accountability for attacks on aid workers: What are the barriers and how to overcome them?" To make the steps towards making justice and accountability accessible to humanitarians worldwide, **Protect** Humanitarians has developed research on "Legal Remedies for Humanitarian Workers Victims of Attacks".

Workshop objectives and methodology

Building upon previous events and research, Protect Humanitarians and LAW co-organised a two-day workshop with humanitarian actors, experts, and legal practitioners committed to improving accountability and combating impunity for attacks against humanitarian personnel.

During the first day, **testimonies** were shared and discussions took place on **avenues for justice.** The second day focused on discussing and making recommendations on investigations, prosecutions, and reporting; access to legal services; victim- and survivorcentered justice and accountability; advocacy; preventing and responding to arbitrary arrest and detention; and collaborative research, learning and training.

Participants identified **priority recommendations** on these thematic areas, which will be taken forward by Protect Humanitarians and Legal Action Worldwide.

Summary of discussions

Testimonies shared by humanitarian organisations, survivors, and lawyers from Ukraine, Palestine, Democratic Republic of Congo, and Sudan paint a harrowing picture of the escalating threats against humanitarian personnel, highlighting not only the direct attacks but also the broader implications of impunity, dehumanization, and systemic failures to protect those at risk.

Legal action in response to these attacks is an integral part of obtaining justice accountability and impunity. Strategic litigation fulfils a valuable function in achieving justice in individual cases while also effecting systemic change. Any legal action must be based on the survivors and victims' wishes and needs. Judicial actions should be complemented by political action by all UN Member States, particularly as violence humanitarian personnel takes place in context of shrinking the the humanitarian space and criminalization of humanitarian action. legal action in national, regional, and international courts comes set of challenges opportunities. While prosecuting cases at the domestic level is the priority, a combination of legal actions at the domestic and international level may ensure that the case is continued. The choice of legal remedy must assessed on a case-by-case basis. In addition to the staff member survivor or victim, humanitarian organizations can engage in legal proceedings following incidents, either as victims, with a mandate from their affected personnel, as a third party, or by providing information and evidence. Third parties, as independent investigative bodies, can also carry out investigations into violence against humanitarians.

Investigation, prosecution and reporting should be strengthened through reliance on several international domestic actors, international support for domestic investigations and prosecutions, strengthening international mechanisms and procedures or developing a new mechanism or mandate at the UN, as well as by relying on national reporting by States and NGOs. Access to legal **services** for humanitarian personnel can ensured through mechanisms, legal aid, and including legal services and information in the Duty of Care package. In pursuing justice and accountability, the needs and wishes of victims and survivors must be central. Their meaninaful participation and collaboration can be ensured through survivor **Advocacy** for respect for IHL remains paramount and key actors at the international (e.g., UN, ICC), regional (e.g., EU), and national level should be mobilized. To prevent and respond to cases of arbitrary arrest and detention, legal support and aid must be available, for example through networks of local and international lawyers. Humanitarian organizations and their staff should have tools available to prevent and respond to arbitrary detention. Responses to arbitrary arrest and detention include advocacy by States, NGOs and civil society, protection measures for affected staff, and engaging the UN or regional mechanisms. Collaborative research, **learning, and training** is needed for the humanitarian sector to protect their personnel and respond to violence, for example through accessible research, practical and action-oriented legal research, capacity-building on legal protection, and networking and information-sharing within the sector.

Opening remarks



Humanitarian aid is a concern for everybody.

One of the most precious tools we have is bringing people together to bring solutions.

Stefan SchäfersChief Program Officer of
King Baudouin Foundation.

Justice and accountability for humanitarian aid workers is a crucial theme, rising in a critical moment. It is in these difficult moments - when aid budgets are shrinking, when international law is under pressure and when fundamental rights are under retreat - that we must act and that we must act together. Our voice is louder when we speak as one, and there is no better time than now.

Olivier Vandecasteele Founder and Executive Director of Protect Humanitarians.





Let us be clear, impunity breeds more violence, against aid workers and the population they bring life-saving assistance to. It is crucial that we understand their needs and wishes in terms of justice, and that they are informed of the avenues available to them. Even in difficult environments, we are filing cases, and we are winning. We are committed to continuing and to ensuring that aid workers too access the justice that they want.

Antonia Mulvey

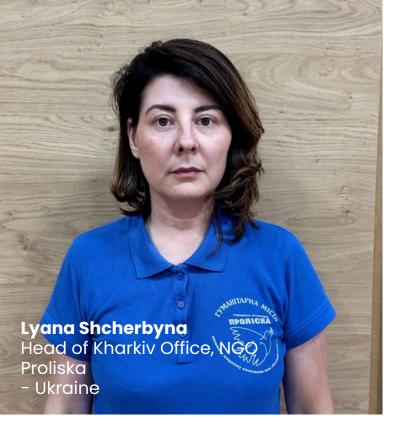
Founder and Executive Director of Legal Action Worldwide.

Oldes from the frontline

EXPERIENCES OF SURVIVORS, LAWYERS AND THEIR ORGANISATIONS

"We are convinced that sharing lived experiences is a driving force for change. It is crucial to hear the stories behind the numbers and the data"

Olivier Vandecasteele



Since February 2022, the NGO Proliska has documented 63 attacks targeting humanitarian aid workers in Ukraine. They are not solely incidentally harmed in the armed conflict but deliberately targeted.

"Holding perpetrators accountable will allow the international legal community to learn from past cases and establish best practices, improving future responses and actions for the protection of aid workers."

The physical and psychological impact of this violence on Ukrainian humanitarian aid workers is long-lasting. Significant funding is required to provide support to victims and survivors and strengthen protection mechanisms for those delivering humanitarian assistance.

Ensuring accountability is crucial to recognize and support victims and survivors, hold perpetrators accountable, and establish best practices within the international legal community to improve future actions and responses. Humanitarian aid workers' needs and meaningful participation in decision-making should be at the core of these efforts.

Moreover, better coordination mechanisms between humanitarian authorities, and the actors, local international community can ensure that personnel can carry out their activities safely, securely, and effectively. Safety and security of personnel are key requirements for the continued provision of aid to populations affected by armed conflicts.



"Engaging in justice and accountability processes is an act of solidarity. Saying that an injustice has occurred and that there must be accountability essentially means acknowledging our shared humanity and recognising the humanity of the person who experienced the violation."

In Gaza, medical and humanitarian facilities and staff operate under threat and have been subjected to repeated attacks. Ambulances and treatment rooms, for example, have been rendered non-functional, leaving countless patients stranded without medical care.

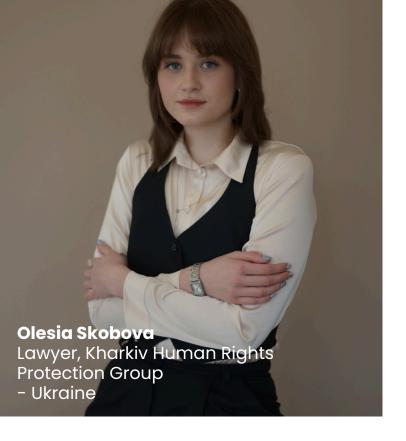
Dehumanization is a worrying development in this context, since deliberate acts of violence imply a disregard for the lives of those affected. In addition to direct casualties, there are significant reverberating effects on the population's health and survival caused by attacks on hospitals and the resulting disruption of medical care.

These attacks are not isolated incidents but systematic acts. MedGlobal, for example, has had to evacuate medical facilities over 10 times. The World Health Organization (WHO) reported that at least 50 separate attacks on or near Kamal Adwan hospital took place in the lead-up to its closure in December 2024. The UN Office of the High Commissioner for Human Rights (OHCHR) documented 136 strikes on at least 27 different hospitals and 12 medical facilities in Gaza between October 2023 and June 2024.

States are failing to restrain the blatant disregard for international law. This trend risks leading to a broader disregard for legal obligations and less restraint by parties to other armed conflicts. The international community must intervene without delay to ensure respect for international law.

Justice and accountability are crucial in this regard and form part of a larger set of tools available to ensure the effective provision of humanitarian aid. Alongside negotiations, diplomacy, and advocacy, justice and accountability hold value because of their possible deterring and preventive function. If warring parties know that such measures exist, they may be less likely to violate their obligations.

"There is no scenario in which we could think of what has been happening as accidental, as collateral damage in warfare. These are deliberate acts of systematic destruction."



"It is not only for the victims themselves that justice is important, but for the entire Ukrainian humanitarian sector."

Reports from Kharkiv indicate that humanitarian aid workers have been subjected to kidnapping, interrogations, sexual violence, prolonged captivity, deprivations of food, severe physical abuse, and harassment to cease their activities. Out of fear for their families' and their own lives, members of the humanitarian community in Ukraine have stopped their work, such as evacuating the wounded and sick and distributing food.

"Faced with the consequences of Russia's war against Ukraine, an increasing number of people need assistance, and to address this, we need as many volunteers as possible. Knowing they are effectively protected by international law would give humanitarian workers confidence in their activities and a renewed commitment to their work."

Attacks and incidents have had a profound impact on the physical and mental health of Ukrainian humanitarian aid workers. Justice and accountability, in addition to deterring future violations, could support victims' and survivors' healing after acts of violence. Prosecuting the alleged perpetrators would allow humanitarian aid workers to be recognized as victims under the law and receive compensation to cover the costs of medical and psychological care.

Effective protection also ensures that sufficient resources are available to support the affected population. Many staff members and volunteers are needed to meet the varied needs of the population in different regions affected by armed conflict. Ensuring their effective protection can increase the confidence of workers to carry out their activities and could encourage new personnel to join.



"The international community must make the unwavering commitment to ensure justice and accountability of the perpetrators through investigations, prosecutions, and measures to prevent future attacks."

In Sudan, humanitarian aid workers have faced direct attacks as well persecution for their work. Witnessing and surviving acts of violence causes long-term harm and takes an immense psychological toll on the affected. Survivors aim to support their communities through advocacy, particularly to ensure accountability for alleged perpetrators.

"The psychological impact of such attacks is real, persistent and must never be underestimated."

Justice about empowering affected communities. Ensuring that the perpetrators alleged are held responsible deters future attacks and increases the safety of humanitarian aid workers, allowing them to carry out their activities. Recognising their rights and effectively asserting them in court protects humanitarian aid workers, strengthens the legitimacy humanitarian action, and maintains public trust and acceptance.

The international community has a key role to play. It must step up by increasing financial and logistical means to protect humanitarian aid workers and ensure that parties to armed conflicts respect international humanitarian law and human rights.



In the Democratic Republic of Congo, humanitarian aid workers have been kidnapped, abused, and killed due to the perception that they are aligned with an opposing party to the conflict.

While such acts of violence have been publicly denounced by the employer organization and the UN, and compensation provided to the families, investigations and criminal proceedings are most often not conducted.

This allows impunity to persist and violence against humanitarian aid workers to continue being perpetrated.

A few trials have been conducted because of public pressure and pressure from organizations and lawyers. However, the lack of financial resources and assistance for victims, survivors, and their families are persistent barriers to pursuing legal action.

Particularly in the context of instability and armed conflict, local courts may be susceptible to corruption and legal actions may entail a high cost. Delocalizing the trial to a different region may be beneficial in obtaining a fair trial but could bar victims, survivors, and families from participating.

This highlights a gap in legal protection, as no specific international mechanism exists that can be accessed by victims, survivors and their families in these situations.

In the Democratic Republic of Congo and the international community, there is a lack of legal expertise that should be addressed, as few lawyers specialised in the protection of humanitarian personnel work within local and international NGOs.

"The Congolese civil society has a real need for justice and is calling for transparency and concrete actions to fight against impunity."

Avenues for Justice

2.1 Strategic litigation: the perspectives of lawyers and legal practitioners

"Humanitarian workers feel guilty asking for justice and accountability because of the direct insight they have on the atrocities happening to the communities they serve. But let us remember, pursuing these cases can also help the civilians they are working with."

 Antonia Mulvey, Founder and Executive Director of Legal Action Worldwide

Introductory remarks - Legal Action Worldwide

As a frontline legal organisation representing individuals, LAW provides legal information, assistance, and representation to survivors of human rights violations and abuses. Since 2022, LAW supports humanitarian organisations and aid workers in obtaining justice and accountability for violence committed against them.

The organisation makes it a point to amplify survivors' voices and uses a survivor-centred approach. LAW's team works on the ground in conflict contexts combining national and international expertise with a deep understanding of victims and survivors needs and wishes.

In collaboration with survivors, their communities and national justice actors, LAW develops and implements creative, survivor-driven justice and accountability strategies, including strategic litigation at national, regional and international levels. Noting a stark discrepancy between the number of attacks against aid workers, their systematic nature, and the number of cases brought before courts and tribunals, LAW provides legal services to aid workers, and, in May 2024, published a report that identifies the barriers to seeking justice and accountability for for aid workers.

To read the report, visit: https://legalactionworldwide.org/what-we-work-on/atrocities-against-aid-workers/



Summary of discussions

Strategic litigation and legal action

Strategic litigation functions as a means of communication and advocacy as well as a tool to challenge unlawful state practice and prevent future violations by questioning existing legislation. In addition to providing justice in individual cases, it contributes to a fairer, safer, and more effective humanitarian sector.

The advantages and disadvantages of legal proceedings should be weighed on a case-by-case basis. Any action must always be based on the wishes of the victims and survivors. Proceedings based on the principle of Universal Jurisdiction may be particularly interesting in some States. In certain cases, other measures such as agreements for remedies and compensation, apologies by the perpetrator, recognition by the international community, and guarantees of non-recurrence, may be preferable to a criminal trial.

The response to violence consists of an urgent action phase (e.g., securing the release of a detained humanitarian aid worker) and a phase for justice and accountability. While accountability is a more complicated matter than the rapid response to incidents, it is a fundamental aspect of responding to violence and safeguarding the rights of humanitarian aid workers.

Political actions

United Nations Security Council Resolution 2730 (2024) and the Secretary-General's recommendations pursuant to this Resolution highlight that it is the role of Member States to:

- Ensure that humanitarian and UN and associated personnel survivors and victims have access to timely assistance, including legal services and prompt compensation, and ensure Member States' support include funding for independent legal assistance, logistical support to states initiating legal proceedings, and support of programs for victims and witnesses' protection.
- Conduct impartial, independent investigations and prosecution of perpetrators and regularly report on investigations and measures taken to protect personnel, and called for enhancing national institutions and international cooperation, including deploying independent investigators in support of authorities that may lack sufficient capacity.
- Change the narrative that humanitarian personnel cannot be victims, prevent misinformation/disinformation and criminalisation, and ensure victims, survivors, and all humanitarian personnel, including national and locally recruited personnel, participate meaningfully in discussions on their protection.
- Political actions to prevent violations and ensure respect for international law should complement legal actions. States nonetheless provide support based on their agendas and priorities, which is reflected in their choice whether or not to support certain judicial proceedings. Paragraphs on justice and accountability in UN Security Council Resolution 2730 should be diligently implemented and strengthened in a future resolution.

Scope of protection and applicable legal framework

Because of the wide scope of activities carried out by humanitarian aid workers and the variety of actors present on the ground, the applicable legal framework and related protection may differ and must therefore be carefully analysed. For example, the medical mission enjoys specific protections under international humanitarian law. It is crucial to address the ways in which different humanitarian aid workers are protected under the law and not undermine the special protection that applies to certain categories.

Humanitarian aid workers may also be at risk of violence outside of the exercise of their professional activities, for example because of violence that incidentally affects them. The issue of aid workers subjected to violence because of their role and connection with humanitarian activities is a priority issue. This may nonetheless be a delicate and difficult determination in practice.

Principled humanitarian action

The weaponisation of legislation and criminalization of humanitarian activities prevent humanitarian actors from carrying out their operations. Crisis situations are instrumentalized to impose laws and administrative constraints that significantly restrict the ability of civil society to act – a situation that may persist after the crisis subsides. The shrinking of humanitarian space must be urgently addressed.

Violence against humanitarian aid workers is often aimed at deterring them from carrying out their activities. They are targeted because of their proximity to the facts on the ground, rather than their neutrality.

While litigation and advocacy are not always contrary to the principle of neutrality in humanitarian action, discussions on their limits and possibilities should take place.



2.2 Legal remedies for humanitarian aid workers victims and survivors of attacks

Introductory remarks - Protect Humanitarians

Humanitarian aid workers face several barriers when seeking justice after an incident. One of these barriers is the lack of access to legal information or assistance as particularly local humanitarian aid workers may not always be aware of which legal frameworks provide protection and which legal avenues are available to them.

To make the steps towards making justice and accountability more accessible to humanitarians worldwide, Protect Humanitarians conducted research on legal remedies for humanitarian aid workers victims of attack.* The research looked at the legal frameworks that protect humanitarian aid workers and explored potential remedies at national, regional, and international levels, as well as the advantages and disadvantages of each remedy. This would enable the choice of the most effective path on a case-by-case basis.

*This research project was undertaken by Cécile Swysen with the support of Prof. Vaios Koutroulis from Université Libre de Bruxelles (ULB), Prof. Raphaël Van Steenberghe from Université Catholique de Louvain (UCL), Prof. Christophe Deprez from Université de Liège (ULiège), Sophie Timmermans and Laure Chermanne from Protect Humanitarians and contributions from Geoffroy Millogo, Tanguy de Piepont and Kheda Djanaralieva.



Summary of discussions

Limitations of courts

Accessing justice through national courts may be challenging for victims and survivors due to insufficient resources, a lack of judicial independence, or a lack of willingness from authorities to take action. Moreover, investigators may lack access to victims and survivors. In legal proceedings based on universal jurisdiction, immunity of state officials and stringent requirements in national law can act as significant barriers.

Regarding regional human rights courts, there are differences in whether individual victims and survivors have access to the court and how judgements are enforced, with different opinions on the strength of these enforcement mechanisms. The European Court of Human Rights can receive applications from any person, NGO or group of individuals claiming to be the victim of a violation and is perceived to have strong enforcement powers. Neither the Inter-American Court of Human Rights nor the African Court on Human and Peoples' Rights (AfCHPR) can be directly accessed by individuals. Moreover, few African States have accepted the jurisdiction of the AfCHPR.

Access to international courts is subject to strict criteria. Few cases are pursued before the International Criminal Court (ICC) due to, inter alia, the limited resources allocated to it.

Approach to legal proceedings

Domestic jurisdiction is regarded as the priority option, even though it is recognized that there may be barriers to access and risks of retaliation against victims and survivors. A combination of legal actions at the domestic and international level may prove particularly useful to ensure that the case is pursued. There are examples of past cases of international crimes in which actions were mounted before national courts based on universal jurisdiction, as well as before the ICC and the International Court of Justice (ICJ).

Other states could start parallel proceedings (e.g., in case the victim or survivor or alleged perpetrator has dual nationality, or through universal jurisdiction) or exert pressure on national authorities and alleged perpetrators through diplomatic measures and sanctions to ensure cases are continued. Continued legal proceedings require sustained and long-term efforts that are supported by sufficient funding.

The pursuit of remedies should be assessed on a case-by-case basis, considering the unique circumstances of the case and the legal frameworks and protections that apply. Previous cases can give insights into best practices.

In addition to criminal liability, the option civil liability can be further explored as an accessible and effective avenue to obtain compensation.

Role of the humanitarian organization

Humanitarian organizations can be considered as victims of violence against their workers, as they may suffer damage from it. In certain instances, they may engage in legal proceedings on that basis without a mandate from the individual worker. They may also intervene in legal proceedings of victims and survivors as third parties.

Organizations produce many documents that could be used as evidence in legal cases, such as situation reports. It may nonetheless present a risk for the organization, its staff, and their families, if it were known that the organization contributed to investigations and legal cases. Prior to participation, a thorough risk analysis must be carried out in which the possibility of retaliation against staff in the field and their families must be considered. Many information requests are sent to organizations, so sufficient and dedicated resources must be made available to conduct such risk analyses.

Role of third parties

Third States may incur responsibility for complicity and assistance in violations of international law. They may not support or assist the commission of international crimes. The Convention on the Prevention and Punishment of the Crime of Genocide, for example, includes an obligation towards all States Parties to prevent and to punish the crime of genocide. Pursuing legal action before the ICJ for this nonetheless requires much political will from other States and may not always be possible due to the ICJ's jurisdictional limits.

Independent investigative bodies, such as the International Humanitarian Fact-Finding Commission (IHFFC), can be mandated to carry out investigations or enquiries into violations of international law against humanitarian aid workers. In April 2024, the IHFFC offered its good offices to Australia, Canada, Palestine, Poland, the United Kingdom of Great Britain, and the United States of America, following the killing of 7 staff members of the NGO World Central Kitchen in the Gaza Strip.

O 3 Selected Themes

3.1 Investigation, prosecution and reporting

Summary of discussions

Actors

Several international and domestic actors could be involved in improving investigations, prosecutions and reporting on efforts to address violence against humanitarian aid workers. This includes embassies, national human rights institutions, national IHL committees, national coalitions and parliaments, the UN Office for the Coordination of Humanitarian Affairs (OCHA), NGO forums, UN Special Procedures, the UN OHCHR, UN Commissions of Inquiry, and national Emergency Coordination Rooms. Obtaining sufficient funds for investigations, prosecutions, and reporting, nonetheless remains challenging.

Support for domestic investigations and prosecutions

International support could be provided to domestic investigations and prosecutions. Whether this should be systematically proposed is subject to debate and dependent on the political will of States. An international mechanism or mandate could be set up to intervene, based on a defined mandate and parameters for its intervention.

Different ways to hold states responsible for undertaking legal proceedings can be considered and multiple actors could report on these efforts, such as States or NGOs.

Political involvement in coordinating efforts, advocating for international support to prosecute, and pressuring states can aid in ensuring that incidents are investigated and alleged perpetrators prosecuted at the national level. Judicial cooperation can also support other States' judiciaries without taking over the prosecution itself where the concerned States' judicial system is independent. It is essential for judicial authorities to cooperate. Concerns can nonetheless be raised about external parties providing legal advice and support in other States.

International mechanisms and procedures

No institutionalized mechanism exists for humanitarian aid workers, as is the case for human rights defenders and environmental defenders for example, and existing mechanisms suffer from gaps, limitations, funding constraints, and pressure.

Following the example of the Monitoring and Reporting Mechanism on grave violations committed against children in times of armed conflict established by the UN Security Council, a similar mechanism could be established for violations against humanitarian aid workers.

States could then report on their efforts to hold perpetrators of violations against humanitarian aid workers accountable. On the basis of this information, parties to armed conflict that commit violations against humanitarian aid workers can be named and listed. However, political interference in the UN Security Council could lead to the removal of perpetrators from the list.

Other options can also be considered, such as a Special Procedure under the UN Human Rights Council or a new Special Envoy of the UN Secretary-General. However, having all tasks handled by a single expert would be unrealistic because of capacity constraints. A new Working Group with independent experts could be established by the Human Rights Council to take on the responsibility of collecting information and holding states accountable for violations against humanitarian personnel.

If no new structure can be created, then existing structures and mandates should be empowered to consider the protection of humanitarian aid workers in an effective manner.

A coordination mechanism should be established to facilitate engagement with the UN Special Procedures and to address violations against humanitarian aid workers. This mechanism can meet yearly, similar to mechanisms for human rights defenders.



National reporting

Reports from States and NGOs on domestic efforts to hold perpetrators accountable should be gathered. States could be encouraged to report voluntarily on domestic efforts to hold perpetrators accountable for violations against humanitarian aid workers.

NGOs are able to gather evidence on violence against humanitarian aid workers in the places where they operate. This can be done through the use of apps, for example, on which photographs and data documenting incidents can be uploaded. NGOs may nonetheless lack the tools and training needed to ensure adequate data protection. Secure methods are needed to share data and evidence. Training, support, and coordination efforts are needed to ensure digital security. In addition, NGOs may operate with confidentiality, preventing them from reporting on these findings publicly.

3.2 Access to legal services

Summary of discussions

Employer organizations and other affected staff members

Organizations, including NGOs, should be able to support their staff in identifying a lawyer and obtaining legal information and advice in the aftermath of an incident, if the affected staff members wish to do so.

The lack of capacity of some organizations may nonetheless present a challenge, as engagement in legal action is a resource-intensive and lengthy process. To mitigate this, organizations could cooperate and pool their resources to ensure access to legal services for their staff. Moreover, victims and survivors and the employer organization may have different interests in choosing their legal representation, with organizations seeking prominent law firms while victims and survivors may prefer a trusted lawyer from their network.

In situations where different staff members of the same organization are accused of having committed criminal offenses due to the exercise of their activities, it can present a significant challenge if the different persons and the employer organization adopt different, or even conflicting, legal defense strategies.

Financial mechanisms and legal aid

Labour contracts of humanitarian aid workers could include insurance to cover legal fees. This would involve a tripartite agreement between the humanitarian organization, the employee, and an insurance company. The Protect Aid Workers (PAW) Fund could also be appealed to to cover the legal fees needed to defend or support the humanitarian aid worker in relation to the incident. The protection grants of the fund cover fees up to 10.000 Euros per incident.

Humanitarian aid workers that are victims and survivors of incidents can approach organizations providing legal aid to humanitarian aid workers, such as Legal Action Worldwide.

Domestic and international funds may be able to provide compensation and support to victims and survivors. For example, Belgium has a Trust Fund for Victims of Terrorism. At the international level, the Trust Fund for Victims at the ICC implements reparations ordered by the Court and provides support to victims and survivors and their families. Furthermore, the UN Voluntary Fund for Victims of Torture provides grants to civil society organizations that provide direct services such as medical, psychological, legal, social and other assistance to victims and survivors of torture. Access to these mechanisms is nonetheless lengthy and subject to eligibility criteria.

Duty of care

Humanitarian organizations should ensure that their staff are adequately informed about the legal protection during their employment and after incidents. Comprehensive training should be conducted and legal services added to the Duty of Care package. Access to legal services could be added into Standard Operating Procedures (SOPs) to be followed for security incidents.

Off-duty incidents

Humanitarian aid workers can also be subjected to violence during times when they are not carrying out their functions. There are ongoing discussions on how to deal with incidents affecting persons that are off-duty, and whether this can be considered as an attack against humanitarian aid workers.



3.3 Victim- and survivor-centered justice and accountability

Summary of discussions

Victims' and survivor's voices and needs

Survivors and victims should be listened to in order to understand what justice means to them. Justice can include recognition, reintegration into society and the community, acknowledgement, and redress. Support can also be non-legal, depending on the needs and wishes of the victim or survivor.

Listening to the different needs is important, because in certain national contexts, legal systems may not be sufficiently victim- or survivor-centered, leading to a significant risk of re-traumatization. Moreover, there is a risk that victims and survivors will be pushed towards a legal path against their wishes. On the contrary, there is a risk that victims' and survivors' voices may be silenced in certain cases, as they may be pressured not to seek accountability or participate in the procedure.

Some organizations are well-equipped to handle these concerns because of prior experience. Good practices should therefore be documented, shared, and provided as training for the humanitarian sector to ensure that justice and accountability efforts remain victim- and survivor-centered.

Survivor groups and meaningful participation

Survivor groups should be promoted and supported to allow survivors to contribute to advocacy efforts on prevention. Meaningful participation in this sense means that survivors and victims are given the opportunity to participate in prevention efforts if they wish to do so. Participation in advocacy and prevention efforts should take place in safe spaces and must be fully voluntary.

Meaningful participation therefore does not mean that victims and survivors are forced to participate or are included in every advocacy activity, such as panels. Instead, opportunities should be provided for survivors and victims to offer input in the improvement of prevention strategies based on their experiences and perspectives. Involvement in advocacy efforts can be healing for some, while traumatizing for others. Therefore, a risk assessment should be undertaken and appropriate support mechanisms must be provided.

3.4 Advocacy

Summary of discussions

Advocating for respect for IHL

The international community, including humanitarian organizations, NGOs, and States, should advocate for States and parties to armed conflicts to comply with IHL and implement its provisions faithfully. When violations occur, fact-finding missions should be called upon to investigate. NGOs nonetheless face the risk of retaliation when speaking out, thereby hindering their possibility to participate in advocacy efforts.

Advocacy must always be complemented with other efforts, to ensure that this results in actions rather than solely words.

Mobilizing key actors

Several key actors, such as States, the European Union, the United Nations, the ICC, and humanitarian actors, can be engaged by the humanitarian sector to ensure respect for and protection of humanitarian aid workers.

All relevant stakeholders could be brought together in a network or platform. A community of practice, a concept already initiated by the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO) under the PAW program, could be set up for the protection of humanitarian aid workers. Moreover, within the NGO sector, discussions on advocacy can be initiated in NGO committees.

States that advocate for the respect of IHL in public statements can be further engaged by providing them with actionable recommendations, for example to implement UNSC Resolution 2730. Past examples of political declarations with actionable recommendations include work on the Safe Schools Declaration, for example. Humanitarian organizations should get opportunities to engage and input into these processes. To gain regional traction, champion states from the region can be approached. Moreover, parliamentary diplomacy is a tool that can be further leveraged.

At the European Union level, EU Heads of Mission should be encouraged to include violations of international humanitarian law on the agenda and prioritize the issue in their engagements with State counterparts.

Connections with human rights and civil society organizations, the private sector, UN agencies, and international NGOs should be improved. Large INGOs with presence and connections in the field could allow for liaising with non-state armed groups, for example.

The UN Secretary-General's report should provide comprehensive data and information on violations and highlight specific instances where further investigations are required by fact-finding missions. This requires an effective system for data collection and monitoring. To support the development of the report, and to mainstream IHL issues within different UN agencies, a position of Special Adviser to the UN Secretary-General could be created. Moreover, certain UN Special Rapporteurs could integrate the issue of attacks on humanitarian aid workers into their mandate.

The ICC has been called upon to develop a policy on the protection of humanitarian aid workers, as has been done for other thematic issues.



3.5 Preventing and responding to arbitrary detention

Summary of discussions

Legal support and networks

Fair trial rights of aid workers must be respected at all times. Humanitarian aid workers that are arrested or detained should be informed about the charges brought against them and a lawyer should immediately be identified and mandated to assist them throughout the legal proceedings. Local lawyers may nonetheless face pressure, intimidation, or even arrest which may compromise their ability to effectively represent detained humanitarian aid workers. Additionally, corruption in the judicial system and inadequate investigations risk leading to an unfair trial.

A network of local and international lawyers should be established to provide comprehensive legal support to humanitarian aid workers as well as peer-to-peer learning opportunities on legal support. This ensures the availability of qualified legal professionals that can provide specialized support.

There should be guidelines and capacity-building for humanitarian organizations on dealing with arbitrary arrest and detention of their staff as well as information for staff themselves on their rights, the policies, and processes in place in case of arbitrary arrest and detention. The question remains to what extent humanitarian organizations are responsible for responding to cases of arbitrary arrest and detention of their staff and whether this differs according to specific situations.

Training and awareness

Field staff should be provided training on their rights and the responsibilities of the employer organization regarding staff protection should be clarified. More awareness should be created around the protection of humanitarian aid workers, with a particular focus on the legal implications of arrest and detention.

Organizations should conduct environment-scanning and trend analysis on arbitrary detention in the context where they work, and engage in data- and information-sharing on the data and available mechanisms with other actors present in the context. In analyzing the risk, particular attention should be paid on certain humanitarian aid workers that may be more at risk of arbitrary detention, such as personnel working on migration in certain contexts.

Advocacy and responses

Key actors should be involved in advocacy efforts and should take measures following the arbitrary arrest and detention of humanitarian aid workers. States, for example, should take diplomatic measures such as naming and shaming, as well as imposing sanctions. Engagement with non-state armed groups that arbitrarily arrest and detain humanitarian personnel could be further considered and could be facilitated by other organizations with existing connections to such groups.

NGOs and civil society organizations, on the other hand, can advocate for better legal protections in their national systems, mobilize the general public, and raise awareness around the issue of arbitrary arrest and detention of humanitarian aid workers. Organisations may nonetheless face criminalisation due to their involvement in advocating for the rights of detained humanitarian aid workers. The perceived lack of legal recourse may also discourage action and advocacy.

A large range of protection measures may potentially be taken in response to arbitrary detention. For example, victims and survivors of arbitrary detention could be supported in seeking asylum following their release and dedicated psychological and legal support and funding could be made available for the families of detained humanitarian aid workers,

At the global level, a specific focus on humanitarian personnel could be introduced into the UN Working Group on Arbitrary Detention.

Moreover, the use of regional legal mechanisms could be strengthened.



3.5 Collaborative research, learning, and training

Summary of discussions

Accessible legal resources

Legal resources and regulations, which are often complex and fragmented, must be made accessible and understandable for humanitarian organizations and other actors to raise awareness. Legal protection efforts for humanitarian personnel should become more visible. For example, the platform 'IHL in Action' from the International Committee of the Red Cross (ICRC) provides a good example by highlighting concrete cases of respect for IHL. Visibility efforts should be paired with efforts to reduce skepticism towards the law.

Practical research

Legal research should aim to produce concrete and usable results for humanitarian organizations by applying the law to address specific humanitarian issues that arise in the field and ensuring it is adapted to the addressees.

Capacity-building

While some organizations have experience with legal research and training, there is a need to enhance the specific experience on the legal protection of humanitarian aid workers. Legal protection knowledge and competencies can be transferred through networks and organizations. Training to transfer knowledge and build competences should be prioritised.

Networking and information-sharing

Existing platforms and fora, such as the European Humanitarian Forum (EHF) and the Humanitarian Networks and Partnerships Week (HNPW), could be used as moments of encounter to brainstorm on existing training opportunities to enhance the capacity for preparedness and response to violence against humanitarian aid workers. These opportunities can be leveraged to build networks with different competencies. Academic conferences could be used to engage in networking for collaborative research and training.

Establishing new and dedicated platforms for information-sharing would allow the effective sharing of research, training, best practices, and challenges of different organizations in protecting humanitarian personnel. NGOs can use these platforms to share insights, thereby enhancing learning and collaboration across the sector.

O4Recommendations

Discussions on the six selected themes led to the identification of several recommendations. **Priority recommendations** for the international community, including States, NGOs and civil society organizations, intergovernmental organizations, and academia **are highlighted based on the votes of the workshop participants.** Coordination and networking were identified as priorities across all themes.

1.

Place victims' and survivors' voices at the center of efforts to protect humanitarian personnel by:

- Promoting and supporting the formation of spaces to amplify the voices of survivors and victims, such as by creating and supporting the functioning of survivor groups.
- Documenting, sharing, and implementing good practices on victimand survivor-centered access to justice and legal assistance across humanitarian organizations and legal service providers.
- Providing training for NGOs and legal actors on victim- and survivorcentered approaches.

2.

Reinforce investigations, prosecutions, and efforts to hold alleged perpetrators accountable by:

- Establishing a new mechanism at the international level focused on the protection of humanitarian personnel, such as a new Special Procedure under the UN Human Rights Council.
- Supporting NGOs in fact-finding and incident reporting by pooling resources, developing guidelines and manuals, and providing training and capacity-building.

3.

Ensure access to legal support by providing free, independent, and specialized legal information, assistance and representation to humanitarian personnel by:

- Continuing to reinforce mechanisms for the provision of legal support, such as the Protect Aid Workers (PAW) mechanism.
- Including legal insurance in humanitarian personnel's labour contracts and providing legal services as part of the Duty of Care package of humanitarian organizations.

4.

Scale up advocacy activities for the protection of humanitarian personnel by:

- · Creating a network or platform of stakeholders, including legal experts.
- Engaging with friendly and active states and providing them actionable recommendations on the protection of humanitarian personnel.
- Establishing a new position of Special Adviser under the UN Secretary-General to mainstream the protection of humanitarian personnel across UN agencies and in the annual report of the UN Secretary-General.
- Advocating for the ICC Office of the Prosecutor to develop a policy on the protection of humanitarian personnel.

5.

Ensure a swift, efficient, and appropriate response to cases of arbitrary arrest and detention of humanitarian personnel by:

- Calling on political actors to take action in response to arbitrary detention of humanitarian aid workers by, for example, imposing sanctions, publicly condemning the acts, and taking diplomatic measures.
- Bringing cases of arbitrary detention of humanitarian aid workers before the UN Working Group on Arbitrary Detention and calling for a specific focus on humanitarian aid workers to be added to the mandate.
- Building the capacity of humanitarian organizations to respond to arbitrary arrest and detention of their staff through the development and implementation of practical research and guidelines.
- Establishing networks of specialized lawyers to support humanitarian organizations and personnel in responding to arbitrary arrest and detention.

6.

Support the humanitarian sector, particularly local actors, to prevent and respond to violence against humanitarian personnel through research, training, and collaboration. This should be done through:

- Promoting, conducting, and disseminating applied research with actionable recommendations and practical tools, for example on legal pathways, lessons from past cases, and survivor– and victim–led perspectives on justice.
- Promoting equitable access to research agenda- and priority-setting (including through capacity building) for national NGOs, frontline workers, and victims and survivors.
- Strengthening access to legal knowledge and monitoring tools by developing practical and user-friendly resources for local organisations and victims and survivors.
- Building the capacity of and investing in national NGOs, humanitarian organisations, and national academic actors to conduct and implement research through training, mentoring, and resourcing local actors to generate and utilise evidence.

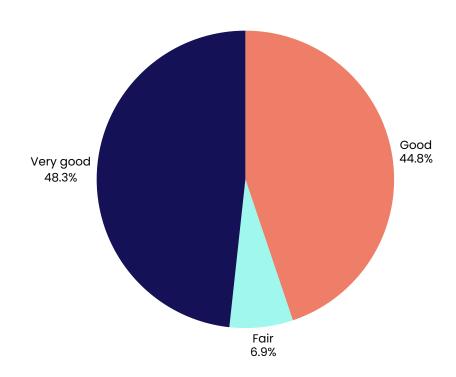


5 Workshop Evaluation

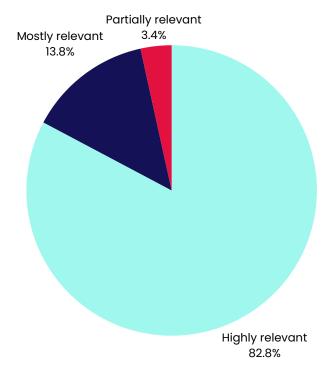
What motivated you to participate in the workshop?



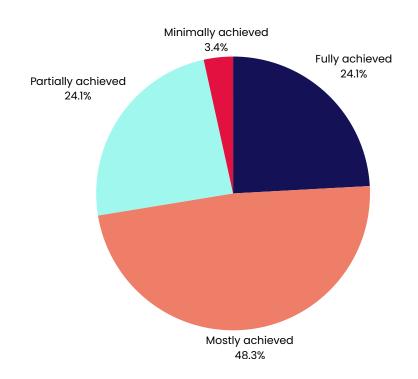
How effectively were the sessions facilitated to ensure discussions remained engaging and inclusive?



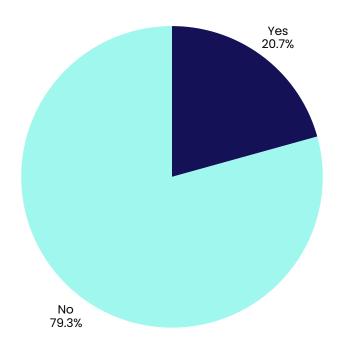
In your opinion, to what extent was the theme of the workshop relevant?



Through this workshop, our objective was to discuss and identify key priorities and actionable solutions to improve accountability and combat impunity for attacks on humanitarian personnel. To which extent do you think we succeded in reaching this goal?



Are you currently part of a network dedicated to improving access to legal assistance and justice for humanitarian personnel who have been victims of attacks?



The priorities listed below received the most votes. In which of these areas would you like to engage with Protect Humanitarians and LAW?



Annex 1 - Participant List

Workshop "Justice and Accountability for Attacks against Humanitarian Personnel". 3 and 4 February 2025.

King Baudouin Foundation, Brussels, Belgium.

Hosted by Protect Humanitarians and Legal Action Worldwide.

	Surname	Name	Organization and position
1	Annequin	David	Protect Aid Workers, Program Director
2	Bespalaia	Tamila	Kharkiv Human Rights Group, Lawyer
3	Biringanine Mushagalusa	John- Edouard	Lawyer and Protection Expert
4	Callus	Christa	Insecurity Insight, Researcher and Data Analyst
5	Chambu	Pierrot	Université Catholique de Louvain (UCL), Visiting Researcher Lawyer at Sud-Kivu Bar
6	Chermanne	Laure	Protect Humanitarians, Programme Officer
7	Chetcuti	Pauline	Oxfam, Head of Humanitarian Campaigns and Advocacy
8	De Grandis	Sara	Protect Humanitarians, Communication Officer
9	Delbourgo	Camille	Legal Action Worldwide (LAW), Programme Manager
10	Deprez	Christophe	Université de Liège (ULiège), Professor

	Surname	Name	Organization and position
11	Deswaef	Alexis	Lawyer, Vice-President
12	Djanaralieva	Kheda	Université Libre de Bruxelles (ULB), PhD Researcher
13	El Karouini	Farah	ULiège, Assistant
14	Gassauer	Dominique	United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Affairs Officer
15	Grissard	Roxane	Médecins du Monde, Humanitarian policy and advocacy officer
16	Gosselin	Camille	Action Contre la Faim, Advocacy Manager
17	Hugues	Heather	Global Interagency Security Forum (GISF), Head of Global Membership and NGO Services
18	Infante	Vittorio	Oxfam, IHL Policy & Network Lead
19	Jourdan	Thibaud	ULiège and ULB, PhD Researcher
20	Kaczuba	Dorota	European Commission, Directorate- General for European Civil Protection and Humanitarian Aid Operations (ECHO), Programme Manager
21	Kajabika Chabahanga	Рарру	Official University of Bukavu, Teaching Assistant Vision Sociale DRC, Director
22	Koutroulis	Vaios	ULB, Professor

	Surname	Name	Organization and position
23	Maon	Claude	Médecins Sans Frontières (MSF), Intersectional Legal Director
24	Nofal	Doa	LAW, Legal Advisor
25	Pahlow	Eleanor	Australian Mission to the European Union and NATO, Multilateral Advisor
26	Pollnitz	Emily	Australian Mission to the European Union and NATO, First Secretary
27	Ponthieu	Aurelie	MSF, Analysis Director
28	Poulopoulou	Sofia	Diakonia IHL Center, Legal Adviser
29	Ravo	Linda Maria	United Nations Office of the High Commissioner for Human Rights (OHCHR), Human Rights Associate
30	Ricard	Louise	Humanity and Inclusion, Advisor HI Institute for ethics
31	Rodier	Edouard	Norwegian Refugee Council (NRC), Managing Director, NRC Europe
32	Schill	Anais	Commission nationale consultative des droits de l'homme (CNCDH), Legal Advisor
33	Shcherbyna	Lyana	Proliska, Head of Kharkiv Office
34	Scocca	Grazia	Avocats Sans Frontières, Legal and Policy Advisor on Business & Human Rights
35	Skobova	Olesia	Kharkiv Human Rights Group, Lawyer

	Surname	Name	Organization and position
36	Swysen	Cécile	Avocats Sans Frontières, International Law Researcher
37	Tettamanti	Sandra	Independent Consultant
38	Thurston	Alyssa	GISF, Policy and Advocacy Adviser
39	Trevisan	Stefano	LAW, Legal Advisor
40	Tropea	Jessica	Humanity and Inclusion, Humanitarian Advocacy Officer
41	Van Cutsem	Chantal	Avocats Sans Frontières, Director- General
42	Van Den Driessche	Bérénice	NRC, Senior Humanitarian policy and advocacy adviser
43	van der Klaauw	Johannes	Protect Humanitarians, Voluntary Collaborator
44	Vandecasteele	Olivier	Protect Humanitarians, Founder and Executive Director
45	Vansteenberghe	Raphaël	UCL, Professor
46	Veri	Alessia	Belgian Ministry of Foreign Affairs, Directorate General for Development Cooperation and Humanitarian Aid (DGD), Humanitarian Aid Unit, Officer

Annex 2 - Agenda

Day 1 – Monday 3 February 2025

09:00: Coffee and registration

09:30 - 10:00

- Welcome by Stefan Schäfers (King Baudouin Foundation)
- Opening statements from Antonia Mulvey (Legal Action Worldwide) and Olivier Vandecasteele (Protect Humanitarians)
- Round of Introductions

10:00 - 12:30 : Panel session: Perspectives on justice and accountability

- Gaps and barriers: Short summary of the recommendations of "Justice and accountability for attacks on aid workers: What are the barriers and how to overcome them?"
- · Current state of academic research
- Presentation of Protect Humanitarians' Report on "Legal Remedies for Humanitarian Workers Victim of Attacks"
- Questions and discussion

12:30 - 13:30 : Lunch

13:30 - 15:00: Plenary session: Centring survivors' perspectives

- Testimonies: what do survivors want?
- How survivors can contribute to justice and accountability

15:00 - 17:00: Plenary session: Avenues for justice

- Presentation and discussion on the role of strategic litigation: past cases, public advocacy and collaboration
- Experience sharing: Participants to share their experience with accountability and justice processes

18:30 - 21:00: Reception in Brussels' Townhall

Day 2 – Tuesday 4 February 2025

08:30: Coffee

09:00 : Opening

09:30 - 13:30 : Group sessions: Themes

- Funding and accessing legal aid for affected humanitarian personnel: why and how?
- What can organisations do to facilitate present and future access to justice for their staff members?
- The sensitive issue of arrests and detention: how to improve access to legal aid and advocacy?
- · Opportunities for collaborative research, learning and training.
- Advocacy for the protection of humanitarians and in the fight against impunity: overcoming the barriers to public advocacy with a collaborative network.
- Annual meeting of stakeholders and encouraging Member States to investigate, prosecute and report on their efforts: What can we do to contribute?
- A new UN mandate to protect humanitarian personnel?

13:30 - 14:30: Lunch

14:30 - 16:00: Plenary session: Way forward

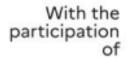
- Recommendations and priorities from the participants
- Next steps and action plan

16:00 - 16:30: Conclusion and Closing remarks

About **Protect Humanitarians** & **Legal Action Worldwide**

Protect Humanitarians is an independent NGO advocating for better protection of humanitarian workers worldwide. We promote good practices in Duty of Care for staff and volunteers working on the frontlines. We provide Mental Health and Psychosocial Support (MHPSS) and legal advice to humanitarian personnel and NGOs. We advocate for justice alongside victims and survivors of incidents. Protect Humanitarians is a neutral organisation, established in 2024 with the support of the King Baudouin Foundation, the European Union and the generosity of individuals whose commitment makes our work possible.

Legal Action Worldwide is an independent non-profit association comprised of creative human rights lawyers and jurists, unified in our belief that those who have experienced grave human rights violations should receive targeted, survivor-centred, gender-competent and trauma-informed support to access the justice they deserve. LAW's team works on the ground in conflict contexts combining national and international expertise with a deep understanding of victim and survivor needs and wishes. This approach provides a unique opportunity to address violence experienced; to bring national, regional and international attention to the situation and to break the cycle of impunity and recurrence.





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