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European Union

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### **OUTCOME OF PROCEEDINGS**

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Subject: Protection in humanitarian settings  
- Council conclusions (7 May 2024)

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Delegations will find in the annex the Council conclusions on protection in humanitarian settings, as approved by the Council at its 4021<sup>st</sup> meeting held on 7 May 2024.

**COUNCIL CONCLUSIONS ON PROTECTION IN HUMANITARIAN SETTINGS**

1. The Council recalls that the aim of EU humanitarian aid, as laid out in the European Consensus on Humanitarian Aid, is to “provide a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity wherever the need arises if governments and local actors are overwhelmed, unable or unwilling to act”.
2. The Council remains concerned about the lack of protection of affected people and constraints faced by protection actors, including but not limited to breaches of International Humanitarian Law and lack of access. The Council notes with deep concern that funding for protection does not match the protection needs of populations affected by humanitarian crises.

**A. COMMON UNDERSTANDING**

3. The Council emphasises that it is the primary role and responsibility of States to protect and ensure the safety and security of individuals. In armed conflicts the responsibility to protect civilians is extended to all parties to the conflict. Additionally, all States have an obligation to respect and ensure respect for International Humanitarian Law in all circumstances. States hold legal responsibilities for upholding relevant bodies of international law that protect affected persons, such as International Human Rights Law and International Refugee Law.
4. Moreover, the Council recognises the EU initiatives taken to protect the people in humanitarian settings, including Council conclusions on Humanitarian Assistance and International Humanitarian Law (2019), on Women, Peace and Security (2022), on operationalising the Humanitarian-Development Nexus (2017) as well as EU guidelines on children and armed conflict and on promoting compliance with International Humanitarian Law.

5. The Council recalls and stresses the importance and value of the UN’s 2013 Inter-Agency Standing Committee (IASC) Principals’ statement on the Centrality of Protection in Humanitarian Operations<sup>1</sup>. The Council also recalls the 2016 IASC Policy on Protection in Humanitarian Action and the 2022 Independent Review of the IASC Protection Policy. The Council recognises the protection mandates and leadership role of specific UN agencies and international organisations and the resulting responsibilities they hold and are accountable for, as well as the existence of a broad range of protection actors – most importantly, affected people themselves – and the importance to coordinate between these actors.
6. The Council notes the IASC definition of protection<sup>2</sup> and highlights the need for more conceptual clarity as recommended in the 2022 IASC Protection Policy Review. The Council also notes the European Commission’s definition<sup>3</sup>, which contains a clearer link to humanitarian crises: “[protection aims at] addressing violence, coercion, deliberate deprivation and abuse for persons, groups and communities in the context of humanitarian crises, in compliance with the humanitarian principles of humanity, neutrality, impartiality and independence and within the framework of international law and in particular international human rights law (IHRL), International Humanitarian Law (IHL) and International Refugee Law.” This can be pursued through three specific objectives:
- To prevent, reduce, mitigate and/or stop threats against the safety, security and dignity of persons, groups and communities affected by on-going, imminent or future humanitarian crises;

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<sup>1</sup> “[The] protection of all persons affected and at risk must inform humanitarian decision-making and response, including engagement with States and non-State parties to conflict. It must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond. In practical terms, this means identifying who is at risk, how and why at the very outset of a crisis and thereafter, taking into account the specific vulnerabilities that underlie these risks”.

<sup>2</sup> “All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law (IHRL), International Humanitarian Law, International Refugee law (IRL))”.

<sup>3</sup> DG ECHO, Thematic Policy Document n°8 - Humanitarian Protection: Improving protection outcomes to reduce risks for people in humanitarian crises, 2016, p.6.

- To reduce the protection vulnerabilities and increase the protection capacities of persons, groups and communities affected by on-going, imminent or future humanitarian crises;
  - To strengthen the capacity of the international humanitarian aid system to enhance efficiency, quality and effectiveness in reducing protection risks in ongoing, imminent or future humanitarian crises.
7. The Council recognises that a large spectrum of activities can be considered as protection in humanitarian settings. The Council notes the different interdependent and mutually reinforcing levels of action in the face of any pattern of abuse, as referred to in ICRC's protection policy and used as basis to categorise protection activities by the 2016 IASC Protection Policy:
- a) responsive action: any activity undertaken to deal with an emerging or established protection problem (mainly violations), and that is aimed at preventing its recurrence, ending it, and/or alleviating its immediate effects;
  - b) remedial action: any activity undertaken to restore people's dignity and to ensure adequate living conditions after they have suffered abuse;
  - c) environment-building action: all efforts to establish or foster a social, cultural, institutional and legal environment in which the rights of individuals might be respected.
8. The Council recognises that the European Union and its Member States' main support to protection currently tends to focus on remedial actions aimed at restoring people's dignity. The Council highlights the need to expand and reinforce responsive actions aimed at reducing the protection threats and needs in humanitarian contexts. Indeed, reducing these risks is not only imperative for the purpose of preventing human suffering, but also a way to limit the needs of assistance and thereby to make humanitarian assistance more effective.

9. The Council highlights the importance of protection mainstreaming. The Council understands that this approach should be the basis of any activity carried out by all humanitarian actors, irrespective of their sector-specific expertise; they can and should contribute to protection of affected persons in accordance with the 2016 IASC Protection Policy. The Council underlines the responsibility of all actors to provide good quality, safe programming and monitoring, and to ensure the maximisation of the protective impact of humanitarian action. While protection mainstreaming is a basis for all humanitarian assistance, more targeted actions providing protection services to those already affected by violence and abuse should also be prioritised, including but not limited to mine action, prevention of and response to gender-based violence, child protection, protection for persons with disabilities and/or legal assistance.
  
10. The Council recognises that conflicts and natural disasters affect people unequally, placing them in different situations of vulnerability, with women and girls disproportionately impacted by persistent gender inequalities, the ultimate expression of which is sexual and gender based violence. Individuals are, or can become more vulnerable due to a combination of physical, social, environmental, cultural and political factors and vulnerability is not a fixed category. Not everyone with the same characteristics will experience the same level of vulnerability and vulnerability may also be time-bound. Therefore, in order to leave no one behind and in accordance with the ‘do no harm’ principle, all activities must be inclusive taking into account the multiple dimensions of vulnerabilities and the combination of factors that can affect the dignity, rights, safety and security of individuals, including but not limited to refugees, forcibly displaced persons, stateless persons, children, persons with disabilities and persons at risk of being marginalised, such as LGBTI persons or specific ethnic or religious groups.

11. The Council underlines the need to strengthen concrete collaboration, coherence and complementarity between humanitarian, development and peace actors, whether international, national or local, in order to reduce protection risks, address vulnerabilities and promote both peace and human-rights-based actions. The Council calls for development and peace actors to seize opportunities to identify and collaborate with humanitarian actors to tackle the root causes of protection risks and needs, while ensuring both continued accountability for protection and respect for humanitarian principles, humanitarian space and the ‘do no harm’ principle.
12. The Council encourages humanitarian actors to take into high consideration Accountability towards Affected Populations (AAP), including to better align with communities’ own understanding, description, formulation and prioritisation of protection risks, threats, and how to best address them as a starting point of any protection programming.
13. The Council recognises that climate change, changing geo-political realities, conflicts, breaches of IHL, shrinking humanitarian space can increase protection risks and have an impact on the safety, dignity, rights and resilience of people in humanitarian settings. Additionally, the challenges and opportunities of digital technologies should also be considered. Therefore, the Council encourages the humanitarian community to enhance their understanding of these changing realities as well as to invest in responsive activities that address arising opportunities and risks that they entail in line with existing international standards for protection.

**B. ACTION POINTS AND COLLECTIVE COMMITMENTS**

14. The Council calls on the Commission, the EEAS and the Member States to:
  - a) promote a coherent approach with regards to the definition and understanding of humanitarian protection, building on the definitions, standards and guidance outlined above.

- b) promote the mainstreaming of a protection approach by supporting humanitarian organisations to place protection at the centre of humanitarian action and to pursue a re-orientation of humanitarian action towards reducing protection risks for affected populations, in line with the IASC review's recommendations.
- c) encourage IASC Principals and heads of agencies to pursue stronger, collective and strategic leadership on protection issues and be held accountable to deliver on collective protection outcomes through programming, advocacy and revision of existing monitoring and accountability mechanisms. Success should be measured in terms of the reduction and prevention of risks to affected populations. The Council calls for the alignment of policies and better coordination in approaches to protection. Senior leadership within the humanitarian system should be encouraged to foster an institutional culture that enables organisations to fulfil commitments towards protection outcomes, for example by capacity building or internal policies on the centrality of protection. In that regard, the Council calls for a meaningful implementation of the 2022 review of the IASC Protection Policy and for an alignment of policies and better coordination between organisations.
- d) encourage further investments by all humanitarian actors in responsive actions aimed at preventing and interrupting all acts and behaviours threatening, or perceived by populations to be threatening their safety, dignity and security. The Council strongly highlights the role of donors and Member States to support these investments through advocacy and funding.

15. The Council:

- a) invites the European Union and its Member States to increase funding specifically dedicated to protection interventions to respond, mitigate and reduce risks based on context specific protection analysis. Additionally, the European Union and its Member States present in the decision-making organs of humanitarian organisations, should enable discussions on prioritising protection activities within their core programming. They should also encourage the inclusion of such activities in Humanitarian Response Plans and programmes of their humanitarian partners.
- b) encourages the European Union and its Member States to invest in and support, whenever relevant, responsive activities aiming at preventing and/or interrupting the cycle of violence, including but not limited to humanitarian diplomacy, negotiation for protection, humanitarian mediation, early warning systems, protection by presence, civil military coordination for protection, and evacuation. Increased capacity is also needed in the monitoring and evaluation of protection activities.
- c) recognises that investments are needed to develop and increase humanitarian actors' protection capacity, including national and international humanitarian workers and organisations and affected communities, in particular when it comes to preventing and interrupting the cycle of violence. For instance, the European Union and its Member States are encouraged to support (i) country-specific or sub-national protection analyses, (ii) evaluations of protection programming with the development of protection indicators and disaggregated data collection systems, (iii) research and tool development including the development of tools and guidance in relation to preventive approaches as well as capacity-building, and (iv) trainings and peer-to-peer workshops to stimulate reflections and innovation in the field of protection. Efforts to localise aid should specifically be accompanied with protection-related capacity building and sharing. The monitoring and evaluation of such investments are encouraged in order to improve them.



- d) invites the European Union and its Member States to support proactive advocacy for the reduction of protection risks and threats by engaging directly in public and behind-the-scenes. They are also invited to provide political support to Humanitarian Coordinators, Humanitarian Country Teams and other humanitarian leaders engaged in advocacy to reduce protection risk, while ensuring all actions and interventions support humanitarian principles and the do-no-harm approach.
- e) encourages humanitarian actors to better align with communities' own identification of protection risks and ways to address them as the basis of protection programming, recognising that individuals and communities facing protection risks and threats develop coping mechanisms and strategies to protect themselves.

### **C. HUMANITARIAN DIPLOMACY AS A TOOL TO PROTECT**

16. The Council encourages the European Union and its Member States to increase their efforts regarding humanitarian diplomacy, understood as the use of political and diplomatic instruments to promote the respect for International Humanitarian Law, its implementation, to facilitate humanitarian assistance, and to raise awareness about the needs of affected populations and the general humanitarian agenda, while recognising the specific roles that states, international and regional organisations can play in advocating for better protection outcomes for populations in humanitarian settings, and ensuring all actions and interventions support humanitarian principles and the 'do no harm' approach. Additionally, the Council invites the European Union and its Member States to support and promote initiatives to develop and strengthen humanitarian diplomacy.

17. The instruments employed by humanitarian diplomacy include, but are not limited to, (i) fostering dialogue with national authorities and non-state actors to gain meaningful and qualitative humanitarian access to the persons affected by natural crises or armed conflicts, (ii) coordinating with relevant UN agencies, ICRC, other international organisations as well as relevant NGO partners to facilitate humanitarian assistance, access and protection, and to ensure accountability in cases of violations of International Humanitarian Law, (iii) including, on a systematic basis, humanitarian advocacy in political dialogue with third party governments, and coordinating with like-minded partners, (iv) leveraging the participation in decision making organs at the United Nations and other international organisations to ensure that all parties involved actively pursue the protection of civilian populations in humanitarian situations and take protection needs into account at the highest possible levels, (v) promoting capacity building and training activities that focus on the protection of vulnerable persons in humanitarian settings, and (vi) cooperating with civil society organisations to place protection at the top of the humanitarian agenda. The Council emphasises that humanitarian diplomacy's instruments should be used to have a positive impact on humanitarian space, the perception by all parties of humanitarian actors and their capacity to protect; this includes ensuring humanitarian exemptions in sanction regimes.
18. The Council invites the European Union and Member States to regularly exchange views on relevant developments on protection and to liaise directly with established actors, whether international, national or local. The Council highlights the importance of enhancing the efforts to promote effective protection in humanitarian settings and agrees to discuss it regularly in relevant Council working groups, at the European Humanitarian Forum, in relevant networks and at local level in order to keep protection high on the humanitarian agenda. Building on the Team Europe approach, the Council invites the European Union and its Members States to continue their efforts in the implementation of EU initiatives taken to protect the people in humanitarian settings. The Council encourages an even closer coordination and cooperation between the Commission, Member States and their delegations to maximise the impact of the EU outreach and support. The Council will regularly follow up on protection in humanitarian settings.