



NORWEGIAN
REFUGEE COUNCIL



COMPARATIVE STUDY

OPERATIONALISING PROTECTION: BEST PRACTICES FOR HUMANITARIAN SAFEGUARDS IN SANCTIONS AND COUNTERTERRORISM FRAMEWORKS

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1 INTRODUCTION

Over recent years, there has been a growing acknowledgment among states and international organisations of the impact that counterterrorism measures and sanctions (CT/Sanctions) can have on principled humanitarian action. In response to this challenge, humanitarian exemptions have emerged as the preferred way to avoid conflicts between CT/sanctions measures and international humanitarian law (IHL) and to protect humanitarian action.

In the wake of the adoption of a standing humanitarian exemption by the United Nations Security Council (UNSC) for all United Nations (UN) asset freeze measures in 2022 (Resolution 2664), many states have implemented national measures to incorporate this exemption and even extended it to cover their autonomous sanctions regimes. However, in many instances, states used their own language and definitions of humanitarian activities or introduced new constraints on the application of exemptions. Simultaneously, in criminal laws related to counterterrorism, humanitarian safeguards clauses have also emerged progressively over recent years but still lack a homogenous approach.

As a result, a variety of humanitarian safeguard models now coexist within and across jurisdictions, resulting in complex legal framework for humanitarian organisations and other entities, including the private sector. In some cases safeguards in domestic laws are more restrictive than those used elsewhere, posing a risk to the protection of humanitarian activities. Ultimately this lack of harmonisation across safeguards can impede their effectiveness for both humanitarian actors and private sector entities.

To address these challenges, this research seeks to analyse and compare various models of humanitarian safeguard clauses in CT measures and sanctions, as found in both international and domestic legal frameworks. It further offers recommendations and guidance, drawing on best practices, to support states in adopting the most protective approaches for safeguarding humanitarian activities.

This study summarizes the key findings of a comprehensive study that compiles, analyses, and compares humanitarian safeguards embedded in sanctions and counterterrorism measures across major jurisdictions—including the United Nations (UN), United States (US), European Union (EU), United Kingdom (UK), and others—up to December 2024. This document presents the 'model' of each safeguard and highlights protective and less-efficient practices in protecting humanitarian action. A detailed compilation of the safeguards used in summary is available upon request. Developments occurring from 2025 onward are not included in this analysis.

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SUMMARY CHECKLIST FOR HUMANITARIAN SAFEGUARDS

Effective practices	Less effective practices
Type of safeguard	
<ul style="list-style-type: none"> ✓ Short, clear and simple language with few qualifiers ✓ Binding language ✓ Cross-cutting humanitarian exemptions that are applicable to all sanctions issued by the authority 	<ul style="list-style-type: none"> ✗ Lengthy, complex or unclear language ✗ Requires humanitarian actors to apply for a specific authorisation beforehand to conduct otherwise prohibited activities ✗ Non-binding language
Material scope – what are the authorised transactions?	
<ul style="list-style-type: none"> ✓ Authorises a wide range of transactions, covering all kinds of transfers of funds and resources necessary for the delivery of humanitarian assistance ✓ Humanitarian safeguard applicable to all criminal offences that could potentially criminalise humanitarian activities 	<ul style="list-style-type: none"> ✗ Authorises only some transactions or dealings (e.g. payment of taxes, visas fees) ✗ Imposes a limitation on amounts of funds ✗ Humanitarian safeguard applicable to a single criminal offence
Material scope – what are the authorised activities?	
<ul style="list-style-type: none"> ✓ Covers the widest possible range of activities in support of civilian needs 	<ul style="list-style-type: none"> ✗ Covers a narrow scope of strictly humanitarian activities ✗ Covers only activities in support of a specific population ✗ Covers only activities in a specific territory, in response to a specific crisis
Personal scope – what are the categories of covered humanitarian actors?	
<ul style="list-style-type: none"> ✓ Applies to humanitarian activities notwithstanding the category of actors ✓ Covers the widest range of humanitarian actors and explicitly applies to private sector actors (such as financial institutions) involved in supporting humanitarian response ✓ At minimum, covers all entities / NGOs funded or registered by the sanctioning state 	<ul style="list-style-type: none"> ✗ Applies to narrow categories or list of humanitarian actors ✗ Creates 'whitelist' of authorised humanitarian actors ✗ Creates a limitation that does not exist in international law ✗ Applies to humanitarian organisations "recognised" by international law
Temporal scope – how long is the humanitarian safeguard applicable?	
<ul style="list-style-type: none"> ✓ Permanent safeguards / no time restrictions 	<ul style="list-style-type: none"> ✗ Time-bound and / or with periodical renewal

A variety of terms are commonly used to describe clauses in counterterrorism and sanctions instruments that aim to safeguard the delivery of humanitarian assistance—such as carve-outs, exceptions, derogations, exemptions, and IHL saving clauses. These terms are employed across different legal contexts and domains, and their meanings can vary significantly depending on whether they appear in international or domestic law, or within the frameworks of criminal or sanctions law.

In this document, the general term “humanitarian safeguard” is used to encompass all such instruments. The Norwegian Refugee Council (NRC), in its *Toolkit for Principled Humanitarian Action: Managing Counterterrorism and Sanctions Risks*, defines a safeguard as “language that excludes humanitarian organisations and their staff from the requirement to comply with elements of sanctions regimes and counterterrorism measures that may obstruct their work.”¹ More broadly, a safeguard is commonly understood as “a measure taken to protect someone or something, or to prevent something undesirable.”

Definition and typology of humanitarian safeguards

Humanitarian “carve-out” or “exception”: An exception “to a rule [is] the situation where a rule is applicable to a case, but is nevertheless not applied to it”,² because the application of the rule would conflict with another rule, or with a value (or ‘principle’) protected in another legal system. A carve-out may refer to a situation where a State / or a person is “legally required not to apply a set of obligations concerning humanitarian activities that otherwise would be applicable”.³

Humanitarian “exemption”: An exemption refers to provisions which “target persons or objects that would normally be covered by the scope of the norm or set of norms [...] but that for a specific reason are excluded from the scope of one or more provisions”.⁴

Humanitarian “derogation” or “licence”: A derogation is “generally subject to both substantive (existence of a public emergency of sufficient gravity, identification of non-derogable rights, proportionality, temporality, and non-discriminatory character of derogation measures) and procedural conditions (official proclamation and international notification)”.⁵

Savings clause or compatibility clause: Conflict clauses, also known as savings clauses or compatibility clauses, are included in the texts of international treaties to regulate the relationship between the international agreement employing the clause and other treaties in order to resolve or prevent conflicts between provisions stemming from different legal instruments.

Armed conflict exclusion clause: “A clause excluding activities governed by IHL from the scope of criminal law instruments on terrorism”.⁶

¹ Norwegian Refugee Council (NRC), *Toolkit for principled humanitarian action: managing counterterrorism and sanctions risks*, 2024 available at: <https://tinyurl.com/jff4j5bk>.

² J. Hage, A. Waltermann et G. Arosemena, *Exceptions in International Law*, in L. Bartels et F. Paddeu, *Exceptions in international law*, Oxford, Oxford University Press, 2020, p. 18.

³ Lawfare, *UN Security Council Adopts Standing Humanitarian Carve-Out*, 2022, available at: <https://tinyurl.com/4w55yh3c>.

⁴ J. Vinuales, *Seven Ways of Escaping a Rule: Of Exceptions and Their Avatars in International Law*, in L. Bartels et F. Paddeu, *Exceptions in international law*, Oxford, Oxford University Press, 2020, p. 67.

⁵ *Ibid.*, pp. 72-73.

⁶ T. Van Poecke, F. Verbruggen, W. Yperman, *Terrorist offences and international humanitarian law: the armed conflict exclusion clause*, *International Review of the Red Cross*, Vol. 103 (916-917), 2021, p. 296.

4 BEST PRACTICES AND RECOMMENDATIONS FOR LANGUAGES IN SANCTIONS

When framing humanitarian safeguards in sanctions measures, states and international organisations should be particularly cautious on the type of safeguards they opt for, and the various components which may limit the material, personal, geographical or temporal scope of the safeguards. Drawing on various examples of existing humanitarian safeguards, both in international and domestic law, this section helps identify effective and less effective practices for the protection of principled humanitarian action in sanctions measures.

4.1 ON THE TYPE OF HUMANITARIAN SAFEGUARD

To be protective, humanitarian safeguards should be drafted with **clear, explicit and binding language** on humanitarian activities, affirming that these activities are protected and authorised, and that they are not considered a violation of sanctions measures. Moreover, humanitarian

safeguards should be **permanent** mechanisms that humanitarian organisations may use at any time, without requiring prior authorisation (which would turn it into a derogation), or subsequent notification/reporting. Humanitarian organisations may encounter difficulties convincing private entities and banks to engage in a project if each transaction requires specific authorisation from competent authorities.

Effective models	Less effective models
<p>✓ Short, clear and simple language with few qualifiers</p> <p>Example: “[Paragraphs X or Y] shall not apply to [humanitarian activities]” (EU sanctions – EU 2664+ model)⁷</p> <p>✓ Binding language</p> <p>Example: “[Humanitarian activities and activities that support basic needs] are permitted / authorized” (UN sanctions– Afghanistan model)⁸</p> <p>✓ Transverse / cross-cutting humanitarian exemptions that are applicable to all sanctions issued by the authority</p> <p>Example: “Decides that paragraph 1 of this resolution shall apply with respect to all future asset freezes imposed or renewed by this Council in the absence of an explicit decision by this Council to the contrary” (UN Sanctions, 2664 model)⁹</p>	<p>✗ Lengthy, complex or unclear language</p> <p>✗ Clauses that require humanitarian actors to apply for a specific authorisation beforehand to conduct otherwise prohibited activities</p> <p>Example: “By way of derogation from Article (x), the competent authorities may authorise the making available of certain resources, under such conditions as they deem appropriate (..) to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs” (EU sanctions – Human Rights Regime Derogation)¹⁰</p> <p>Derogation mechanisms present significant challenges for humanitarian organisations:</p> <ul style="list-style-type: none"> • Lengthy procedures that are incompatible with the urgent nature of humanitarian needs • Complex procedures and difficulties in identifying the appropriate national authorities, especially within the EU • Case-by-case transaction authorisations are not enough to encourage banks to operate in sanctioned jurisdictions

⁷ Council Regulation (EU) 2023/2694 of 27 November 2023 amending certain Council Regulations concerning restrictive measures in order to insert provisions on humanitarian exceptions.

⁸ UN Security Council, Resolution 2615 (2021), S/RES/2615 (2021), available at: [https://undocs.org/S/RES/2615\(2021\)](https://undocs.org/S/RES/2615(2021)).

⁹ UN Security Council, Resolution 2664 (2022), S/RES/2664 (2022), §4, available at: [https://undocs.org/S/RES/2664\(2022\)](https://undocs.org/S/RES/2664(2022)).

¹⁰ Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses



Why is it important to keep humanitarian safeguards clear and simple?

Since the adoption of UN Security Council Resolution 2664 (2022), many countries and organizations have introduced new humanitarian safeguards—marking significant progress in efforts to protect humanitarian activities. However, the diversity of these safeguards has led to inconsistencies and operational complexities for financial institutions and humanitarian non-governmental organizations (NGOs). In particular, states have often implemented humanitarian exemptions with varying temporal, material, and personal limitations, as detailed in this document.

In the months following the adoption of Resolution 2664, the Norwegian Refugee Council (NRC) initially observed some reductions in bank de-risking. However, continued

discussions with banks and financial regulators revealed that inconsistencies and a lack of harmonization among national exemptions still posed significant obstacles.¹¹ This has been especially evident in contexts such as Syria.¹² Financial institutions noted that each additional criterion—such as narrow definitions of humanitarian activities, time-bound limitations, or specific lists of eligible actors—adds layers of complexity. This requires extensive compliance checks, increasing transaction delays and the risk of de-risking.

To ensure humanitarian safeguards are effective and can be reliably applied by banks and financial institutions, states should exercise caution in introducing additional definitions or restrictive criteria. Simpler, clearer safeguards are more likely to be implemented consistently and to facilitate, rather than hinder, humanitarian action.

¹¹ Overseas Development Institute (ODI), *HPG Financial Access Outcome Note*, 2023, available at: <https://tinyurl.com/yppdnjcz>.

¹² The Carter Center, *Effectiveness of Humanitarian Exceptions to Sanctions: Syria Earthquake Lessons*, 2023, available at: <https://tinyurl.com/57etb684>.

4.2 MATERIAL SCOPE

The material scope of humanitarian safeguards is crucial, as it may restrict both the range of authorised activities and transactions, as well as the types of humanitarian activities covered.

4.2.1 ON THE AUTHORISED TRANSACTIONS

When designing a humanitarian safeguard specific to sanctions measures, it is essential that the safeguard encompass **all activities and transactions** that would otherwise constitute a sanctions violation. It must cover the full range of transactions necessary for the delivery of

humanitarian assistance. For instance, humanitarian organisations may need to pay taxes or visa fees to designated entities embedded in civilian structures or “de facto authorities”; provide per diems or stipends to civil servants; or contract companies owned by designated individuals to access essential services in certain contexts. However, non-protective models may limit the scope of the safeguard to specific categories of transactions—such as taxes, fees, or import duties—thereby excluding critical transactions that are necessary for humanitarian operations.

Effective models	Less effective models
<p>✓ Authorises a wide range of transactions, covering all kind of transfer of funds and resources necessary for the delivery of humanitarian assistance.</p> <p><i>Example: A wide definition of transactions covered: “the provision, processing or payment of funds, other financial assets, or economic resources, or the provision of goods and services” (UN Sanctions – 2664 Model)¹³</i></p> <p>A direct reference to the relevant measures, which become inapplicable: “Paragraphs 1 and 2 shall not apply” (EU Sanctions – All models)</p>	<p>✗ Authorises only some transactions or dealings</p> <p><i>Example: [The humanitarian safeguard] “does not authorize funds transfers [...] other than for the purpose of effecting the payment of taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services. payment of taxes, import, duties” (US Sanctions – General Licenses)¹⁴</i></p> <p>Restrictions on transactions can obstruct the delivery of humanitarian aid by prohibiting essential dealings with suppliers and private entities. For instance, in the example above, if a telecommunications company were sanctioned, humanitarian organisations might not be able to use its services or make payments to it – even if it is the only provider available in certain areas. Such restrictions also pose challenges for the payment of per diems to civil servants, which are often necessary in contexts where social services have collapsed.</p> <p>✗ Imposes a limitation on funds</p> <p><i>Example: “Transfers of funds in support of the activities outlined in section (a) above by a single NGO may not exceed USD\$ 500,000 in the aggregate over a 12-month period” (US Sanctions - Iran GL E).¹⁵</i></p> <p>While this amount may be sufficient for some humanitarian activities, it is small compared to the scale of humanitarian needs in certain countries, and many projects undertaken by humanitarian NGOs exceed this limit. Furthermore, these restrictions may require NGOs to report each transaction covered by the License, which can be time-consuming.</p>

¹³ UN Security Council, Resolution 2664 (2022), S/RES/2664 (2022), §4, available at: [https://undocs.org/S/RES/2664\(2022\)](https://undocs.org/S/RES/2664(2022)).

¹⁴ OFAC, 78484-22 Federal Register: General Licenses.

¹⁵ OFAC, Iran General License (No. E) - Authorizing Certain Services in Support of Nongovernmental Organisations’ Activities in Iran.

4.2.2. ON THE AUTHORISED ACTIVITIES

To adequately reflect the challenges faced by humanitarian organisations, safeguards must encompass a broad range of humanitarian activities, extending to all actions that support basic needs. This approach is consistent with the definitions found in international humanitarian law and human rights law (see next page).

In contrast, non-protective safeguards with a scope limited to 'exclusively humanitarian' activities may prove inapplicable in certain contexts—particularly in relation to activities conducted under humanitarian-development-peace nexus approaches.

Effective models	Less effective models
<p>✓ Covers the widest possible range of activities in support of civilian needs:</p> <p><i>Examples: "Humanitarian assistance and other activities that support basic human needs" (UN Sanctions – Afghanistan Model).¹⁶</i></p> <p>Wide definition of humanitarian activities: "Activities to support humanitarian projects to meet basic human needs, including disaster, drought or flood relief; food, nutrition or medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and environmental programs" (US Sanctions – General Licenses).¹⁷</p>	<p>✗ Covers a narrow scope of strictly humanitarian activities</p> <p><i>Example: "provision of such funds or economic resources is necessary for exclusively humanitarian purposes in Iran" (EU Sanctions, Iran Model).¹⁸</i></p> <p>✗ Covers only activities in support of a specific population</p> <p><i>Example: "not-for-profit activities that are designed to directly benefit the Iranian people (US Sanctions - Iran GL E).¹⁹</i></p> <p>Such restrictions can impede the delivery of humanitarian aid in certain contexts. For example, humanitarian organisations may be unable to use these safeguards to assist Afghan refugees in Iran.</p> <p>✗ Covers only activities in a specific territory, in response to a specific crisis</p> <p><i>Example: "Activities necessary to provide humanitarian assistance, other activities that support basic human needs and facilitate the timely provision of those activities in relation to the conflict in Israel, the Occupied Palestinian Territories and Lebanon. This includes the provision, processing and payment of funds, or economic resources, and the provision of goods as well as services. The humanitarian assistance and other activities that support basic human needs and facilitate the timely provision of that assistance or those activities must solely relate to the conflict in Israel, the Occupied Palestinian Territories and Lebanon". (UK Sanctions - Gaza Licence Model – modified in 2024).²⁰</i></p> <p><i>Example: "Activities to support humanitarian projects to meet basic human needs in the so-called Donetsk People's Republic or Luhansk People's Republic regions of Ukraine, or such other regions of Ukraine as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State (collectively, the "Covered Regions")" (US Sanctions, General License 23).²¹</i></p> <p>These restrictions can hinder the delivery of humanitarian aid during regional crises. Additionally, applying humanitarian safeguards only to specific areas within a country may deter banks and the private sector from operating in sanctioned jurisdictions.</p>

¹⁶ UN Security Council, Resolution 2615 (2021), S/RES/2615 (2021), available at: [https://undocs.org/S/RES/2615\(2021\)](https://undocs.org/S/RES/2615(2021)).

¹⁷ OFAC, 78484-22 Federal Register: General Licences

¹⁸ Council Regulation (EU) 2023/1529 of 20 July 2023 concerning restrictive measures in view of Iran's military support to Russia's war of aggression against Ukraine and to armed groups and entities in the Middle East and the Red Sea region.

¹⁹ OFAC, Iran General License (No. E) - Authorizing Certain Services in Support of Nongovernmental Organisations' Activities in Iran.

²⁰ OFSI General Licence - INT/2023/3749168: Israel and the Occupied Palestinian Territories humanitarian activity.

²¹ OFAC, Ukraine General License Number 23 - Certain Transactions in Support of Nongovernmental Organisations' Activities (March 11, 2022).

What are “humanitarian activities”?

The definition of humanitarian activities is enshrined in IHL and usually refers to “protection” and “relief/assistance” activities. The most exhaustive and recent interpretation of these terms can be found in the ICRC Commentary on the Geneva Conventions (2016), which states that “humanitarian protection and humanitarian assistance activities both have the same objective, i.e. to safeguard the life and dignity of the persons affected by the armed conflict” (§810). More precisely, “protection activities refers to all activities that seek to ensure that the authorities and other relevant actors fulfil their obligations to uphold the rights of individuals” (§816), while “assistance activities refers to all activities, services and the delivery of goods carried out primarily in the fields of health, water, habitat (the creation of a sustainable living environment) and economic security” (§820). Finally, it is important to remember that humanitarian activities are always contextual and may not be limited to a specific list of activities. Supporting this approach, the Security Council has affirmed in its Resolution 2664 that “humanitarian and basic human needs differ depending on the specific context”.

What are “activities that support basic human needs”?

The expression “basic human needs” may be interpreted to include, at a minimum, elements necessary for achieving and maintaining “a standard of living adequate for the health and well-being of [one]self and of [one’s] family”.²² These activities may also cover “actions related to ensuring access to a safe and healthy environment, social security in case of lack of livelihood, and safe and healthy conditions of work. Actions pertaining to the realisation of rights that are essential for realizing other human rights’ may be particularly relevant in this connection”.²³

When the US authorities transposed Resolution 2664 into domestic law, they provided some details about the definition of activities that support “humanitarian projects to meet basic human needs”,²⁴ and extended the scope of the exemption to other activities, for example activities that support democracy building, education, environment, or peacebuilding (See details on the following page).²⁵

The Committee on Economic, Social and Cultural Rights (CESCR) has published various observations on the meaning and interpretation of the International Covenant on Economic, Social and Cultural Rights - the UN treaty body that protects economic, social, and cultural rights. Specifically, the Committee indicated that states and the international community must “do everything possible to protect at least the core content of the economic, social and cultural rights of the affected peoples” when imposing sanctions.²⁶ This “core content” has been described as the obligation to ensure “minimum essential levels of each of the rights”, and the Committee has used various examples including through ensuring access to “essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education”.²⁷

²² Universal Declaration of Human Rights art. 25 (1) (Dec. 10, 1948); International Covenant on Economic, Social and Cultural Rights art. 11.

²³ PILAC, An interpretive note for UN Member States on SC Resolution 2664 (2022), 2023, pp. 28-29.

²⁴ OFAC, 78484-22 Federal Register: General Licenses: “(1) Activities to support humanitarian projects to meet basic human needs, including disaster, drought, or flood relief; food, nutrition, or medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and environmental programs”.

²⁵ United States Code of Federal Regulations, § 597.516 Authorizing Certain Transactions in Support of Nongovernmental Organisations’ Activities. Available at: <https://tinyurl.com/3sbvt2um>.

²⁶ Committee on Economic, Social and Cultural Rights, General Comment No. 8: The relationship between economic sanctions and respect for economic, social and cultural rights, 1997.

²⁷ Committee on Economic, Social and Cultural Rights, General comment No. 3: The nature of States parties’ obligations (art. 2, para. 1 of the Covenant), 1990.

Best practice in focus: The notion of 'basic needs' in the US General Licenses

The US interpretation of 'basic needs' as defined in its 'baseline' General Licenses provides for a good example of the use of protective language.

The United States Code of Federal Regulations, § 597.516 Authorizing Certain Transactions in Support of Nongovernmental Organisations' Activities²⁸ outlines that:

- a) *Except as provided in [paragraph \(c\)](#) of this section, all transactions prohibited by this part that are ordinarily incident and necessary to the activities described in [paragraph \(b\)](#) of this section by a nongovernmental organization are authorized, provided that the nongovernmental organization is not a person whose property or interests in property are blocked pursuant to this part.*
- b) *The activities referenced in [paragraph \(a\)](#) of this section are non-commercial activities designed to directly benefit the civilian population that fall into one of the following categories:*
 1. *Activities to support humanitarian projects to meet basic human needs, including disaster, drought, or flood relief; food, nutrition, or medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and environmental programs;*
 2. *Activities to support democracy building, including activities to support rule of law, citizen participation, government accountability and transparency, human rights and fundamental freedoms, access to information, and civil society development projects;*
 3. *Activities to support education, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects;*
 4. *Activities to support non-commercial development projects directly benefiting civilians, including those related to health, food security, and water and sanitation;*
 5. *Activities to support environmental and natural resource protection, including the preservation and protection of threatened or endangered species, responsible and transparent management of natural resources, and the remediation of pollution or other environmental damage; and*
 6. *Activities to support disarmament, demobilization, and reintegration (DDR) programs and peacebuilding, conflict prevention, and conflict resolution programs.*
- c) *This section does not authorize funds transfers initiated or processed with knowledge or reason to know that the intended beneficiary of such transfers is a person blocked pursuant to this part, other than for the purpose of effecting the payment of taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services.*
- d) *Specific licenses may be issued on a case-by-case basis to authorize nongovernmental or other entities to engage in other activities designed to directly benefit the civilian population, including support for the removal of landmines and economic development projects directly benefiting the civilian population.*

²⁸ United States Code of Federal Regulations, § 597.516 Authorizing Certain Transactions in Support of Nongovernmental Organisations' Activities. Available at: <https://tinyurl.com/3sbvt2um>.

4.3 ON THE CATEGORIES OF HUMANITARIAN ACTORS

By far, the most protective humanitarian safeguards are “exceptions”, which are applicable to humanitarian and basic needs activities **notwithstanding the category of actors**, e.g. Afghanistan model.

However, for legitimate reasons, states may choose to limit the personal scope of humanitarian safeguards to certain categories of humanitarian actors, by adopting “exemptions”, i.e. a safeguard that only applies to a specific category of actors. When doing so, states should ensure that the **personal scope is broad enough to cover all actors involved in the humanitarian response**. Specifically, humanitarian safeguards should reflect the broad range of humanitarian actors involved in the humanitarian response and not limit coverage to a specific category (e.g. UN agencies and international organisations).

Crucially, safeguards should cover humanitarian organisations, their implementing partners, and suppliers, including both local civil society organisations, as well as private sector operators on which these organisations rely for the delivery of essential services.

Finally, the criteria used to determine the coverage of humanitarian agencies should not be interpreted as a “white list” of pre-approved organisations, as this could lead to the unintended exclusion of certain humanitarian actors. Instead, such a list of operators should serve only to help identify or illustrate what qualifies as a humanitarian organisation and to delineate the scope of the safeguards. Consequently, and in line with international humanitarian law (IHL), **humanitarian activities are not prohibited per se**, even when carried out by entities not explicitly included in the safeguard’s coverage.



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Who is a humanitarian actor?

International law does not provide a universal definition of the status of humanitarian organisations. Within international humanitarian law (IHL), the terms “impartial humanitarian organisation” or “impartial humanitarian body” are commonly used.

What about multi-mandated organisations?

According to the commentary on the Geneva Conventions, “for an organization to qualify as a ‘humanitarian organization’, there is no requirement that the scope of its activities be limited to humanitarian activities” (§790).²⁹ The primary criterion established by the Geneva Conventions is adherence to the principle of impartiality, which obliges organisations—and the states authorising them—not to discriminate on the basis of “nationality, race, religious beliefs, class or political opinions or any other similar criteria” (§794).³⁰

²⁹ International Committee of the Red Cross (ICRC), Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Article 9 – Activities of the ICRC and other impartial humanitarian organizations, 2016, §790, available at: <https://tinyurl.com/yzmv87zy>.

³⁰ International Committee of the Red Cross (ICRC), Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Article 9 – Activities of the ICRC and other impartial humanitarian organizations, 2016, §794, available at: <https://tinyurl.com/5dvY5cyd>.

Effective models	Less effective models
<p>✓ Applies to humanitarian activities notwithstanding the category of actors</p> <p><i>Example: No mention of personal limitations (UN Sanctions – Afghanistan Model).³¹</i></p> <p>✓ Covers the widest range of humanitarian actors and explicitly applies to private sector actors (such as financial institutions) involved in supporting humanitarian response</p> <p><i>Example: UN Entities (“the United Nations, including its Programmes, Funds and Other Entities and Bodies, as well as its Specialized Agencies and Related Organisations”); International organisations; Humanitarian organisations having observer status with the UNGA and members of those humanitarian organisations (Example: ICRC, IFRC and National Societies); Bilaterally or multilaterally funded NGO participating in the UN Response plans (Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or OCHA-coordinated humanitarian “clusters”); Implementing partners (their employees, grantees, subsidiaries, or implementing partners while and to the extent that they are acting in those capacities); Other operators approved by Sanctions Committee” (UN Sanctions – 2664 model).³²</i></p> <p>✓ Covers all publicly funded entities</p> <p><i>Example: “des organismes publics ou par des entreprises et entités qui reçoivent un financement de la Confédération pour mener des activités humanitaires ou fournir une aide à la population civile” (Switzerland, Syria Model).³³</i></p> <p>✓ Expand UNSCR 2664 model to include additional humanitarian operators</p> <p><i>Example: [Same categories of UNSCR 2664 but adds:] “organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures; Member States’ specialised agencies;” (EU Sanctions – 2664+ Model)</i></p> <p><i>Example: [Same categories of UNSCR 2664 but adds:] “The Occupied Palestinian Territories Humanitarian Fund; The Women’s Peace and Humanitarian Fund; Médecins Sans Frontières International and its institutional members or affiliates; The Disasters Emergency Committee;” (UK Sanctions - Gaza Licence Model).³⁴</i></p>	<p>✗ Applies to narrow categories or list of humanitarian actors</p> <p><i>Example: “The United Nations, its specialized agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance” (UN Sanctions – Somalia Model).³⁵</i></p> <p><i>Example: “organisations and agencies which are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement on the basis of which the organisations and agencies act as humanitarian partners of the Union” (EU Sanctions - Ukraine Territorial Integrity Model).³⁶</i></p> <p>These exemptions establish narrow criteria and, in practice, are primarily applicable to international organisations, which represent only a small portion of humanitarian actors. As a result, they exclude many NGOs from these protections, creating artificial divisions between humanitarian organisations operating often side by side, sometimes in contractual partnership.</p> <p>✗ Creates ‘whitelist’ of authorised humanitarian actors</p> <p><i>Example in criminal law: “The ICRC, the Philippine Red Cross (PRC), and other state-recognized impartial humanitarian partners” (Philippines - criminal law).³⁷</i></p> <p>✗ Creates a limitation that does not exist in international law</p> <p><i>Example: Canada imposed personal restrictions to the humanitarian safeguards included in its Taliban Sanctions Regime, while UNSCR 2615 authorises all humanitarian activities, notwithstanding the category of actor (Canada Sanctions – Afghanistan Model).³⁸</i></p> <p>This exemption highlights a limited implementation of a protective safeguard established in international law, which, once incorporated into national law, applies only to specific actors.</p>

³¹ UN Security Council, Resolution 2615 (2021), S/RES/2615 (2021), available at: [https://undocs.org/S/RES/2615\(2021\)](https://undocs.org/S/RES/2615(2021)).

³² UN Security Council, Resolution 2664 (2022), S/RES/2664 (2022), §4, available at: [https://undocs.org/S/RES/2664\(2022\)](https://undocs.org/S/RES/2664(2022)).

³³ Confédération Suisse, Conseil Fédéral, Ordonnance du 8 juin 2012 instituant des mesures à l'encontre de la Syrie (consolidée).

³⁴ OFSI General Licence - INT/2023/3749168: Israel and the Occupied Palestinian Territories humanitarian activity.

³⁵ UN Security Council, Resolution 1916 (2010), S/RES/1916 (2010), available at: [https://undocs.org/S/RES/1916\(2010\)](https://undocs.org/S/RES/1916(2010)).

³⁶ Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

³⁷ Philippines, Republic Act No. 11479, 3 Juillet 2020 - Section 12 (Material support to terrorists).

³⁸ Canada, Regulations Amending Certain Regulations Made Under the United Nations Act: SOR/2023-134



Humanitarian safeguards and local organisations

The inclusion of local organisations in IHL: The notion of an impartial humanitarian organisation was extensively discussed during the drafting of the Geneva Conventions and Additional Protocols. Some proposals aimed to include an “international criterion” which would have restricted this expression to international organisations, or NGOs having international operations. However, these proposals were dismissed and the definition of impartial humanitarian organisations includes local organisations.

Participation in Humanitarian Response Plans (HRPs) of the United Nations:

The exemption in UNSC Resolution 2664 is restricted to UN agencies and to NGOs participating in UN Response Plans or UN coordinated clusters. While this may include a large number of organisations, it also poses additional challenges. In some countries with significant needs or large displaced populations, there is no UN humanitarian response plan (e.g. Jordan, Iraq). Furthermore, many local organisations, which play a critical role in certain areas, may not participate in the HRP and are only covered if they are “implementing partners”. For these reasons, these definitions may ultimately challenge the localisation agenda.

4.4 ON THE DURATION OF SAFEGUARDS

The most protective humanitarian safeguards are those that are **permanent and not time-bound**. This permanence is essential to ensure legal clarity and predictability for implementers and private sector actors.

The short-term nature of humanitarian safeguards presents significant challenges when engaging banks and private sector entities in sanctioned jurisdictions.

Additionally, a discrepancy in timelines – with permanent exemptions applied to all UN financial sanctions on one side and temporary coverage exemptions in some autonomous sanctions (e.g. EU CT regime) – has already caused confusion among policymakers and the private sector. Some have expressed that they were discouraged from adjusting their policies to reflect the exemption, anticipating its imminent expiration.

While sanctions regimes may be temporary by design, states should avoid imposing additional temporal limits on humanitarian safeguards, especially as they retain the flexibility to amend such regimes as needed in response to evolving contexts.

4.5 ON REPORTING OBLIGATIONS

While it is legitimate for states or sanctioning bodies to request additional information on transactions covered by humanitarian exemptions, experience shows that, to ensure the timely delivery of aid and the effectiveness of humanitarian safeguards, **states should avoid imposing burdensome reporting or notification requirements on humanitarian actors and private entities**. Although not common, where they are used, such practices risk contributing to a chilling effect and further de-risking. Moreover, as most sanctioning countries are also major donors to humanitarian efforts, they are likely to be alerted by their implementing partners in cases of misuse of funds or aid diversion.

Effective models	Less effective models
<p>✓ Permanent safeguards / no time restrictions</p> <p><i>Example: UN Security Council Resolution (UNSCR) 2664 (2022), completed by UNSCR 2761 (2024), applies, without time restrictions, to all asset freeze measures imposed by UN sanctions regimes.</i></p>	<p>✗ Time-bound and / or with periodical renewal</p> <p><i>Example: "This licence takes effect from 11:59 pm on 14 November 2023 and expires at 11:59 on 14 May 2025" (UK Sanctions - Gaza Licence Model).³⁹</i></p> <p><i>Example: "Decides that the provisions introduced by paragraph 1 above will apply to the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida sanctions regime for a period of two years from the date of adoption of this resolution" (UN Sanctions – 2664 model).⁴⁰ Note that this has been amended through the voting of UNSCR 2761 (2024) which removed time restrictions.</i></p>

³⁹ OFSI General Licence - INT/2023/3749168: Israel and the Occupied Palestinian Territories humanitarian activity.

⁴⁰ UN Security Council, Resolution 2664 (2022), S/RES/2664 (2022), §4, available at: [https://undocs.org/S/RES/2664\(2022\)](https://undocs.org/S/RES/2664(2022)).

Effective models	Less effective models
<p>✓ No reporting obligations for humanitarian actors</p>	<p>✗ Cumbersome reporting requirements or obligation to notify use of the exemption</p> <p><i>Example: "Provide information: - Details of the Relevant person; - Details of the Relevant activities; - Total value of funds, economic resources, goods" UK Sanctions - Gaza Licence Model).</i>⁴¹</p> <p><i>Example: "NGOs who engage in conduct pursuant to this general license must submit reports on a quarterly basis, providing information including, but not limited to, a detailed description of the services exported or reexported to Iran, any Iranian NGOs, Government of Iran entities, Iranian financial institutions, or other Iranian persons involved in the activities; the dollar amounts of any transfers to Iran; and the beneficiaries of those transfers" (US Sanctions - Iran GL E).</i>⁴²</p> <p>Expanding reporting obligations under humanitarian exemptions raises serious legal, operational, political, and security concerns, and risks undermining the protective function of the exemptions themselves. Humanitarian organisations are already subject to rigorous oversight by donors and regulators. A balanced approach should strengthen existing accountability frameworks without compromising principled humanitarian action.</p> <ul style="list-style-type: none"> • In many jurisdictions, national counter-terrorism legislation does not align with humanitarian exemptions under sanctions law. As a result, reporting on authorised transactions may expose organisations to legal liability or create secondary offences for non-compliance with new requirements. In politically sensitive contexts, disclosed information may be misused by authorities or other actors to restrict humanitarian access or pursue politically motivated actions. These risks raise serious concerns about self-incrimination and the misuse of sensitive data, particularly in settings where legal protections for humanitarian actors are weak or absent. • In some sanctioned contexts, humanitarian access requires engagement with designated groups acting as de facto authorities. Mandatory reporting of such interactions could compromise the perceived neutrality and independence of humanitarian actors, endanger staff, and restrict access to vulnerable populations. These risks are exacerbated in volatile environments, where disclosed information may be taken out of context, politicised, or used to obstruct operations. • Humanitarian organisations already report extensively to donors and regulators on issues such as aid diversion, financial misconduct, and due diligence. Additional reporting requirements under sanctions regimes would be duplicative and administratively burdensome—particularly for smaller organisations with limited compliance capacity. At a time of rising global need, such obligations risk diverting resources away from life-saving humanitarian activities. • Further reporting or notification obligations may also deter private sector partners from supporting humanitarian operations in sanctioned areas, thereby undermining the intent and effectiveness of the exemptions.

⁴¹ OFSI General Licence - INT/2023/3749168: Israel and the Occupied Palestinian Territories humanitarian activity.

⁴² OFAC, Iran General License (No. E) - Authorizing Certain Services in Support of Nongovernmental Organisations' Activities in Iran.

BEST PRACTICES AND RECOMMENDATIONS IN CRIMINAL LAWS

In recent years, a range of humanitarian safeguards have been introduced into criminal legislation related to terrorism across both donor and host countries. Some of them derive directly from safeguards existing in international law, while others were developed in a strict national context.

5.1 THE NORMATIVE VALUE OF THE SAFEGUARDS

To be effective, humanitarian safeguards within criminal legislation must employ clear, explicit, and binding language that affirms the protection of humanitarian activities and unambiguously states that humanitarian activities do not constitute violations of terrorism-related offences. In contrast, non-binding language and interpretive clauses fall short of providing the legal certainty required to adequately protect humanitarian action.

Contrary to sanctions, there is no mandatory requirement for states to incorporate humanitarian safeguards into criminal counterterrorism measures. However, several provisions have been introduced in recent years to enhance the protection of humanitarian activities:

Effective models	Less effective models
<p>✓ Short, clear and simple language with few qualifiers</p> <p>Example: “[Humanitarian activities] do not fall within the scope of [counter-terrorist financing offences]” (Philippines - criminal law).⁴³</p>	<p>✗ Lengthy, complex or unclear language</p> <p>✗ Interpretive language.</p> <p>Example: “Nothing in [legislation X] shall be understood as criminalising humanitarian assistance for persons in need or activities” (EU Criminal law - Directive on violation of sanctions).⁴⁴</p> <p>✗ Non-binding language.</p> <p>Example: “The provision of humanitarian activities by impartial humanitarian organisations recognised by international law, including international humanitarian law, do not fall within the scope of this Directive, while taking into account the case-law of the Court of Justice of the European Union” (EU Directive on terrorism, preambular paragraphs).⁴⁵</p>

⁴³ Philippines, Republic Act No. 11479, 3 Juillet 2020 - Section 12 (Material support to terrorists).

⁴⁴ Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures, Preambular paragraphs.

⁴⁵ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

a) IHL saving clauses:

These clauses serve as mechanisms that require states to uphold their existing obligations under international law when adopting or implementing new obligations.

Example: “Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes of the Charter of the United Nations, international humanitarian law and other relevant conventions”.⁴⁶

b) Recommendation to consider the potential effects of CT measures

UN Security Council Resolutions 2462 and 2482 introduced a new obligation on UN member states, to “take into account the potential effect” of counterterrorism measures on exclusively humanitarian activities. The obligations from these two resolutions are a bit different: UNSC Resolution 2462 applies to “measures to counter the financing of terrorism”, while UNSC Resolution 2482 applies to “all measures taken to counter terrorism”. However, this new provision functions more as a recommendation than as a genuine humanitarian exception. While it aims to offer some level of protection for humanitarian activities, it lacks the binding authority necessary to ensure compliance and effective implementation by states.

Example: “Urges States, when designing and applying measures to counter the financing of terrorism, to take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law”.⁴⁷



Focus – The International Convention for the Suppression of the Financing of Terrorism (ICSFT)

The possibility of the inclusion of a humanitarian exemption was clearly discussed during the drafting of the ICSFT. Switzerland proposed a specific humanitarian exception clause, which was refused by other negotiating states.⁴⁸ However, some states considered that the humanitarian exception clause was not necessary, and preferred to include an IHL saving clause, which would “make reference to the hierarchy of norms of international law, whereby in the context of armed conflict the application of humanitarian law would take precedence over that of the draft convention”.

⁴⁶ International Convention for the suppression of the financing of terrorism.

⁴⁷ UN Security Council, «Resolution 2462 (2019)», S/RES/2462 (2019), §24, available at: [https://undocs.org/S/RES/2462\(2019\)](https://undocs.org/S/RES/2462(2019)).

⁴⁸ Proposal: “In a fund-raising context, the transfer of funds, assets or other property is not covered by the term “financing” if it can be demonstrated or it is recognised that the property is also used for humanitarian purposes by the beneficiary person or organisation”.

5.2 MATERIAL SCOPE

The material scope of humanitarian safeguards is crucial, as it may restrict both the range of authorised activities, as well as the types of humanitarian activities covered.

5.2.1 ON THE TERRORISM OFFENCES COVERED

When designing a humanitarian safeguard in the context of criminal measures, it is crucial to cover all offences that may inadvertently criminalise humanitarian action — including terrorism financing, complicity, and various forms of material support. The most robust approach would be to establish a safeguard with broad applicability across all terrorism-related offences or embedded within a global anti-terrorism framework.

5.2.2 ON THE AUTHORISED ACTIVITIES

To reflect the nature of contemporary challenges, humanitarian safeguards must cover a broad range of humanitarian activities, extending to all activities that support basic needs. This broader scope aligns with the inclusive definitions found in international humanitarian law and human rights law. In contrast, narrowly framed safeguards limited to “exclusively humanitarian” activities may prove inadequate in certain contexts—particularly in relation to initiatives operating under the humanitarian-development-peace Nexus.

Origin	Sources	Offence Category
Chad	Loi n°003/PR/2020 « portant répression des actes de terrorisme en République du Tchad »	All offences
Ethiopia	Prevention and Suppression of Terrorism Crimes Proclamation (2020) - Article 9.1 to 9.4	Specific offence: Terrorism financing
Philippines	Republic Act No. 11479, 3 Juillet 2020 - Section 12 (Material support to terrorists)	Specific offence: Terrorism financing
Switzerland	Criminal Code - Art. 260 quinquies (Terrorist financing)	Specific offence: Terrorism financing
Canada	Criminal Code - Section 83.03	Specific offence: Terrorism financing
New Zealand	Criminal Code - Section 8 (Terrorism financing)	Specific offence: Terrorism financing
New Zealand	Criminal Code - Section 10 (Making property, or material support, available)	Specific offence: Terrorism financing
Switzerland	Criminal Code - Art. 260ter (Participation and support a criminal and terrorist organisation)	Specific offence: Participation to a terrorist organisation
Australia	Criminal Code - Section 102.8 - Associating with terrorist organisation	Specific offence: Participation to a terrorist organisation
Denmark	Criminal Code – Section 114 j	Specific offence: Enter in a prohibited area
United Kingdom	Counter-Terrorism and Border Security Act (2019) - Section 58B (Entering or remaining in a designated area)	Specific offence: Enter in a prohibited area
Australia	Criminal Code - Section 119.2 (Entering, or remaining in, declared areas)	Specific offence: Enter in a prohibited area



Effective models	Less effective models
<p>✓ Covers the widest possible range of activities in support of civilian needs</p> <p>Examples:</p> <ul style="list-style-type: none"> • "Aid of humanitarian nature" (Australia criminal law).⁴⁹ • "Humanitarian assistance activities" (Canada criminal law).⁵⁰ • "Humanitarian assistance for persons in need or activities in support of basic human needs" (EU Directive on the violation of sanctions). 	<p>✗ Covers a narrow scope of strictly humanitarian activities</p> <p>Example: "exclusively humanitarian activities, including medical activities" (Chad - criminal law).⁵¹</p>

5.3 ON THE CATEGORIES OF HUMANITARIAN ACTORS

Humanitarian safeguards embedded in criminal counterterrorism measures often employ broad language derived from international humanitarian law, using phrases such as "impartial humanitarian organisations," "impartial humanitarian bodies," or "impartial humanitarian actors"— even citing the International Committee of the Red Cross (ICRC) as an example. These provisions typically require

that activities be carried out in accordance with international law and/or humanitarian principles. However, emerging limitations suggest that such safeguards may, in practice, be interpreted as applying only to a narrow group of recognised organisations. This restrictive application risks undermining the broader objective of protecting humanitarian action and may hinder access for a wider range of legitimate actors, ultimately diminishing the reach and effectiveness of humanitarian assistance in crisis contexts.

⁴⁹ Australia - Criminal Code - Section 102.8 - Associating with terrorist organization.

⁵⁰ Canada - Criminal Code - Section 83.03.

⁵¹ Loi n°003/PR/2020 « portant répression des actes de terrorisme en République du Tchad ».

Effective models	Less effective models
<p>✓ Applies to humanitarian activities notwithstanding the category of actors</p> <p>Examples:</p> <ul style="list-style-type: none"> • "Organisations engaged in humanitarian activities" (Ethiopia – criminal law);⁵² • Chad "neutral and impartial humanitarian organisations" (Chad - criminal law);⁵³ • "impartial humanitarian body, such as the ICRC, in conformity with article 3 of Geneva Conventions" (Switzerland – criminal law).⁵⁴ 	<p>✗ Applies to humanitarian organisations "recognised" by international law</p> <p>Example: "impartial humanitarian organisations recognized by international law" (EU Directive on terrorism, preambular paragraphs).⁵⁵</p> <p>✗ Creates 'whitelist' of authorised humanitarian actors</p> <p>Example: "The ICRC, the Philippine Red Cross (PRC), and other state-recognized impartial humanitarian partners" (Philippines - criminal law).⁵⁶</p>

5.4 HUMANITARIAN SAFEGUARDS IN CRIMINAL POLICIES

Beyond the scope of humanitarian safeguards in criminal legislation, the risk of prosecuting humanitarian workers is largely shaped by the criminal policies developed and applied by competent authorities. Accordingly, such policies also present an opportunity to incorporate protective language that explicitly supports and facilitates humanitarian activities.

In focus – France's circular on humanitarian activities

In 2021, the French Ministry of Justice adopted a specific circular on the protection of humanitarian activities.⁵⁷ This document is addressed to judges and prosecutors, and underscores the "specificities" of humanitarian activities, especially when conducted in conflict zones. The circular affirms that "simply providing medical assistance or impartial humanitarian support to civilian populations located in areas where terrorist groups operate does not appear to be prosecutable" just as "merely engaging in dialogue with terrorist organizations" cannot be characterized as terrorist conspiracy.

5.5 HUMANITARIAN SAFEGUARDS IN COUNTERTERRORISM DESIGNATION POLICIES

When criminal laws lack protective humanitarian safeguards, it becomes possible to introduce an exception within the provision that forms the basis for designating a terrorist organization. As an example, the US Senate adopted in 2023 the Holding Accountable Russian Mercenaries (HARM) Act, which mandated that the Secretary of State designate the Wagner Group as a Foreign Terrorist Organization (FTO). An explicit humanitarian exception was included in this bill, providing that the application of the terms "material support or resources" (as defined in section 2339A(b)(1) of title 18, United States Code) and "material support" (as defined at section 212(a)(3)(B) of 7 the Immigration and Nationality Act (8 U.S.C. 1182 (a)(3)(B)) "shall exclude activities and support directly related to humanitarian assistance or peacebuilding activities". However, to date, this exception remains inapplicable because the Secretary of State has not yet designated Wagner as an FTO.

⁵² Prevention and Suppression of Terrorism Crimes Proclamation (2020) - Article 9.1 to 9.4.

⁵³ Loi n°003/PR/2020 « portant répression des actes de terrorisme en République du Tchad ».

⁵⁴ Criminal Code - Art. 260 quinquies.

⁵⁵ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

⁵⁶ Philippines, Republic Act No. 11479, 3 Juillet 2020 - Section 12 (Material support to terrorists).

⁵⁷ French Ministry of Justice, Circulaire n° CRIM 2021-07/G1-26/07/2021, adopted on July 27th 2021, available on <https://tinyurl.com/mpmekwp2>.



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