

# **Human Rights Due Diligence Tool for Humanitarian and Development Projects in Syria**

The Tool was produced by:

## **The Human Rights and Business Unit at The Syrian Legal Development Programme (SLDP)**

A non-aligned and non-governmental organization established in 2013 - registered in the UK in 2014 - to respond to complex human rights matters triggered by the Syrian conflict that erupted in 2011, through the utilization of international law. SLDP has a highly qualified team of Syrian and international researchers and analysts in various aspects of international law, who enjoys a unique skill set and a comprehensive understanding of the Syrian political and strategic dynamics at the local, regional, and international levels with strong access to the ground and to policymakers. The Human Rights & Business Unit's mandate is to increase the ability of Syrian CSOs and duty bearers, including State actors, policy makers, businesses, INGOs, and UN agencies, to indicate, highlight, and influence accountability measures against entities and businesses involved in human rights abuses in Syria.

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## List of Acronyms

AANES	Autonomous Administration of North and East Syria
AAP	Accountability to Affected Populations
ANSA	Armed Non-State Actor
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social, and Cultural Rights (UN)
CIHL	Customary International Humanitarian Law
CPMS	Child Protection Minimum Standards
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
HLP	Housing, Land and Property
HRBA	Human Rights-Based Approach
HRDD	Human Rights Due Diligence
HTS	Hayat Tahrir al-Sham
IAC	International Armed Conflict
IASC	Inter-Agency Standing Committee (UN)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IHL	International Humanitarian Law

IHRL	International Human Rights Law
ILO	International Labour Organization
INGO	International Non-Governmental Organization
LNGO	Local Non-Governmental Organisation
NGO	Non-Governmental Organization
NIAC	Non-International Armed Conflict
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
OHCHR	Office of the High Commissioner for Human Rights (UN)
PCM	Project Cycle Management
PSEAH	Protection from Sexual Exploitation and Abuse and Harassment
PTSD	Post-Traumatic Stress Disorder
R2HE	Right to a clean, healthy, and sustainable environment
SDF	Syrian Democratic Forces
SNA	Syrian National Army
UDHR	Universal Declaration of Human Rights
UNCAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNGPs	United Nations Guiding Principles on Business and Human Rights
UNHCR	United Nations High Commissioner for Refugees
WASH	Water, Sanitation, and Hygiene

## **Executive Summary**

- The complex conditions in Syria increase the likelihood of human rights infringement in humanitarian operations. Challenges related to funding, scale and size of operations, limitations imposed by the government or de facto authorities, and limited knowledge of human rights frameworks, among others, heighten the risk of human rights abuses in the region. This is further highlighted in the emergency response that followed the Syria-Türkiye earthquake in 2023, in addition to the 14 year conflict and its impact on the region and the population.
- Human rights challenges include Housing, Land and Property (HLP) rights abuses, environmental harm, health risks, and operational and security implications with direct impact on the lives of partner communities.
- Humanitarian operations in Syria are governed by international law, namely international humanitarian law (IHL) and international human rights law (IHRL). These operations are also shaped by humanitarian principles, such as the 'Do No Harm' and Accountability to Affected Populations (AAP) frameworks.
- Humanitarian non-governmental organizations (NGOs) may inadvertently infringe human rights by causing, contributing, or being directly linked to violations or abuses against individuals and communities.
- In Syria, humanitarian NGOs should adopt a more rigorous approach to Human Rights Due Diligence (HRDD), known as heightened HRDD. Unlike standard HRDD, heightened HRDD involves a more thorough risk assessment as well as a context-specific analysis to prevent severe human rights impacts.
- Integrating a heightened HRDD process in humanitarian operations will help in preventing human rights abuses in the region, as well as the exacerbation of

conflict dynamics. The process is composed of four stages: 1) identifying and assessing risks; 2) integrating findings and taking action; 3) monitoring and tracking impact; and 4) communicating and being accountable.

- The HRDD Tool developed in this report is built on extensive desk research, interviews, experts consultations, and a validation workshop which collected feedback from a number of humanitarian NGOs.
- The research focused on eight sectors of humanitarian operations in Syria: Protection, Shelter, water, sanitation, and hygiene (WASH), Education, Healthcare, Food Security, Nutrition, and Early Recovery.
- The Tool raises awareness of a range of civil, political, economic, and social rights that are at risk during humanitarian operations in the eight targeted sectors. It also includes sections introducing key humanitarian protections and principles that are relevant to the delivery of aid.
- The Tool integrates the HRDD process in the humanitarian Project Cycle Management (PCM) to ensure the prevention of human rights abuses at every stage of the project.
- The PCM is composed of five stages: assessment, design, implementation, monitoring and evaluation, and exit and transition. In this tool, each stage is equipped with risk assessment questions and indicators upon which a plan should be built to prevent potential or actual human rights abuses.

## **Key Recommendations**

### *For Humanitarian NGOs*

- Integrate the HRDD Tool systematically across all PCM phases, ensuring human rights considerations inform each decision point.
- Create dedicated mechanisms for meaningful participation of affected populations, particularly focusing on women, children, elderly, persons with disabilities, and internally displaced persons.
- Regularly review and update human rights risk assessments to reflect the dynamic context of Syria.
- Build staff capacity through structured training on human rights principles, protection mainstreaming, and practical application of the HRDD Tool.
- Document and share evidence-based practices and lessons learned through established humanitarian coordination mechanisms.

### *For Donor Engagement*

- Support the ongoing efforts to localise humanitarian response. Strengthening local organisations enhances the impact of humanitarian action and promotes its long term effectiveness.
- Use the HRDD Tool’s assessment to demonstrate to donors the interconnected nature of human rights challenges and the need for comprehensive funding. Comprehensive funding should approach the project as a part of a wider context and response and accommodate the necessary considerations, like those relevant to protection of human rights, even if they fall outside the scope of the project proper.
- Present evidence-based analysis showing how funding restrictions impact critical human rights outcomes, within each project, especially in essential services like WASH, shelter, and protection
- Advocate for long term, sustainable and flexible funding that enables organizations to address both immediate and long-term human rights considerations. This is very relevant to adapt project’s funding to the continuously changing realities of a conflict zone.

### *For Implementation*

- Establishing and meaningfully activating rights-based monitoring systems that track both positive and negative human rights impacts
- Design and meaningfully implement culturally appropriate feedback mechanisms that are accessible to all community groups
- Develop context-specific contingency plans that address emerging human rights risks
- Strengthen partnerships with local organizations to enhance community-based human rights monitoring
- Ensure human rights considerations are explicitly integrated into project documentation, including proposals, reports, and evaluations on different levels including partners i.e. NGOs, INGOs and donors.

### **Introduction**

Post-Assad Syria remains a high-risk environment for humanitarian organisations due to governance fragmentation, economic hardships, and unresolved societal tensions. Authority is dispersed among central government, local actors and transitional bodies with weak regulatory clarity and limited accountability. This creates legal uncertainty, politicised access constraints, and heightened risks of interference, diversion, or instrumentalisation of aid. At the same time, the economy remains severely destabilised: damaged infrastructure, currency volatility, entrenched war-economy networks, and

distorted supply chains expose humanitarian operations to inflation, corruption risks, and market manipulation. Societal fractures further compound these risks. Years of displacement, property confiscations, and demographic shifts have deepened grievances and weakened social cohesion. Return movements may trigger disputes over housing, land, and property (HLP) rights, while perceptions of unequal aid distribution can inflame local tensions.

Moreover, over a decade of armed conflict has seen a devastating combination of atrocities, mass displacement, geographical and political fragmentation, foreign interference and occupation, and natural disasters—all of which has left millions of Syrians reliant on humanitarian assistance for basic survival, affirming the critical role aid actors play in this context.<sup>1</sup> This context also increases the risk of widespread human rights abuses.

Considering this complex terrain, a principled, human rights-based approach to humanitarian assistance is a legal imperative. Humanitarian operations can inadvertently contribute to infringements of human rights or prolong vulnerabilities if assessments of risks, such as legal, social, and environmental ones, are not undertaken or consistently analyzed. The success of humanitarian operations is undermined by a reduced overall strategic planning, especially by the donors to these operations. It is also challenged by the increasing presence of the transitional government's bureaucracy and planning. Changes in the power and funding dynamics for humanitarian response in Syria imposes limitations on the implemented projects and could increase adverse risks to human rights.<sup>2</sup> Potential harms to the human rights of affected communities may carry detrimental consequences not only in the short-term, but in the medium- and long- term as well.

To ensure that humanitarian operations do not unintentionally exacerbate harm or conflict dynamics, the integration of a heightened version of Human Rights Due Diligence (HRDD) throughout the project cycle is essential.<sup>3</sup> The tool produced in this report is designed to support the mainstreaming of a human rights lens during humanitarian project

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<sup>1</sup> According to OCHA's figures, there are 4.2 millions in need out of 5.1 million living in the region. It is also host to 3.5 million IDPs and 1 million children out of school. OCHA, North-West Syria: Situation Report, (October 2024), available at <<https://www.unocha.org/publications/report/syrian-arab-republic/north-west-syria-situation-report-18-october-2024-enar#:~:text=Years%20of%20conflict%2C%20repeated%20displacement,who%20suffer%20from%20severe%20disorders>>

<sup>2</sup> According to OCHA, the humanitarian response plan for Syria was less than a third funded in October 2024. OCHA, North West Syria: Response Plan, (October 2024), available at <<https://reports.unocha.org/en/country/syria/>>

<sup>3</sup> Heightened HRDD involves a rigorous process of identifying potential and actual adverse impacts not only on human rights, but on the broader conflict context and dynamics as well.

planning and implementation, assist humanitarians in their assessments of potential adverse human rights impacts in their operations, and to equip them with a solid understanding of relevant international law and human rights frameworks to their work. In doing so, it guides humanitarian NGOs through the application of heightened HRDD. This rigorous human rights assessment is not meant to add further restrictions to the complex humanitarian response in Syria, or add more checklist list requirements to humanitarian programmes. Instead, it seeks to support humanitarian NGOs in ensuring that their operations respect human rights and in further enhancing the support provided to local communities. The Tool also aims to provide humanitarian NGOs with the required legal knowledge to further facilitate the application of HRDD throughout their project cycles. It should be noted that reference to 'human rights' throughout the document and the Tool does not exclusively refer to IHRL. It also includes protections and prohibitions under the relevant and interlinked international law frameworks, namely IHL.

### **Who is the tool for?**

The Human Rights Due Diligence (HRDD) Tool for Syria aims to facilitate the holistic consideration of human rights risks throughout the project cycle of humanitarian interventions relevant to the eight sectors studied in this project. It seeks to ensure that human rights considerations are embedded in the planning, implementation, and assessment of humanitarian programming in the country. While some elements of the Human Rights-Based Approach (HRBA) have been integrated into the Tool, it is important to recognize that HRBA is a distinct, albeit complementary, framework to HRDD. The latter is a risk management process aimed at preventing and addressing adverse human rights impacts directly or indirectly linked to an organization's activities. In contrast, HRBA is a framework that prioritizes integrating human rights principles to empower rights holders and enhance accountability in policy making and programmes. While the Tool is grounded in the HRDD framework, HRBA principles are nevertheless pertinent to the implementation of HRDD's core components.

This tool aims to raise awareness and enhance the capacities of humanitarian actors to: identify and mitigate potential and actual human rights risks early on; ensure or reinforce that interventions help realize human rights; strengthen accountability to affected populations; and enhance the effectiveness and sustainability of humanitarian interventions in Syria.

Additionally, the HRDD Tool serves as a powerful advocacy instrument, enabling humanitarian NGOs to engage with donors more effectively. By providing a comprehensive and systematic approach to human rights integration, the tool can be used to demonstrate the critical importance of strategic, holistic, and rights-based programming. This can help make a compelling case for more targeted funding for key

projects that address multiple human rights dimensions simultaneously, potentially leading to more sustainable and impactful interventions in Syria.

It is important to note that this tool is not intended to add an additional burden to NGOs already operating in challenging conditions. Instead, it is designed to aid organizations in identifying potential risks and making informed decisions on how to proceed with their interventions. The HRDD Tool aims to streamline existing processes and provide a structured framework for considerations that many organizations are already addressing in various ways.

Furthermore, this tool is meant to highlight to donors and the international community the necessity for strategic, comprehensive interventions rather than fragmented approaches. It underscores the interconnected nature of human rights issues in Syria and the need for holistic solutions. However, the effective application of this tool relies on proper support from donors, including flexibility in funding arrangements and recognition of the complex, long-term nature of rights-based humanitarian work.

By using this tool, humanitarian actors can enhance their ability to:

- Identify and address potential human rights risks and impacts of their interventions.
- Make informed decisions about human rights considerations throughout the project cycle.
- Strengthen accountability to affected populations through systematic rights-based analysis.
- Document and track human rights considerations in humanitarian programming.

In the context of Syria, special attention should be given to:

- Ensuring meaningful participation of marginalized groups, including women, children, displaced persons, and other vulnerable populations.
- Addressing discrimination in access to humanitarian assistance, particularly in light of the fragmented political and economic conditions that exacerbate inequalities.
- Empowering local communities to claim their rights while navigating complex power dynamics and governance structures.
- Recognizing and addressing conflict-related human rights abuses perpetrated by different parties to the conflict, ensuring that interventions are sensitive to these abuses and do not inadvertently exacerbate existing or residual tensions.
- Taking into account the impact of de jure and de facto authorities, as well as informal power structures on humanitarian access, service delivery, and protection risks.

## Methodology

This Tool addresses the issue of HRDD in humanitarian operations in Syria. It brings together international law and humanitarian expertise to provide an in-depth analysis that aims to support the operations of humanitarian NGOs in Syria.

The Tool consists primarily of three sections: 1) HRDD in Syria, including its importance and its components; 2) the governing international legal frameworks; and 3) the HRDD Tool. The legal section provides an overview of the international legal frameworks, including international humanitarian law and international human rights law, that govern key human rights issues that may arise in humanitarian operations in Syria. It also addresses the legal responsibility of humanitarian NGOs to respect international law and human rights.

The desk research phase of the project mapped out the available literature on the impact of humanitarian operations on human rights in the region in the past decade. Available work focusses primarily on the issue of HLP rights violations and the protection from sexual exploitation and abuse and sexual harassment (PSEAH) in humanitarian settings. The issue of HLP rights has become increasingly a point of focus given the mass displacement into and out of the country during the years of the conflict. Tools such as the ‘Housing, Land and Property Rights in Shelter: Due Diligence Guidelines (Shelter Cluster)’ were developed to encourage humanitarian NGOs to avoid infringing on HLP rights in their projects.<sup>4</sup>

However, in order to provide a more comprehensive HRDD Tool, the literature review was supplemented with six interviews with leading Syrian NGOs in Northwest Syria who also have a wide expertise in the field. The interviews helped to identify the parameters of a sample to study and on which to build the tool. The sample includes examining a number of possible human rights risks including: HLP rights, SEAH, rights linked to harm to the environment, health and education related rights, children rights, and issues related to discrimination and community engagement. These issues were investigated in five sectors: Shelter, Protection, Healthcare, Education, and WASH. The revised version expanded the substantive scope to include three additional sectors: Food Security, Nutrition, and Early Recovery, based on consultations with Syrian humanitarian practitioners conducted January–February 2026.

The data collection phase relied on the results of a questionnaire addressing the issues previously identified in the initial five sectors. The questionnaire was developed by an

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<sup>4</sup> Global Shelter Cluster, Housing, Land and Property Rights in Shelter: Due Diligence Guideline (2024), available at <[https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/hlp\\_xb\\_turkey\\_due\\_diligence\\_guidelines\\_final.pdf](https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/hlp_xb_turkey_due_diligence_guidelines_final.pdf)>

expert of humanitarian operations in Northwest Syria and received replies from 10 NGOs working in Northwest Syria. The results formed the base of the HRDD Tool. The survey covered various aspects of human rights considerations in humanitarian work, including organizational policies, accountability mechanisms, inclusion practices, and sector-specific concerns. It remains limited by its small size: four INGOs and six LNGOs. The surveyed organisations were among the largest operating in Northwest Syria and they covered the previously mentioned sectors of humanitarian operations. In addition, self-reported data remains subject to bias.

Additionally, the outcome of a validation workshop held in Gaziantep in November 2024, contributed to the HRDD Tool's further development and refinement. The workshop served to 1) ensure a common understanding of the international legal framework applicable in Northwest Syria; 2) discuss key human rights issues that humanitarian organizations face while planning and implementing projects in the region; 3) identify existing mitigation strategies; and 4) present, test, and collect feedback on the HRDD Tool. A total of 21 representatives from 15 humanitarian organizations operating in Northwest Syria participated in the workshop.<sup>5</sup> The majority of participants (13 out of 15) reported being active in the protection sector, while eight organizations are involved in healthcare, eight in education, eight in shelter, and six in WASH. In addition, the validation workshop highlighted the importance of integrating the food security sector.

### *Key Human Rights Gaps*

The analysis of the questionnaire results and the outcome of the validation workshop helped to identify the gaps in considering human rights in the project cycle highlighting the potential violations or risks to these rights in the context of humanitarian activities in Northwest Syria. By extension, this Tool assumes that the gaps identified in Northwest Syria are similarly present in the rest of Syria as the country faces its transitional period with areas affected by instability due to governance changes and armed conflict. Addressing these gaps would contribute to preventing human rights abuses in humanitarian assistance, ensuring that interventions not only meet immediate needs but also respect human rights and contribute to their protection and fulfillment.

Gaps were identified in addressing potential risks to various human rights in the cycle of humanitarian projects. Rights to health, education and adequate housing require more comprehensive integration of measures that guarantee equal access without discrimination. At the same time, these measures should be sensitive to HLP rights

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<sup>5</sup> Participating organizations: Bahar Organization, Basmeh & Zeitooneh, Ghiras Al-Nahda, Ihsan Relief and Development, MedGlobal, Molham Volunteering Team, Muzun for Humanitarian & Development, Shafak Organisation, Sened Organization, Syrian Expatriates Medical Association (SEMA), The UN Refugee Agency (UNHCR), The Union of Medical Care and Relief Organizations (UOSSM), The White Helmets, Violet Organization, and Women Now for Development.

concerns and environmental impact. Other rights at risk include the right to life and security, rights to information and participation, right to legal identity, and the right to effective remedy. Other critical issues identified by participants in the validation workshop, particularly by those involved in the protection, education, and healthcare sectors, include protection from sexual violence, early marriage, and the recruitment of child soldiers, as well as the use of means and methods of warfare that are indiscriminate or that cause unnecessary suffering.

## **Human Rights Due Diligence (HRDD) in Syria**

### **1. What is Human Rights Due Diligence?**

HRDD is a proactive process to identify, prevent, mitigate, and address potential human rights risks that may arise during project design and implementation. The process should include assessing the actual and potential adverse human rights impacts of humanitarian activities, acting upon the findings, tracking responses, and communicating how impacts are addressed.<sup>6</sup> In this way, HRDD acts as a safeguard to ensure that humanitarian efforts align with international human rights standards, fostering an approach that is accountable, transparent, and rights-centred.

In conflict-affected and high-risk settings such as Syria, humanitarian NGOs should undertake a heightened version of HRDD (i.e. Heightened HRDD) to better understand the impacts of their activities on conflict dynamics. Heightened HRDD strengthens the understanding of the context where humanitarian NGOs operate and ensures that their activities do not contribute to violence, reinforce existing inequalities, or create new vulnerabilities. This can be achieved by identifying flash points, potential triggers, or the drivers of the conflict.<sup>7</sup>

In essence, heightened HRDD entails a rigorous approach to identifying both potential and actual impacts on individuals' human rights and on the broader conflict context. This approach is grounded in the principle of proportionality: as the risk level increases, the complexity and depth of due diligence processes must correspondingly intensify. Therefore, due diligence measures should be elevated in conflict-affected areas, where the risk of severe human rights abuses, i.e. war crimes and crimes against humanity, is significantly heightened. This ensures that all actions are proportionate to the specific

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<sup>6</sup> The United Nations Guiding Principles on Business and Human Rights: Implementing the “Protect, Respect, and Remedy Framework (hereinafter ‘UNGPs’), (2011), HR/PUB/11/04, Principle 17, available at <[https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)>

<sup>7</sup> UNDP, Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide, (2022), available at <<https://www.undp.org/publications/heightened-human-rights-due-diligence-business-conflict-affected-contexts-guide>>

challenges and risks of these environments, aiming to prevent, mitigate, and address adverse impacts effectively.

HRDD is not a one and done process, nor is it a checklist activity. It is an ongoing process that requires constant vigilance, particularly in a region experiencing volatility and instability.<sup>8</sup> In these settings, human rights risks may evolve with time, and prevention and mitigation measures will have to be adjusted accordingly.<sup>9</sup> It is also important to note that HRDD will vary in complexity with the size of the organization and the nature and context of its operations.<sup>10</sup>

## **2. Why is HRDD necessary in humanitarian operations in Syria?**

HRDD is critical in humanitarian operations in Syria due to the complex interplay of conflict and post-conflict realities, governance challenges, and the involvement of multiple actors. These critical conditions originated from the grave human rights violations committed in Syria, mostly but not solely by the former Syrian government.<sup>11</sup> This tool was initially developed for use in Northwest Syria—one of the most affected regions in the Syrian conflict, where various factions, including non-state armed groups, international actors, and de facto authorities, operated in a fragmented environment. After the fall of the Assad regime in December 2024, the geographic and substantive scope of the HRDD Tool has been revised. Along with governance changes, post-Assad Syria has seen new regional contestations involving state and non-state actors, as well as changing international NGO and IO involvement. These dynamics present significant risks of human rights violations, necessitating careful HRDD to ensure that humanitarian efforts do not exacerbate existing vulnerabilities or unintentionally support perpetrators of abuses.

One of the primary reasons HRDD is necessary is to mitigate the risk of human rights abuses in high-risk contexts. situations. The political transition following the fall of the Assad regime redrew the humanitarian map in Syria. The new conditions allowed for unifying the humanitarian action map across the country, increased access by removing barriers established by conflict lines, and allowed humanitarian organisations to expand their operations. On the other hand, new challenges arose that restricted humanitarian operations. Post-conflict governance is characterised by weak central government institutions efficiency, bureaucratic hurdles, organisational and operational licensing

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<sup>8</sup> UNGPs (n 7) Principle 17(c).

<sup>9</sup> Ibid.

<sup>10</sup> UNGPs (n 7) Principle 17(b).

<sup>11</sup> Using “government” in this report, instead of “regime” in reference to Bashar al-Assad’s regime in Syria is due to legal considerations. The term “government” underscores the legal responsibilities of the State and does not constitute a political statement or endorse a political position. It highlights the State’s duties and obligations under international law, regardless of who is exercising government functions.

delays, funding constrictions, and unstable security conditions. The transitional government, as well as armed groups and factions, tend to variably control access to humanitarian aid, and without proper due diligence, there is a risk that aid could be diverted to support these groups, prolonging the conflict or contributing to further violations. HRDD could help humanitarian NGOs navigate these complex conditions and ensure that humanitarian projects are implemented in a manner that is as compliant as possible with international human rights and humanitarian law standards. Another crucial aspect of HRDD in Syria relates to the protection of civilians. The country is home to millions of displaced people who face a range of risks, including targeted violence, forced displacement, and inadequate access to essential services like healthcare and education.<sup>12</sup> By implementing HRDD, humanitarian NGOs can better assess the risks to these vulnerable populations and tailor their interventions to avoid contributing to further harm. This includes taking steps to ensure that aid distribution does not reinforce discriminatory practices or marginalize particular communities, especially in areas where ethnic or sectarian tensions are high.

Furthermore, HRDD is essential for maintaining the neutrality and legitimacy of humanitarian operations. In conflict-affected and high-risk settings, humanitarian NGOs are often viewed with suspicion by parties to the conflict, while facing at the same time varying levels of pressure from these authorities to comply with their policies or agendas, or affected communities themselves. A robust HRDD framework allows these organizations to demonstrate that they are operating in compliance with international human rights and humanitarian law, which can help build trust with local communities and minimize the risks of becoming targets of violence themselves.

Additionally, HRDD helps in ensuring accountability and transparency, which are critical in complex emergencies. Given the multiplicity of actors involved in humanitarian operations—ranging from international NGOs to local partners and private contractors—there is a need for strong oversight mechanisms. HRDD processes involve continuous monitoring, evaluation, and reporting, which ensures that all actors involved are adhering to human rights standards. This not only protects the beneficiaries but also safeguards the reputation and operational viability of humanitarian NGOs by ensuring that they are not implicated in human rights abuses.

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<sup>12</sup> As of October 2024, Northwest Syria hosted 2 million IDPs living in camps, out of a total population of over 5 millions. OCHA, North-west Syria | Situation report (October 2024) (n 2), available at <https://reports.unocha.org/en/country/syria/>

### 3. What are the challenges in implementing HRDD in humanitarian operations in Syria?

The call for implementing HRDD in humanitarian operations in Syria does not deny the grave challenges to its implementation. The conditions in the country are very complex as a result of the major governance shifts, fourteen years of conflict, and ongoing instances of violence. Following the December 2024 offensive led by Hayat Tahrir al-Sham that overthrew the government of Bashar al-Assad, Syria is now governed by the Syrian transitional government headed by President Ahmed al-Sharaa. Despite reunification efforts, territorial control and day-to-day governance remain uneven, with continuing influence in parts of the north by the Syrian National Army and, in parts of the Northeast, by the Syrian Democratic Forces.<sup>13</sup> Across these settings, credible reporting has continued to document serious human rights violations by multiple actors, including identity-based violence, arbitrary detention, and property-related abuses, alongside concerns about political interference and restrictive practices affecting humanitarian operations.<sup>14</sup>

In addition, Türkiye continues to wield significant influence in northern Syria through its military presence, security partnerships, and economic integration, including leverage over key cross-border supply routes that remain essential for humanitarian relief and commercial imports into the north. At the same time, shifting engagement by external actors, including adjustments to the United States military footprint in the Northeast and wider regional diplomacy around ceasefires and integration arrangements, adds uncertainty for humanitarian access, procurement, and risk mitigation.

While the scale of nationwide frontlines has reduced compared with earlier years of the conflict, the transitional period has been marked by localised escalations and insecure pockets, including renewed hostilities around Aleppo in early 2026 and episodes of sectarian and communal violence in the south, including in Sweida in 2025. At the same time, the Islamic State has sought to exploit gaps in security provision through attacks in northern, eastern, and desert areas, compounding the risk environment for civilians and aid actors. Beyond armed violence, explosive remnants of war and improvised explosive devices remain widespread across Syria, constraining movement, slowing returns, and exposing communities, staff, and contractors to high risks.

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<sup>13</sup> UK Parliament, Syria one year after Assad: Forming an Interim government, (2026), <https://commonslibrary.parliament.uk/research-briefings/cbp-10430/#:~:text=The%20Kurdish,these%20two%20often%20in%20tension>

<sup>14</sup> Human Rights Watch, Syria: New Government Restricts Aid Operations, (2025), <https://www.hrw.org/news/2025/05/12/syria-new-government-restricts-aid-operations#:~:text=,address%20Syria%E2%80%99s%20escalating%20humanitarian%20crisis>

Other factors shaping HRDD feasibility include global political and economic pressures and the contraction of humanitarian finance: in 2025, overall humanitarian funding levels declined sharply, with life-saving programmes in Syria experiencing reductions and closures, particularly in health and protection services. Although sanctions regimes have now been adjusted by several jurisdictions, remaining legal and banking frictions—and the risk of over-compliance by financial intermediaries—continue to complicate procurement, cash programming, and the vetting of suppliers and partners. These trends intensify competition for scarce resources and increase the risk that rapid scale-downs, sub-granting chains, or last-minute shifts in modalities undermine safe programming and accountability to affected populations.

The precarious situation in Syria has a compounded impact on human rights conditions. This is reflected in the following challenges:

## I. HLP Rights Challenges

*Displacement and Lack of Documentation:* Syrians across the country continue to experience large-scale displacement and repeated movements, with significant numbers of refugees and internally displaced people attempting to return since December 2024 while others remain in camps, collective shelters, or secondary displacement. Loss, destruction, or non-recognition of civil and HLP-related documentation—including IDs, family records, birth and marriage certificates, property deeds, and rental agreements—continues to obstruct access to assistance, services, restitution mechanisms, and safe return, especially where registries have been damaged, closed, or contested after the transition. The Norwegian Refugee Council and UNHCR have repeatedly highlighted that access to legal identity and civil documentation is a prerequisite for exercising rights, including housing, land, and property claims, and for ensuring assistance is delivered fairly and without discrimination.<sup>15</sup>

- *Informal Settlements:* Millions of people across Syria still live in informal settlements, camps, and collective shelters with limited legal recognition and weak or absent security of tenure; many sites are overcrowded and unable to transition from emergency modalities because of policy, land tenure, and infrastructure constraints. During the transition, some large sites—including detention-linked displacement camps in the Northeast such as al-Hol camp—have been subject to

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<sup>15</sup> UNHCR, UNHCR: Historic return of displaced Syrians presents opportunity and urgent challenges, (2025), <<https://www.unhcr.org/news/press-releases/unhcr-historic-return-displaced-syrians-presents-opportunity-and-urgent>>

shifting control or closure plans, adding uncertainty around residents' rights, services, and freedom of movement. Humanitarian operations face legal and ethical dilemmas when supporting shelter upgrades, site planning, service connectivity, or relocation, because poorly designed interventions can inadvertently legitimise forced evictions, reinforce inequitable land allocations, or expose residents to exploitation and extortion by armed actors and local power brokers.<sup>16</sup>

- *Reconstruction and Property Disputes:* As humanitarian and development actors expand support for repairs, shelter rehabilitation, and local infrastructure across Syria, they must navigate a post-conflict property landscape marked by overlapping claims, missing records, inconsistent laws, and weakened institutions. During 2025, reporting documented forced evictions, confiscation or occupation of houses and land, and destruction of homes affecting different communities, underscoring that HLP violations are not confined to a single region; northern areas with a history of factional control, including places such as Afrin, remain particularly sensitive, but similar risks arise wherever people return to find property occupied, damaged, or reallocated. In this context, humanitarian organizations must ensure that reconstruction and assistance do not contribute to wrongful dispossession, demographic manipulation, or the consolidation of wartime gains, and that projects include safeguards for restitution, dispute resolution, and non-discrimination.<sup>17</sup>

## II. Environmental risks

- *Degradation of Natural Resources:* The legacy of conflict and economic collapse has driven severe degradation of natural resources across Syria—including over-extraction of water, deforestation for fuel, soil degradation, and biodiversity loss—at the same time as climate variability and repeated droughts have reduced water availability and agricultural livelihoods. In 2025, parts of Syria experienced extreme drought conditions that damaged crops and reduced wheat output, worsening food insecurity and the pressure on humanitarian livelihoods support. Humanitarian actors face the challenge of meeting urgent needs (e.g., WASH, fuel, shelter, livelihoods) without accelerating environmental harm.<sup>18</sup> Effective HRDD requires environmental risk screening and mitigation alongside human rights risk analysis.

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<sup>16</sup> UK Visas and Immigration, Country and policy information note: humanitarian situation, (2025), <https://www.gov.uk/government/publications/syria-country-policy-and-information-notes/country-and-policy-information-note-humanitarian-situation-syria-july-2025-accessible>

<sup>17</sup> PAX, Reclaiming What Was Taken: The Struggle for HLP Rights in Post-Assad Syria, (2025), available at: <https://paxforpeace.nl/publications/reclaiming-what-was-taken/>

<sup>18</sup> PAX, Addressing Environmental Impacts of Conflict in Syria: Towards Environmental Remediation and Green Recovery, (2025), available at: [https://paxforpeace.nl/wp-content/uploads/sites/2/2025/05/PAX\\_Capacity-statement-Environment-work-in-Syria.pdf](https://paxforpeace.nl/wp-content/uploads/sites/2/2025/05/PAX_Capacity-statement-Environment-work-in-Syria.pdf)

- *Waste Management:* Humanitarian operations, especially in densely populated camps, can generate significant waste, while conflict-related damage and rubble often overwhelm municipal systems. Poorly managed waste disposal and sewage can contaminate water supplies and soil, contribute to vector-borne and waterborne disease outbreaks, and create secondary harms that disproportionately affect children, older people, and people with disabilities. In the transitional period, addressing conflict-linked contamination (including toxic remnants of war and debris) alongside routine waste management is increasingly important, as environmental contamination can become a long-term human rights and public health burden even after hostilities subside.<sup>19</sup>
- *Climate Vulnerability:* Climate change adds another layer of complexity to humanitarian work across Syria, where large numbers of displaced people and returnees live in fragile housing and depend on weather-sensitive livelihoods.<sup>20</sup> Syria has faced increasingly severe droughts, heat extremes, and associated hazards, and extreme events such as the 2025 wildfires in Latakia illustrated how climate-related disasters can destroy homes, agricultural land, and infrastructure while also interacting with conflict legacies such as unexploded ordnance.<sup>21</sup> Droughts reduce agricultural productivity and intensify water scarcity, while heavy rains and seasonal floods can damage shelters and WASH networks.

### III. Health Issues

- Syria's health system remains heavily damaged and unevenly functional after years of conflict, with large parts of service delivery reliant on humanitarian support and exposed to chronic shortages of staff, medicines, and equipment. According to the World Health Organization, only 57% of hospitals and 37% of primary health-care centres are fully operational, and funding shortfalls are pushing facilities towards minimal capacity or closure, alongside a major funding gap for sustaining health services. These conditions elevate the risk that humanitarian health programming can unintentionally deepen inequities—particularly if services

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<sup>19</sup> Unicef, Humanitarian Situation Report No.18, (2025 - 2026), available at:

<https://www.unicef.org/syria/media/22626/file/Syria-Humanitarian-situation-report-2025.pdf>

<sup>20</sup> SNHR, Urgent Appeal for Aid after the Extensive Damages that Effected IDPs Camps due to Heavy Rainfall and Floodings in Syria, (2026), [https://snhr.org/blog/2026/02/09/urgent-appeal-for-aid-after-the-extensive-damages-that-effected-idps-camps-due-to-heavy-rainfall-and-floodings-in-syria#:~:text=\\_children%2C%20women%2C%20and%20the%20elderly](https://snhr.org/blog/2026/02/09/urgent-appeal-for-aid-after-the-extensive-damages-that-effected-idps-camps-due-to-heavy-rainfall-and-floodings-in-syria#:~:text=_children%2C%20women%2C%20and%20the%20elderly)

<sup>21</sup> Al Jazeera, Syria says wildfires in northwest Latakia province contained after 10 days, (2025), <https://www.aljazeera.com/news/2025/7/13/syria-says-wildfires-in-northwest-latakia-province-contained-after-10-days#:~:text=As%20the%20fires%20raged%2C%20Syrian,danger%20of%20explosive%20war%20remnants>

concentrate in accessible locations while hard-to-reach communities face persistent barriers.<sup>22</sup>

- WASH: Damaged water infrastructure, energy constraints, and drought pressures can disrupt safe water supply and waste systems, while population movement and returns increase demand on already overstretched networks. A 2026 European Commission DG ECHO humanitarian implementation plan for Syria notes that 14.4 million people in 2025 were highly dependent on humanitarian assistance to access safe water, sanitation, waste management, or hygiene supplies, and it flags drought as an aggravating factor for public health and service delivery.<sup>23</sup> Against this backdrop, WHO documented a cholera resurgence in late 2024 and explicitly linked outbreak dynamics to drought, population movement, and repeated disruptions to water and sanitation systems, underscoring that HRDD for WASH must prioritise safe design and placement, water quality monitoring, and accountability to affected communities.<sup>24</sup>
- Mental health needs are largely shaped by prolonged conflict. Under the former Assad regime, systematic patterns of arbitrary detention, torture, and ill-treatment were documented, which continue to reverberate through survivor needs and community trust.<sup>25</sup>

#### IV. Operational and Security Constraints

Humanitarian access and staff safety across Syria remain highly variable and context-specific. Ongoing hostilities and localised security incidents in parts of the north, south, and coastal regions continue to disrupt humanitarian operations, trigger displacement, and exacerbate protection risks. The evolving post-transition environment has contributed to fragmented security arrangements and uneven governance structures, particularly in

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<sup>22</sup> World Health Organization, WHO calls for urgent support to rebuild Syria's Health System, (2025), <<https://www.emro.who.int/afg/who-calls-for-urgent-support-to-rebuild-syrias-health-system.html>>

<sup>23</sup> European Commission, Humanitarian Implementation Plan (HIP) Syria Regional Crisis, (2026), <[https://ec.europa.eu/echo/files/funding/hip2026/echo\\_syr\\_bud\\_2026\\_91000\\_v2.pdf](https://ec.europa.eu/echo/files/funding/hip2026/echo_syr_bud_2026_91000_v2.pdf)>

<sup>24</sup> World Health Organization, WHO launches emergency cholera response as cases resurge in Syria, (2025), <<https://www.emro.who.int/syria/news/who-launches-emergency-cholera-response-as-cases-resurge-in-syria.html>>

<sup>25</sup> OHCHR, 'Web of Agony': UN Commission's report unveils depths of former government's detention crimes during first decade of Syrian war, (2025), <[https://www.ohchr.org/en/press-releases/2025/01/web-agony-un-commissions-report-unveils-depths-former-governments-detention?utm\\_source=chatgpt.com](https://www.ohchr.org/en/press-releases/2025/01/web-agony-un-commissions-report-unveils-depths-former-governments-detention?utm_source=chatgpt.com)>

rural and peri-urban areas, where insecurity, criminality, and shifting control dynamics impede safe and sustained humanitarian access.

These conditions are further compounded by unresolved local grievances, including identity-based and political tensions, which heighten the risk of renewed violence in the absence of effective accountability, reconciliation, and stabilisation mechanisms. Collectively, these factors present significant operational constraints, affecting the ability of humanitarian actors to deliver assistance safely, consistently, and in accordance with humanitarian principles.<sup>26</sup>

#### **4. Do humanitarian actors have a responsibility to respect IHRL & IHL?**

International law, which in this context encompasses IHRL and IHL, primarily addresses states. States have the primary responsibility under international law to respect, protect, and fulfill human rights. However, and in addition to states and their armed forces,<sup>27</sup> international law also provides for the responsibility of non-state actors, including armed groups and businesses.<sup>28</sup> By the very nature of humanitarian action and assistance, humanitarian NGO workers bear a responsibility to respect human rights.<sup>29</sup> Most notably, their proximity to and relationship with vulnerable, affected communities place them in a unique position to affect their rights in either a positive or detrimental manner.

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<sup>26</sup> See, e.g., UN News, 'Syria: Renewed clashes risk derailing fragile transition' (January 2026) <<https://news.un.org/en/story/2026/01/1166811>>; HRW, 'Syria: Events of 2025' (2026) <<https://www.hrw.org/world-report/2026/country-chapters/syria>>

<sup>27</sup> State armed forces include organized armed forces, groups and units which are under a responsible command, regardless of whether the government or authority representing that party is recognized by the adverse side. See, Article 43 of Additional Protocol I.

<sup>28</sup> See, e.g., OHCHR, Joint Statement by independent United Nations human rights experts on human rights responsibilities of armed non-State actors, (25 February 2021), available at <<https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights>>; Geneva Academy, Human Rights Obligations of Armed Non-State Actors: An Exploration of the Practice of the UN Human Rights Council, (2016), Academy In-Brief No. 7, available at <[https://www.geneva-academy.ch/joomlatools-files/docman-files/InBrief7\\_web.pdf](https://www.geneva-academy.ch/joomlatools-files/docman-files/InBrief7_web.pdf)>; OHCHR, Special Procedures Communication to İlham Ehmed of AANES, (12 May 2022) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27236>>; for businesses: see UNGPs (n 7).

<sup>29</sup> While IHRL treaties primarily address and bind states, there is a growing recognition that non-state actors also have human rights duties. Article 5(1) of the ICCPR extends to non-state actors, including individuals, groups, and organizations the obligation to refrain from engaging in activities that destroy the rights and freedoms recognized in the Covenant. Moreover, several UN guidelines directly address humanitarian organizations. See, for example, UN Economic and Social Council 'Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39', (11 February 1998), UN Doc. E/CN.4/1998/53/Add.2; and UN Economic and Social Council 'Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council', (20 May 2002), UN Doc. E/2002/68/Add.1.

The objective of humanitarians to alleviate suffering and protect lives is one that is primarily anchored in IHRL and IHL. The source of humanitarians' responsibility to respect these frameworks derives from several instruments.

### *International humanitarian law*

IHL is the branch of international law that regulates armed conflicts.<sup>30</sup> The law aims to prevent unnecessary human suffering and preserve the core values of human dignity by protecting those who do not, or no longer participate, in hostilities and restricting the means and methods of warfare. In doing so, the law defines permissible conduct, particularly in relation to persons affected by conflict, and seeks to regulate the conduct of belligerents. IHL also provides legal obligations regarding humanitarian assistance in armed conflict.

Humanitarian NGOs, for instance, play a fundamental role in safeguarding assistance.<sup>31</sup> This duty of protection rests not only with the parties to the conflict, but also with the impartial humanitarian organizations active in armed conflict settings. In order to fulfill the 'do no harm' principle, humanitarian NGOs must not only consider and alleviate any adverse impacts of their interventions but should also adhere to specific IHL principles.<sup>32</sup>

IHL provides that humanitarian organizations may offer their services to civilians as well as persons who are no longer engaged in the hostilities, safeguarding their lives and dignity.<sup>33</sup> Humanitarian organizations ought to operate in line with the principle of impartiality.<sup>34</sup> Additionally, relief action must be humanitarian in nature and must be

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<sup>30</sup> Armed conflicts are either international or non-international in character. The International Criminal Tribunal for the former Yugoslavia (ICTY) describes NIACs as "...protracted armed violence between governmental authorities and organized armed groups or between such groups within a State." See, ICTY Decision on the Defence Motion for Interlocutory Appeal of Jurisdiction, *Prosecutor v. Dusko Tadić* (IT-94-1-AR72), Appeals Chamber, 2 Oct 1995 [70]; Common Article 2 to the four Geneva Conventions of 1949 clarifies that an international armed conflict exists where there is resort to force "...between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."

<sup>31</sup> See, e.g., Médecins Sans Frontières, *The Practical Guide to Humanitarian Law*, available at <<https://guide-humanitarian-law.org/content/article/3/responsibility/>>

<sup>32</sup> The 'Do No Harm' principle requires humanitarian organisations to be aware of the context where they operate and avoid the negative impact of their projects. For more, see CDA, *Do No Harm: A Brief Introduction From CDA*, (2018), available at <<https://www.cdacollaborative.org/wp-content/uploads/2018/01/Do-No-Harm-A-Brief-Introduction-from-CDA.pdf>>

<sup>33</sup> The International Committee of the Red Cross, *Commentary on Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, Geneva, 2016, Article 3 [810], [820], [822]. <[https://ihl-databases.icrc.org/en/ihl-treaties/qci-1949/article-3/commentary/2016?activeTab=#\\_Toc465169866](https://ihl-databases.icrc.org/en/ihl-treaties/qci-1949/article-3/commentary/2016?activeTab=#_Toc465169866)>

<sup>34</sup> "[Humanitarian] assistance must be provided according to the principle of impartiality, which requires that it be provided solely on the basis of need and in proportion to need. This reflects the wider principle of non-discrimination: that no one should be discriminated against on any grounds of status, including age, gender, race, colour, ethnicity, sexual orientation, language, religion, disability, health status, political

conducted without any adverse distinction.<sup>35</sup> Moreover, humanitarian organizations must ensure that these supplies are strictly for civilian use and not diverted to military efforts.<sup>36</sup>

### *International human rights law*

Under both hard and soft law instruments, humanitarian NGO workers have a responsibility to respect human rights. Pursuant to Article 5(1) of the International Covenant on Civil and Political Rights (ICCPR),<sup>37</sup> the obligation to refrain from engaging in activities that destroy the rights and freedoms recognized in the Covenant extends to non-state actors, including individuals, groups, and organizations. This clearly sets out the responsibility of humanitarians to respect human rights and refrain from inflicting harm thereto. A number of soft law instruments, further, address the activities of NGOs, including, for example, the UN Guiding Principles on Internal Displacement,<sup>38</sup> which identify rights relevant to the protection of persons from forced displacement and to their protection and assistance during displacement. Moreover, the Joint Background Paper by the OHCHR and UNHCR on 'The Protection of Human Rights in Humanitarian Crises' identifies principal concerns relating to the protection of human rights in humanitarian responses.<sup>39</sup>

A key soft law instrument in this respect is the UN Guiding Principles on Business and Human Rights (UNGPs),<sup>40</sup> an authoritative text outlining business responsibility to respect human rights. While the UNGPs chiefly address the responsibilities of businesses, its principles are adaptable and arguably apply to humanitarian NGOs. This is due to the nature of humanitarian NGOs' operations and processes, that in some instances mirror that of businesses.<sup>41</sup> This is particularly reflected in their contractual relationships with

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or other opinion, national or social origin." See, The Sphere Project, Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response, (Sphere, 2018), P. 30

<<https://spherestandards.org/handbook/>>

<sup>35</sup> See, Article 18 of Additional Protocol II and Article 70 of Additional Protocol I.

<sup>36</sup> Article 23 of the Fourth Geneva Convention of 1949; Doubts alone are not enough to deny free passage to an aid shipment. Instead, there must be strong and fact-based reasons for concern. To alleviate such concerns, a neutral intermediary, such as the International Committee of the Red, may supervise the distribution of the aid consignments. See, The International Committee of the Red Cross, Commentary on Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 1958, Article 23, P. 182. Available at <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-23/commentary/1958?activeTab=>>>

<sup>37</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), Article 5.

<sup>38</sup> OCHA, Guiding Principles on Internal Displacement (2004), available at <<https://www.unhcr.org/sites/default/files/legacy-pdf/43ce1cff2.pdf>>

<sup>39</sup> OHCHR and UNHCR, The Protection of Human Rights in Humanitarian Crises: A Joint Background Paper by OHCHR and UNHCR, (2013), IASC Principals, available at <[https://globalprotectioncluster.org/sites/default/files/2022-12/ohchr-unhcr\\_joint\\_paper\\_en.pdf](https://globalprotectioncluster.org/sites/default/files/2022-12/ohchr-unhcr_joint_paper_en.pdf)>

<sup>40</sup> UNGPs (n 7).

<sup>41</sup> Humanitarian NGOs, local or international, have been actively engaging in building IDP housing complexes in north west Syria. They were responsible for 49% of the building activities by 2022,

businesses in delivering projects and services.<sup>42</sup> NGOs should therefore implement HRDD across their operations and internal processes, including their procurement and contracting practices, pursuant to the UNGPs, across administrative procedures and cluster operations. NGOs should also assess the human rights impacts of their activities and act on findings,<sup>43</sup> engage in meaningful consultations with potentially affected groups and other relevant stakeholders,<sup>44</sup> as well as in remedial processes.<sup>45</sup>

## **5. What are the relevant international legal frameworks that humanitarian NGOs have a responsibility to respect?**

As discussed above, humanitarian workers and organizations have a responsibility to respect international law, including IHRL and IHL. Failing to comply with these international standards not only risks potential legal liability but can also limit access to affected communities.<sup>46</sup> Equally important, violations of human rights and humanitarian principles, along with environmental harm, directly impact the communities that humanitarians aim to support, potentially reversing progress and undermining the very goals of humanitarian operations. A solid understanding of the applicable international legal frameworks is essential for rights-based and risk-informed decision-making, particularly in complex conflict-affected settings.

While IHL serves as the primary legal framework governing conduct during armed conflicts, IHRL remains applicable in these contexts as well.<sup>47</sup> Both bodies of law must be respected by actors operating within conflict-affected contexts.

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competing with the private construction sector in the area. Information Management Unit, Housing Complexes in North-Western Syria, Assistance Coordination Unit, P. 3. (2022), available at <[https://acu-sy.org/wp-content/uploads/2022/05/ACU\\_IMU\\_Housing-Complexes-in-North-Western-Syria\\_01\\_April\\_2022\\_Eng.pdf](https://acu-sy.org/wp-content/uploads/2022/05/ACU_IMU_Housing-Complexes-in-North-Western-Syria_01_April_2022_Eng.pdf)>

<sup>42</sup> See, e.g., HRW and SLDP, Guide on Human Rights-Compliant Procurement Processes in Syria, (2022), available at <<https://sldp.ngo/wp-content/uploads/2022/01/HRW-SLDP-Guide-to-Procurement-and-Risk-Assessment-Tool.pdf>>

<sup>43</sup> UNGPs (n 7) Principle 17.

<sup>44</sup> Ibid, Principle 18(b).

<sup>45</sup> Ibid, Principle 22.

<sup>46</sup> “For offers of service to be legitimate, and acceptable, they must come from an organization which is both ‘humanitarian’ and ‘impartial’, and the services offered and rendered must be ‘humane’ and ‘impartial’ also.” See, The International Committee of the Red Cross, Commentary on Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 1958, Article 3, available at <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-3/commentary/1958?activeTab=>>

<sup>47</sup> See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) I.C.J. Reports 2004 [106]: “the Court considers that the protection offered by human rights conventions does not cease in case of armed conflict...As regards the relationship between international humanitarian law and human rights law, there are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law.”

This section outlines the relevant international legal frameworks that actors in the humanitarian field should respect.

## 1. International Human Rights Law

*“All human beings are born free and equal in dignity and rights” – Article 1 of the Universal Declaration of Human Rights<sup>48</sup>*

International human rights law is primarily enshrined in the Universal Declaration of Human Rights (UDHR),<sup>49</sup> the International Covenant on Economic, Social, and Cultural Rights (ICESCR),<sup>50</sup> and the International Covenant on Civil and Political Rights (ICCPR),<sup>51</sup> collectively referred to as the International Bill of Rights. The recognition of rights may also come about through UN Human Rights Council Resolutions,<sup>52</sup> and UN General Assembly Resolutions.<sup>53</sup>

IHRL traditionally divides human rights into two ‘sets’: economic, social, and cultural rights on the one hand, and civil and political rights on the other. The former category includes, for example, the right to health and the right to adequate housing, while the latter encompasses the right to life and the right to equality and non-discrimination. All human rights, however, are interdependent and indivisible—this is a fundamental principle underpinning IHRL. In other words, one set of rights cannot be fully enjoyed without the other. If one is deprived of the right to food, for instance, one cannot fully enjoy the right to life; the deprivation of an economic and social right results in the deprivation of a civil and political right. Conversely, one’s right to freedom from inhuman or degrading treatment may be infringed by the denial of their right to water and sanitation. As such, in the design and implementation of any humanitarian operation, it is important to examine the multifaceted ways in which partner communities’ human rights may be impacted. Below is an outline of some of the most relevant human rights norms for aid organizations:

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<sup>48</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR), Art. 1.

<sup>49</sup> Ibid, UDHR.

<sup>50</sup> International Covenant on Economic, Social, and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

<sup>51</sup> ICCPR (n 56).

<sup>52</sup> See, e.g., UNHRC Res 48/13 (8 October 2021) UN Doc A/HRC/RES/48/13, available at <<https://undocs.org/A/HRC/RES/48/13>>

<sup>53</sup> See, e.g. UNGA Res 76/300 (28 July 2022) UN Doc A/RES/76/300, available at <<https://undocs.org/A/RES/76/300>>

## A. *Economic & Social Rights*

- **The right to an adequate standard of living** (ICESCR Art. 11): includes, but is not limited to, the rights to:
  - adequate food
  - adequate housing

### *The right to adequate food*

The human right to adequate food is crucial for the enjoyment of all rights.<sup>54</sup> The UN Committee on Economic, Social, and Cultural Rights (CESCR) affirmed that the right to adequate food is “indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfillment of other human rights”.<sup>55</sup> This right is realized, according to the CESCR, “when every man, woman, and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement”.<sup>56</sup> As such, the right to adequate food should not be interpreted restrictively by equating it with a minimum number of calories or nutrients.<sup>57</sup>

The core content of the right to adequate food comprises:<sup>58</sup>

- The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture;
- The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights

The right to adequate food may be impacted by environmental damage and degradation, in turn driving food insecurity. For example, destroying agricultural land impairs the enjoyment of the right to food, especially for land users. Humanitarian NGOs may infringe on this right by, for example, building shelters or residential complexes on agricultural land.

The right to adequate food may also be adversely impacted by risks such as aid diversion, aid capture, and discriminatory policies and practices.

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<sup>54</sup> CESCR General Comment No 12: The Right to Adequate Food (Art 11), (12 May 1999), UN Doc E/C.12/1999/5 [1] available at <<https://www.refworld.org/legal/general/cescr/1999/en/87491>>

<sup>55</sup> Ibid [4].

<sup>56</sup> Ibid [6].

<sup>57</sup> Ibid.

<sup>58</sup> Ibid [8].

## *The right to adequate housing*

The human right to adequate housing is also essential for the enjoyment of all rights, including the right to work, health, and education.

The right to housing should not be interpreted in a narrow or restrictive sense which confines it simply to, for instance, a roof over one's head.<sup>59</sup> Rather, the right should be interpreted expansively to mean the right to live somewhere in security, peace and dignity. This is on the basis that "the inherent dignity of the human person" is a fundamental premise from which the rights of the Covenant derive.<sup>60</sup>

Relatedly, the concept of adequacy is a central component of this right. As both the Commission on Human Settlements and the Global Strategy for Shelter to the Year 2000 have elaborated: "Adequate shelter means...adequate privacy, adequate space, adequate security, adequate lighting and ventilation, [and] adequate basic infrastructure".<sup>61</sup> Adequacy also comprises the possession of "a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats".<sup>62</sup>

The provision of shelter per se, therefore, may not meet the standards of the right to adequate housing. This may particularly be the case in IDP camps, which are often overcrowded and dilapidated.<sup>63</sup> This in turn may negatively impact safety and sanitation, for example, affecting in particular women and girls.

- **Right to own property** (Art. 17 UDHR, Art. 15(2) and 16(1)(h) CEDAW, Art. 12(5) of CRPD)

The right to property is inherently linked to other human rights, including the right to equality and non-discrimination. Pursuant to the UDHR:

1. Everyone has the right to own property alone as well as in association with others.

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<sup>59</sup> CESCR General Comment No 4: The Right to Adequate Housing (Art 11(1)), (13 December 1991), UN Doc E/1992/23 [7], available at <<https://www.refworld.org/legal/general/cescr/1991/en/53157>>

<sup>60</sup> Ibid.

<sup>61</sup> Commission on Human Settlements, Global Strategy for Shelter to the Year 2000, (1988), UN Doc A/43/8/Add.1, available at <<https://www.ircwash.org/sites/default/files/UN-HABITAT-1990-Global.pdf>>

<sup>62</sup> CESCR (n 78) [8(a)].

<sup>63</sup> Office of the United Nations High Commissioner for Human Rights, 'Fact Sheet No. 21: The Right to Adequate Housing', (rev 1, 2009), UN Doc HR/PUB/09/11, available at <[https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)>

2. No one shall be arbitrarily deprived of his property.<sup>64</sup>

Under the Convention on the Elimination of Discrimination Against Women, women enjoy “equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals”.<sup>65</sup> The Convention also stipulates that women shall be ensured, on the basis of equality of men and women, the same rights as their spouses with respect to “the ownership, acquisition, management, administration, enjoyment and disposition of property”.<sup>66</sup>

Women’s rights to property are essential for realizing their rights to equality and to an adequate standard of living, among many other rights.<sup>67</sup> The realization of these rights supports their independence and autonomy, and enables them to provide for their families. Denial of these rights has major implications for women’s enjoyment of the right to equality, health, food, housing, water, among others.

Persons with disabilities are also accorded specific protections with respect to their rights to property. Under the Convention on the Rights of Persons with Disabilities, the equal right of persons with disabilities to own or inherit property and to control their own financial affairs must be ensured.<sup>68</sup> Persons with disabilities must also be protected against arbitrary deprivations of their property.<sup>69</sup>

Further, Principle 21(3) of the UN Guiding Principles on Internal Displacement states: “Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use”.<sup>70</sup> The right to property may inadvertently be abused in cases of land requisition for the purposes of building shelters, particularly when proper human rights due diligence is not carried out to ascertain property ownership.

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<sup>64</sup> UDHR (n 67) Art. 17.

<sup>65</sup> Convention on the Elimination of All Forms of Discrimination Against Women, (18 December 1979), 1249 UNTS 13 (CEDAW), Art. 15(2).

<sup>66</sup> Ibid, Art. 16(1)(h).

<sup>67</sup> See generally Office of the United Nations High Commissioner for Human Rights, *Realizing Women’s Rights to Land: A Guide to CEDAW General Recommendation No. 34*, (2nd edn, 2018), UN Doc HR/PUB/18/4, available at

<[https://www.ohchr.org/sites/default/files/Documents/Publications/RealizingWomensRightstoLand\\_2ndedition.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/RealizingWomensRightstoLand_2ndedition.pdf)>

<sup>68</sup> Convention on the Rights of Persons with Disabilities, (13 December 2006), 2515 UNTS 3 (CRPD), Art. 12(5).

<sup>69</sup> Ibid.

<sup>70</sup> UN Guiding Principles on Internal Displacement, (11 February 1998), UN Doc E/CN.4/1998/53/Add.2, Principle 21(3), available at <<https://www.refworld.org/docid/3c3d5f7d4.html>>; see also UN Sub-Commission on the Promotion and Protection of Human Rights, *The Pinheiro Principles: The Principles on Housing and Property Restitution for Refugees and Displaced Persons*, (28 May 2005), UN Doc E/CN.4/Sub.2/2005/17, available at <<https://www.refworld.org/docid/42c98d7e4.html>>

- **Right to water and sanitation** (Art. 11(1) ICESCR/UNGA Res 64/292)

The human right to water is enshrined in Article 11(1) of the ICESCR.<sup>71</sup> Although the provision lacks an explicit reference to water, the CESCR has elaborated that “the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival”.<sup>72</sup> The human rights to water and sanitation were also recognized by the UN General Assembly in Resolution 64/292 “as a human right that is essential for the full enjoyment of life and all human rights”.<sup>73</sup>

As the CESCR expounded, the “human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses”.<sup>74</sup> The right to water encompasses “the right to be free from arbitrary disconnections or contamination of water supplies”.<sup>75</sup>

When it comes to low quality IDP housing, for example, there is a high risk of water scarcity resulting from these projects.<sup>76</sup> This is due to the fact that the demands of construction place significant pressure on water resources in areas that already suffer from water shortages, further impairing affected communities’ right to adequate water and sanitation.

- **Right to health** (Art. 12 ICESCR; Art. 25 CRPD)

Article 12 of the ICESCR enshrines the right to the highest attainable standard of physical and mental health, as is conducive to living a life in dignity, is fundamentally connected to all other human rights. Persons with disabilities, pursuant to Article 25 of the Convention on the Rights of Persons with Disabilities (CRPD), are also entitled to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.<sup>77</sup>

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<sup>71</sup> ICESCR (n 69 ) Art. 11(1).

<sup>72</sup> CESCR General Comment No 15: The Right to Water (Arts 11 and 12), (20 January 2003), UN Doc E/C.12/2002/1 [3], available at <<https://www.refworld.org/legal/general/cescr/2003/en/39347>>

<sup>73</sup> UNGA Res 64/292, (28 July 2010), UN Doc A/RES/64/292 [1].

<sup>74</sup> CESCR (n 91) [2].

<sup>75</sup> Ibid [10].

<sup>76</sup> See, e.g., SLDP, Business Responsibility Towards the Environment and Human Rights in Syria, (2024), P. 18-20, available at <<https://sldp.ngo/wp-content/uploads/2024/02/Business-Responsibility-Towards-the-Environment-and-Human-Rights-in-Syria-publication-LAYOUT-SAMPLE.pdf>>

<sup>77</sup> CRPD (n 87) Art. 25.

The CESCR explains that this right should not be understood simply as the right to be healthy.<sup>78</sup> Rather, it contains freedoms and entitlements, encompassing a broad spectrum of socio-economic factors that create conditions for individuals to lead healthy lives. This right also includes essential determinants of health, such as access to food and nutrition, housing, safe drinking water, proper sanitation, healthy working conditions, and a healthy environment.<sup>79</sup>

According to the CESCR, “[t]he freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from non-consensual medical treatment. By contrast, the entitlements include the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health”.<sup>80</sup>

Health facilities, goods, and services must be accessible to all, especially the most vulnerable or marginalized groups, without discrimination.<sup>81</sup> “All health facilities, goods, and services must be respectful of medical ethics and culturally appropriate”.<sup>82</sup> In other words, they must be respectful of the culture of individuals, minorities, and communities, sensitive to gender and life-cycle requirements, as well as respectful of confidentiality.<sup>83</sup>

Furthermore, health facilities, goods and services must also be scientifically and medically appropriate and of good quality.<sup>84</sup> This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.<sup>85</sup>

Humanitarian NGOs risk abusing the right to health by, for example, providing low quality healthcare, medical partiality, or inequitably distributing medicines or vaccines. The right to health may also be adversely impacted by environmental harm, which may be posed by inadequate sewage systems or unsustainable waste disposal practices. IDPs living in

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<sup>78</sup> CESCR General Comment No 14: The Right to the Highest Attainable Standard of Health (Art 12), (11 August 2000), UN Doc E/C.12/2000/4 [8], available at <https://www.refworld.org/legal/general/cescr/2000/en/36991>

<sup>79</sup> Ibid [4].

<sup>80</sup> Ibid [8].

<sup>81</sup> Ibid [12(b)].

<sup>82</sup> Ibid [12(c)].

<sup>83</sup> Ibid.

<sup>84</sup> Ibid [12(d)].

<sup>85</sup> Ibid.

formal and informal settlements risk contracting infectious diseases due to the lack of operational wastewater networks.<sup>86</sup>

- **Right to development** (Art. 1(1) ICESCR/ICCPR)

Both Articles 1(1) of the ICCPR and the ICESCR respectively state: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.<sup>87</sup>

The 1986 Declaration on the Right to Development further affirms that the right to development is “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development”.<sup>88</sup>

The UN Special Rapporteur on the right to development has elaborated that the right comprises three elements and four facets.<sup>89</sup> The three elements are the ability of human beings to “participate in”, “contribute to”, and “enjoy” the right to development. The four facets are: economic, social, cultural, and political development. Pursuing these four facets together provides a pathway to realizing all human rights and fundamental freedoms. In addition, one can derive four overarching principles of the right to development from the 1986 Declaration and other relevant instruments: self-determination, intersectionality, intergenerational equity and fair distribution.<sup>90</sup>

Environmental degradation poses considerable risks to the enjoyment of the right to development by depleting resources critical for livelihoods and sustainable growth. In Syria, years of conflict have exacerbated environmental damage, with widespread deforestation, contamination of water sources, and the destruction of agricultural land, limiting recovery and sustainable development. These issues disproportionately affect displaced communities, whose reliance on natural resources for income and sustenance is vital, further entrenching poverty and inequality. Additionally, climate change impacts,

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<sup>86</sup> See, e.g. PAX, Thirst for Peace: War and Water Security Challenges along the Orontes River in Syria, (2024), available at <[https://paxforpeace.nl/wp-content/uploads/sites/2/2024/11/PAX\\_report\\_Thirst-for-Peace\\_2024.pdf](https://paxforpeace.nl/wp-content/uploads/sites/2/2024/11/PAX_report_Thirst-for-Peace_2024.pdf)>

<sup>87</sup> ICCPR (n 56) Art. 1(1); ICESCR (n 69) Art. 1(1).

<sup>88</sup> UNGA, Declaration on the Right to Development, (4 December 1986), UN Doc A/RES/41/128, Art. 1, available at <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-development>>

<sup>89</sup> UN Human Rights Council, The Role of Business in Realizing the Right to Development: Report of the Special Rapporteur on the Right to Development, (8 June 2022), UN Doc A/HRC/48/60 [12-13], available at <<https://www.ohchr.org/en/documents/thematic-reports/a78160-role-business-realizing-right-development-report-special>>

<sup>90</sup> Ibid.

such as prolonged droughts, intensify these challenges, hindering the country's ability to rebuild equitably.

As such, the 1992 Rio Declaration on Environment and Development states that individuals and communities should have appropriate access to information concerning the environment, as well as the opportunity to participate in decision-making processes.<sup>91</sup> Actors who produce information about humanitarian or early recovery projects should provide that information transparently.

Causing or contributing to environmental harm and degradation poses serious risks to the human right to development. These environmental harms compromise the ability of affected communities to achieve sustainable livelihoods, access clean water, and maintain agricultural practices. Humanitarian actors should ensure that their activities do not exacerbate these risks by, for instance, carrying out environmental impact assessments as part of the HRDD process.

- **Right to education** (Art. 13 ICESCR/Art. 28 CRC)

Education is both a human right in itself,<sup>92</sup> and an integral means of realizing other human rights.<sup>93</sup>

Education has the power to lift marginalized groups out of poverty, equip them with the necessary tools to secure their livelihoods, and foster their participation in their communities.<sup>94</sup> It plays a key role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, and promoting human rights.<sup>95</sup>

To ensure this right is upheld, education must meet four key standards: availability, accessibility, acceptability, and adaptability.<sup>96</sup> Educational facilities must be available and equipped with trained teachers and basic resources. Access must be guaranteed for all, including marginalized and displaced groups, ensuring safety and inclusion.<sup>97</sup> Education must be culturally relevant, trauma-sensitive, and of good quality, while remaining adaptable to the changing needs of affected populations. Moreover, education should be

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<sup>91</sup> UN Conference on Environment and Development, Rio Declaration on Environment and Development, (14 June 1992), UN Doc A/CONF.151/26 (Vol I), available at <<https://www.un.org/en/development/desa/population/theme/environment>>

<sup>92</sup> ICESCR (n 69) Art. 13; Convention on the Rights of the Child, (20 November 1989), 1577 UNTS 3 (CRC), Art. 28.

<sup>93</sup> CESCR General Comment No 13: The Right to Education (Art 13), (8 December 1999), UN Doc E/C.12/1999/10 [1], available at <<https://www.refworld.org/legal/general/cescr/1999/en/37937>>

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid [6].

<sup>97</sup> Ibid.

free from discrimination and responsive to the diverse needs of students and their communities. Importantly, parents and guardians have the right to ensure their children's education aligns with their moral and religious convictions, as long as educational programmes remain unbiased and respectful of diverse beliefs.<sup>98</sup>

This right may be unintentionally infringed upon by, for example, delivering educational programmes which fail to accommodate the needs of children with disabilities, such as by not equipping schools with ramps or accessible material. Failing to ensure cultural relevance and sensitivity in educational material may also constitute a failure to respect the right to education. Similarly, making educational programmes inaccessible to displaced populations in remote, rural areas may also infringe on the right to education. This may particularly be the case for girls in such areas who are unable to make long journeys owing to security concerns.

- **Protection from child marriage** (Art. 16 and 34 CRC; Art. 16(2) CEDAW)

Children have the right to be protected from marriage. Child marriage constitutes a violation of multiple human rights, including the right to education and health. Article 16 of the Convention on the Rights of the Child emphasizes the right of children to be free from arbitrary or unlawful interferences with their privacy, family, home or correspondence, which must be interpreted to include early marriage.<sup>99</sup> Article 34 of the CRC obliges states to take steps to prevent sexual exploitation, which is often linked to child marriage.<sup>100</sup> CEDAW's Article 16(2) calls for a minimum marriage age to protect women and girls from early marriages.<sup>101</sup>

Humanitarian NGOs may inadvertently infringe upon the protection of children from early marriage by either directly supporting harmful practices, such as facilitating dowries or marriage arrangements, or indirectly neglecting to address cultural norms that perpetuate child marriage. Without safeguards and culturally sensitive programming, NGOs may fail to challenge child marriage within the communities they serve or even collaborate with local authorities who condone it, further legitimizing the practice. To mitigate this, NGOs must implement child protection measures and ensure gender-sensitive programming.

- **Protection from child labour** (ICESCR Art. 10(3); Art. 32 CRC)

Children have the right to be protected from child labour,<sup>102</sup> that is to say, from "economic exploitation and from performing any work that is likely to be hazardous or to interfere

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<sup>98</sup> ICESCR (n 69) Art. 13(3); CESCR (n 91) [28].

<sup>99</sup> CRC (n 111) Art. 16.

<sup>100</sup> Ibid, Art. 34.

<sup>101</sup> CEDAW (n 84) Art. 16(2).

<sup>102</sup> ICESCR (n 69) Art. 10(3).

with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development", as per the Convention on the Rights of the Child.<sup>103</sup>

Child labour obstructs the fulfilment of a child's right to education, health, play (among other rights), endangers their mental, emotional, and physical welfare, and interferes with their development on multiple levels in the short- and long-term.<sup>104</sup> This includes hindering their educational progress and adversely affecting their future livelihood opportunities.

Humanitarian NGOs may inadvertently infringe upon this protection in cases of failure to properly vet third parties they are in a contractual relationship with, such as in the context of procurement. Humanitarian NGOs must conduct robust HRDD to ensure that their suppliers and partners are not implicated in child labour practices.

- **Right to a clean, healthy, and sustainable environment (UNGA Res 76/300)**

The right to a clean, healthy, and sustainable environment (R2HE) was formally recognized by the UN Human Rights Council in 2021,<sup>105</sup> and the UN General Assembly in 2022.<sup>106</sup>

As regards the scope and content of R2HE, the substantive elements include:<sup>107</sup>

- clean air;
- a safe and stable climate;
- access to safe water and adequate sanitation;
- healthy and sustainably produced food;
- non-toxic environments in which to live, work, study and play; and
- healthy biodiversity and ecosystems.

The procedural elements of R2HE include:<sup>108</sup>

- access to information;

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<sup>103</sup> CRC (n 111) Art. 32; see also International Labour Organization (ILO), Convention No. 138: Minimum Age Convention, (26 June 1973), 1015 UNTS 297; and International Labour Organization (ILO), Convention No. 182: Worst Forms of Child Labour Convention, (17 June 1999), 2133 UNTS 161.

<sup>104</sup> See, e.g., Delphine Boutin and Marine Jouvin, Child Labour Consequences on Education and Health: A Review of Evidence and Knowledge Gaps, (2022), available at <[https://hal.science/hal-03896700v1/file/BSE\\_BxWP2022\\_14\\_Boutin.pdf](https://hal.science/hal-03896700v1/file/BSE_BxWP2022_14_Boutin.pdf)>;

<sup>105</sup> UN Human Rights Council, Resolution 48/13: The human right to a clean, healthy and sustainable environment, (8 October 2021), UN Doc A/HRC/RES/48/13 (n 71).

<sup>106</sup> UNGA Res 76/300, The human right to a clean, healthy and sustainable environment, (28 July 2022), UN Doc A/RES/76/300 (n 72).

<sup>107</sup> OHCHR, UNEP, UNDP, 'What is the Right to a Healthy Environment? Information Note', (2023) P. 9, available at <<https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>>

<sup>108</sup> Ibid.

- the right to participate in decision-making; and
- access to justice and effective remedies, including the secure exercise of these rights free from reprisals and retaliation.

The international recognition of R2HE raises the profile of environmental protection and underscores the relationship between the environment and human rights; human rights and the environment are interdependent, and a clean, healthy, and sustainable environment is necessary for the full enjoyment of a wide range of human rights.<sup>109</sup>

Humanitarian NGOs should ensure respect for this right by identifying and preventing risks posed to the environment by their activities across sectors, including in shelter, health, and WASH.

### *B. Civil & Political Rights*

- **Right to life** (Art. 6 ICCPR/Art. 6 CRC/UDHR Art. 3)

The ICCPR states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.<sup>110</sup> The protection of the right to life is a prerequisite for the enjoyment of all other human rights.<sup>111</sup>

The right to life is “the supreme right from which no derogation is permitted, even in situations of armed conflict”.<sup>112</sup>

While IHL is the primary legal framework governing situations of armed conflict, international human rights law continues to apply in these settings.<sup>113</sup> As the UN Human Rights Committee, the body responsible for interpreting and monitoring adherence to the ICCPR, explained, “both spheres of law are complementary, not mutually exclusive”.<sup>114</sup>

Consequently, the use of lethal force that is authorized, regulated, and compliant with IHL is, in principle, not considered arbitrary within the framework of Article 6 of the ICCPR. However, practices that are inconsistent - such as targeting civilians and civilian objects, conducting indiscriminate attacks, the use of human shields and failing to implement

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<sup>109</sup> See SLDP (n 61) p. 8.

<sup>110</sup> ICCPR (n 56) Art. 6.

<sup>111</sup> The right to life is also enshrined in Art. 3 of the UDHR (n 67) and Art. 6 of the CRC (n 111).

<sup>112</sup> Human Rights Committee, General Comment No. 36: The Right to Life, (3 September 2019), UN Doc CCPR/C/GC/36 [2], available at

<https://documents.un.org/doc/undoc/gen/g19/261/15/pdf/g1926115.pdf>; States can derogate from certain human rights obligations in times of emergency. This is provided that their measures are non-discriminatory, specific, and justified by the exigencies of the situation. See, Art. 4(1) of the ICCPR (n 56).

<sup>113</sup> See ICJ *Wall* Advisory Opinion (n 66).

<sup>114</sup> Human Rights Committee (n 131) [64].

adequate precautions to prevent collateral death of civilians - violate Article 6 of the Covenant.

The right to life is inextricably linked to all other rights. It does not simply refer to the right to be alive, but rather the right to live a life in dignity, as envisioned by the UDHR and other international human rights instruments. Consider, for example, the deprivation of an individual of adequate water and sanitation, adequate housing, adequate food, and quality healthcare and education. Such an individual cannot plausibly be regarded as enjoying the right to life, as he or she is denied all the essentials for a dignified life. As such, abuses of other rights may in turn infringe on the right to life.

Humanitarians may inadvertently infringe on the right to life in several ways, typically through actions or inactions that unintentionally put partner communities at risk. Some examples include:

- Distribution of food or medical supplies that are expired, contaminated, or unsafe.
  - Paying little to no regard to the needs of vulnerable groups, such as women, the elderly, or persons with disabilities. This may jeopardize their lives in the context of domestic violence in relation to educational programmes, or in the context of inadequate shelters with respect to persons with disabilities and the elderly.
  - Adopting procedures, such as stringent screening, vetting or complex registration processes, or security protocols, that inadvertently restrict or prevent access to lifesaving services.
  - A delayed response to emergencies—whether due to bureaucratic obstacles or logistical challenges—can significantly worsen suffering and lead to preventable loss of life. For instance, delays in delivering medical assistance can facilitate the spread of diseases, ultimately resulting in increased mortality rates.
  - Degrading the environment through waste mismanagement or improper handling of hazardous materials. This may pose long-term harm on the health and welfare of affected communities, and potentially lead to fatal health crises.
- **Right to equality and non-discrimination** (Art. 1 and 2 UDHR/Art. 3 ICCPR/Art. 26 ICCPR/Art. 1 CEDAW/Art. 5, 6, 7 CRPD)

The rights to equality and non-discrimination are the cornerstones of IHRL. Inherently connected with human dignity, they are fundamental to all human rights norms and principles. In its articles 1 and 2, the UDHR proclaims that everyone is equal in dignity and rights, and condemns discrimination on several grounds,<sup>115</sup> as does the ICCPR.<sup>116</sup>

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<sup>115</sup> UDHR (n 67) Art. 1 and 2.

<sup>116</sup> ICCPR (n 56) Art. 3 and 26.

The Human Rights Committee has defined “discrimination” as any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.<sup>117</sup>

Certain groups are more vulnerable to discrimination than others, namely women and persons with disabilities. The Convention on the Elimination of Discrimination Against Women (CEDAW) defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.<sup>118</sup>

The CRPD enshrines protections for persons with disabilities, including through explicit provisions pertaining to women, girls, and children.

Article 5 mandates that all people, regardless of disability, are entitled to equal protection and benefit of the law without discrimination.<sup>119</sup> Humanitarians must be mindful not to exclude persons with disabilities from receiving aid, services, or protection, and should ensure reasonable accommodations are provided. This could mean offering accessible shelters, medical care, or ensuring that communication methods are adapted for those with hearing or visual impairments.

When it comes to women and girls with disabilities, Article 6 highlights their vulnerability to multiple forms of discrimination.<sup>120</sup> Humanitarian NGOs should take specific measures to protect them, ensuring that aid distribution, safety protocols, and empowerment programmes do not further marginalize them or undermine their safety.

Article 7 places special emphasis on children with disabilities, requiring that their best interests be prioritized.<sup>121</sup> Humanitarians should, to the extent possible, ensure that children with disabilities are given equal opportunities to access education, healthcare, and psychosocial support.

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<sup>117</sup> Human Rights Committee, General Comment No. 18: Non-Discrimination, (10 November 1989), UN Doc CCPR/C/21/Rev.1/Add.1 [1], available at <<https://www.refworld.org/legal/general/hrc/1989/en/6268>>

<sup>118</sup> Convention on the Elimination of All Forms of Discrimination Against Women, (18 December 1979), 1249 UNTS 13 (CEDAW), Art. 1 (n 84).

<sup>119</sup> CRPD (n 87) Art. 5.

<sup>120</sup> Ibid, Art. 6.

<sup>121</sup> Ibid, Art. 7.

The Committee on the Rights of Persons with Disabilities asserted that outdated approaches to disability, such as charity or medical models, are incompatible with the CPRD.<sup>122</sup> These perspectives fail to recognize individuals with disabilities as full rights holders, and often perpetuate harmful stereotypes and stigmas.<sup>123</sup>

The Committee also identifies four main forms of discrimination, which can occur individually or simultaneously:<sup>124</sup>

- “Direct discrimination” occurs when, in a similar situation, persons with disabilities are treated less favourably than other persons because of a different personal status in a similar situation for a reason related to a prohibited ground, such as disability. This form of discrimination includes detrimental acts or omissions based on prohibited grounds where there is no comparable similar situation.
- “Indirect discrimination” means that policies or practices appear neutral at face value but have a disproportionate negative impact on a person with a disability. It occurs when an opportunity that appears accessible in reality excludes certain persons owing to the fact that their status does not allow them to benefit from the opportunity itself.
- “Denial of reasonable accommodation” constitutes discrimination if the necessary and appropriate modification and adjustments are denied and are needed to ensure the equal enjoyment or exercise of a human right or fundamental freedom. Not accepting an accompanying person or refusing to otherwise accommodate a person with a disability are examples of denial of reasonable accommodation;
- “Harassment” is a form of discrimination when unwanted conduct related to disability or other prohibited grounds takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating, or offensive environment. It can happen through actions or words that have the effect of perpetuating the difference and oppression of persons with disabilities.

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<sup>122</sup> Committee on the Rights of Persons with Disabilities, General Comment No. 6 on equality and non-discrimination, (26 April 2018), UN Doc CRPD/C/GC/6 [2], available at <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsnbHatvuFkZ%2Bt93Y3D%2Baa2qtJucAYDOCLUtyUf%2BfriOZckKbzS%2BBsQ%2BHx1IyvGh6ORVZnM4LEiy7ws5V4MM8VC4khDIZJSuxotVqfulsdtPv>

<sup>123</sup> Ibid.

<sup>124</sup> Ibid [18].

- **Right to freedom of movement (Art. 12 ICCPR/Art. 13 UDHR)**

Article 12(1) of the ICCPR mandates the right to liberty of movement, ensuring that everyone lawfully within a state's territory can move freely within it.<sup>125</sup> Article 12(2), further, establishes that everyone shall be free to leave any country, including their own.<sup>126</sup>

Freedom of movement is an “indispensable condition for the free development of a person”, the Human Rights Committee explains.<sup>127</sup> Article 12(1) entitles all persons to move from one place to another, as well as to establish themselves in a place of their choice.<sup>128</sup> The enjoyment of this right is independent of any particular purpose or reason for the person wanting to move or to stay in a place.<sup>129</sup>

The rights guaranteed in this provision must be protected from both public and private interference.<sup>130</sup> This means that non-state actors, such as private citizens, humanitarian NGOs, and businesses, should respect the right to freedom of movement. For example, the right of women to move freely and choose their residence must not be made subject to the decision of another person, either by law or practice. Article 15 of CEDAW establishes that men and women shall have equal rights in legal matters related to movement.<sup>131</sup>

The Human Rights Committee further affirmed that the right to reside in a place of one's choice within the territory includes protection against all forms of forced internal displacement.<sup>132</sup> Article 12 also precludes preventing the entry or stay of persons in a certain part of the territory.<sup>133</sup>

Article 12(3) provides for exceptional circumstances in which rights under Articles 12(1) and 12(2) may be restricted.<sup>134</sup> This provision authorizes the State to restrict these rights on the grounds of national security, public order, public health or morals, and the rights and freedoms of others. However, and in line with Article 4(1) of the ICCPR, the

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<sup>125</sup> ICCPR (n 56) Art. 12(1).

<sup>126</sup> Ibid, Art. 12(2).

<sup>127</sup> Human Rights Committee, General Comment No. 27: Article 12 (Freedom of movement), (2 November 1999), UN Doc CCPR/C/21/Rev.1/Add.9 [1], available at <<https://www.refworld.org/legal/general/hrc/1999/en/46752>>

<sup>128</sup> Ibid [5].

<sup>129</sup> Ibid.

<sup>130</sup> Ibid [6].

<sup>131</sup> CEDAW (n 84) Art. 15.

<sup>132</sup> Human Rights Committee (n 146) [7].

<sup>133</sup> Ibid.

<sup>134</sup> Ibid [11].

application of restrictions needs to be consistent with the other rights guaranteed in the ICCPR and with the fundamental principles of equality and non-discrimination. Article 26 of the ICCPR, for instance, enshrines the right to equality before the law, guaranteeing that all individuals are entitled to legal protections without discrimination.<sup>135</sup> Restricting the rights enshrined in Article 12, paragraphs 1 and 2 on the basis of ethnicity, sex, language, religion, political or other opinion, or other similar status, would therefore be in violation of the Covenant.<sup>136</sup>

Humanitarian NGOs should ensure that their operations are not posing restrictions on individuals' and communities' right to freedom of movement, nor are their activities or programmes condoning or reinforcing restrictions on anyone's movements. This is particularly pertinent in relation to women. NGOs must also verify that any third parties with whom they are engaged, such as the authorities, businesses, or other NGOs, are not involved in any such practices.

- **Right to private and family life** (Art. 17 and 23 ICCPR)

The ICCPR provides protection for family and privacy in two of its articles: Article 17 protects individuals from arbitrary or unlawful interference with their privacy and from unlawful attacks on their honor and reputation.<sup>137</sup> It stipulates that everyone has a right to the protection of the law against such interferences or attacks. Article 23 recognizes the family as a unit that is deserving of protection by society and the state.<sup>138</sup>

In the view of the Human Rights Committee, Article 17 must be guaranteed against all interferences and attacks, whether they emanate from State authorities or from natural or legal persons.<sup>139</sup> The Committee deems the term "unlawful" interference to mean any interference that is not envisaged by the law, "...which itself must comply with the provisions, aims and objectives of the Covenant".<sup>140</sup> Any such law must comply with the provisions, aims, and objectives of the ICCPR.<sup>141</sup> In this regard, it is important to acknowledge that "arbitrary interference" can also extend to interference provided for under the law.<sup>142</sup>

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<sup>135</sup> ICCPR (n 56) Art. 26.

<sup>136</sup> Human Rights Committee (n 146) [18].

<sup>137</sup> ICCPR (n 56) Art. 17.

<sup>138</sup> Ibid, Art. 23.

<sup>139</sup> Human Rights Committee, General Comment No. 16: Article 17 (Right to Privacy) The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation, (8 April 1988) [1], available at <<https://www.refworld.org/legal/general/hrc/1988/en/27539>>

<sup>140</sup> Ibid [3].

<sup>141</sup> Ibid.

<sup>142</sup> Ibid [4].

Article 17 also affords protection to personal honour and reputation. The Human Rights Committee underscores that provision must be made for everyone effectively to be able to protect him or herself against any unlawful attacks that do occur, and to provide for effective remedy against those responsible accordingly.<sup>143</sup>

With regard to privacy, “every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes”, in the Human Rights Committee’s view.<sup>144</sup> The Committee makes clear that every individual should also be able to ascertain which public authorities, private individuals or bodies control or may control their files.<sup>145</sup> If any files contain incorrect personal data or have been collected or processed contrary to the legal provisions, every individual should have the right to request rectification or elimination.<sup>146</sup> Humanitarian NGOs should ensure that their data collection protocols protect the rights of data subjects.

Equally relevant in relation to the right to privacy is the enjoyment of privacy in the context of housing and shelter. NGOs should ensure that such accommodations respect residents’ right to privacy, including but not limited to the provision of a sufficient number of rooms and restroom facilities according to the number of residents.

- **Freedom from torture or cruel, inhuman, or degrading treatment or punishment (Art. 7 ICCPR)**

The prohibition of torture or cruel, inhuman, or degrading treatment or punishment is found in the Convention on the Rights of the Child,<sup>147</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,<sup>148</sup> the Convention on the Rights of Persons with Disabilities,<sup>149</sup> the ICCPR,<sup>150</sup> and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).<sup>151</sup> The purpose of the prohibition is to protect the inherent dignity of the individual.

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<sup>143</sup> Ibid [11].

<sup>144</sup> Ibid [10].

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> CRC (n 111) Art. 37(a).

<sup>148</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, (18 December 1990), 2220 UNTS 3, Art. 10.

<sup>149</sup> CRPD (n 87) Art. 15.

<sup>150</sup> ICCPR (n 56) Art. 7.

<sup>151</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (10 December 1984), (UNCAT)1465 UNTS 85.

Article 7 of the ICCPR states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.<sup>152</sup>

The Article proscribes three types of behaviour. A person may not be subjected to:

- Torture
- Treatment or punishment which is cruel and inhuman
- Treatment or punishment which is degrading.

This means that the prohibition contained in Article 7 of the ICCPR may still be violated if the torture threshold is not met, by, for instance, the perpetration of degrading treatment.

The UNCAT defines torture as:<sup>153</sup>

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Inhuman treatment or punishment is treatment which causes intense physical or mental suffering. Degrading treatment refers to treatment that is extremely humiliating and undignified.<sup>154</sup>

Inhuman or degrading treatment could include:

- serious physical assault.
- serious physical or psychological abuse in a health or care setting.
- threatening to torture someone, if the threat is real and immediate.

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<sup>152</sup> ICCPR (n 56) Art. 7.

<sup>153</sup> UNCAT (n 170) Art. 1(1).

<sup>154</sup> See, e.g. Equality and Human Rights Commission, Article 3: Freedom from Torture and Inhuman or Degrading Treatment, (2016), available at <<https://www.equalityhumanrights.com/human-rights/human-rights-act/article-3-freedom-torture-and-inhuman-or-degrading-treatment#:~:text=information%20from%20them,-.Inhuman%20and%20degrading%20treatment,value%20of%20all%20human%20beings>>

The prohibition relates not only to acts that cause physical pain, but also to acts that cause mental suffering to the victim.<sup>155</sup>

The prohibition of torture, cruel, inhuman, or degrading punishment is absolute, meaning that is a non-derogable right.<sup>156</sup> It is also a peremptory norm of international law (or '*ius cogens*' norm), meaning it is an international legal norm from which no derogation is permitted. Furthermore, the commission of torture itself constitutes a stand-alone international crime.

Humanitarian NGOs must ensure that neither their operations, services, nor contractual partners are directly or indirectly involved in violating the prohibition against torture and other forms of cruel, inhuman, or degrading treatment. Such abuses may occur by providing inadequate or substandard medical care, for instance, under duress or without informed consent. Forced treatment or failure to address pain or trauma in humanitarian settings can amount to degrading treatment. This would also include the lack of or subpar treatment of detainees, or individuals with opposing political views to the governing bodies. Abuses may also manifest by neglecting the needs of vulnerable groups, such as persons with disabilities, women, or children, particularly when shelters are overcrowded and lack sanitation facilities. Failure to implement and uphold protection measures to prevent or address exploitation and abuse may also result in violating the prohibition on torture, cruel, inhuman, or degrading treatment.

- **Right to legal identity** (Art. 7 CRC/Art. 16 ICCPR/Art. 15. UDHR)

The right to legal identity is enshrined in numerous human rights instruments. Article 7 of the CRC stipulates that children have the right to a nationality, as well as to be registered after birth.<sup>157</sup> Article 16 of the ICCPR enshrines the right to recognition as a person before the law.<sup>158</sup> Further, the UDHR's Article 15 stipulates that everyone has the right to nationality.<sup>159</sup>

The enjoyment of legal identity and recognition as a person before the law is fundamental to the enjoyment of all human rights. But for such recognition, rights holders may not be able to assert their rights under international human rights instruments.<sup>160</sup> This right is

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<sup>155</sup> Human Rights Committee, General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), (10 March 1992) [5], available at <<https://www.refworld.org/legal/general/hrc/1992/en/11086>>

<sup>156</sup> The absolute and non-derogable status of the prohibition against torture extends to acts of torture committed by non-state actors.

<sup>157</sup> CRC (n 111) Art. 7.

<sup>158</sup> ICCPR (n 56 ) Art. 16.

<sup>159</sup> UDHR (n 67) Art. 15.

<sup>160</sup> See, e.g., Taylor PM, 'Article 16: Recognition as a Person Before the Law', in *A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights* (Cambridge University Press, 2020) P. 445-457.

also intrinsically tied to the inherent dignity of the human person from which all human rights stem.

Humanitarian NGOs may unintentionally infringe upon individuals' right to legal identity through oversight in registration processes, such as failing to prioritize documentation for displaced individuals. This failure can restrict access to critical services, such as shelter, education, or healthcare, for undocumented people, particularly in the context of programmes that inadvertently marginalize these individuals or communities. For example, in both the shelter and education sectors, NGOs might design programmes that exclude those without pre-existing documentation, reinforcing their exclusion from essential services and from participating in public life.

To mitigate these risks, NGOs must integrate legal identity support into their programmes and adopt inclusive policies that ensure no one is excluded based on their documentation status. This includes ensuring that all displaced children and families are properly registered, coordinating with civil registration authorities, and monitoring partnerships to guarantee equitable access to services. By prioritizing legal identity and taking proactive steps to facilitate access, humanitarian NGOs can safeguard individuals' right to nationality and recognition before the law, in line with international human rights standards.

- **Right of access to information** (Art. 19 ICCPR/Art 19 UDHR)

Article 19 of the ICCPR enshrines the right to freedom of expression, and stipulates that this right shall include “freedom to seek, receive and impart information and ideas of all kinds”.<sup>161</sup>

The right of access to information is a fundamental element of the right to freedom of expression. It refers, in part, to the general right of the public to have access to information of public interest from a variety of sources. It also applies towards international organizations, such as the United Nations.<sup>162</sup> The right arguably also applies to humanitarian NGOs due to the nature of their operations and their ability to impact communities.

The right of access to information can serve as a bulwark against abusive practices and policies that affect people's and the environment's welfare. Humanitarian NGOs can respect this right by ensuring information is accessible to individuals and communities,

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<sup>161</sup> ICCPR (n 56 ) Art. 19.

<sup>162</sup> OHCHR, Freedom of opinion and expression, 2013 thematic report to the Human Rights Council of the Special Rapporteur on freedom of opinion and expression, Fact sheet, available at <[https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/Factsheet\\_5.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/Factsheet_5.pdf)>

establishing communication channels, and enabling the participation of affected communities in the provision of feedback on planned projects or activities.

- **Right to an effective remedy** (Art 8 UDHR; Art. 2(3) ICCPR; Art. 14 UNCAT)

A cornerstone of IHRL, the right to an effective remedy ensures that individuals who have suffered violations of their rights are able to access redress.<sup>163</sup> Article 2(3) of the ICCPR mandates that states must provide effective remedies to those whose rights have been violated.<sup>164</sup> This includes providing access to competent authorities, a fair trial, and compensation where necessary. Similarly, Article 14 of UNCAT ensures that victims of torture and ill-treatment have the right to an effective remedy, which includes the right to an impartial investigation, the ability to obtain compensation, and the right to reparation.<sup>165</sup> Article 8 of the UDHR reinforces the principle that access to remedy is a fundamental human right.<sup>166</sup>

Humanitarian NGOs may infringe on the right to an effective remedy by not providing adequate avenues for partner communities to seek redress for violations of their rights. For instance, NGOs might fail to ensure that individuals have access to judicial or non-judicial mechanisms to address grievances related to aid distribution, shelter, or protection. Without proper complaint mechanisms, those affected by human rights abuses may have no recourse for accountability.

In some cases, NGOs may also inadvertently support the perpetuation of injustice by failing to address discrimination or exclusion within their programmes. For example, in cases where aid is allocated based on criteria that exclude certain vulnerable groups (e.g., undocumented individuals), these affected persons may be denied access to remedy. Additionally, partnerships with local authorities or militias that have been involved in rights violations could further limit avenues for grievance redress for beneficiaries. As highlighted in the UN Guiding Principles on Business and Human Rights, ensuring access to effective remedy requires comprehensive grievance mechanisms that are accessible, transparent, and independent, which humanitarian NGOs should prioritize.<sup>167</sup>

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<sup>163</sup> See generally Office of the High Commissioner for Human Rights, Basic Principles and Guidelines on the Right to a Remedy and Reparation, (OHCHR 2005), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

<sup>164</sup> ICCPR (n 56 ) Art. 2(3).

<sup>165</sup> UNCAT (n 170 ) Art. 14.

<sup>166</sup> UDHR (n 67) Art. 8.

<sup>167</sup> UNGPs (n 7) Principle 31.

## 2. International Humanitarian Law

It is essential for humanitarian NGOs operating in Syria to understand the relevant IHL framework of norms and rules. A comprehensive understanding of this body of law will equip workers in this field with the necessary tools to navigate a complex legal and humanitarian terrain. Such an understanding is critical for humanitarians not only to ensure that they themselves adhere to IHL standards, but also to clarify the obligations of parties to the conflict must uphold under IHL. This will assist humanitarians in making risk-informed decisions that comply with IHL. It may also empower them to seek greater support from donors to this end.

As noted above, humanitarian aid efforts should be carried out in an impartial manner, without discrimination and prioritized according to need.

This section outlines the key IHL norms that are relevant to humanitarian operations in Syria. It comprises provisions that are applicable to international armed conflicts (IACs) as well as non-international armed conflicts (NIACs), as well as customary IHL (CIHL) norms that bind all states and non-state armed groups. The Geneva Conventions of 1949,<sup>168</sup> and Additional Protocol I,<sup>169</sup> regulate IACs, while common Article 3 to the Geneva Conventions of 1949 and Additional Protocol II,<sup>170</sup> apply during NIACs. Given the multiplicity of actors involved in the Syrian conflict and the multifaceted nature of it, the situation in Syria may encompass parallel IACs and NIACs simultaneously, rendering the following norms applicable.

### ***Principles of distinction, proportionality, and precaution***

The principles of distinction, proportionality, and precaution are cardinal rules of IHL that govern and restrict the means and methods of warfare during IACs and NIACs.<sup>171</sup> These core principles aim to minimize harm to civilians and civilian objects by requiring the parties to the conflict to distinguish, at all times, between civilians and combatants (the

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<sup>168</sup> See common Article 2 to the Geneva Conventions; Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, (12 August 1949), 75 UNTS 31 (GC I); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, (12 August 1949), 75 UNTS 85 (GC II); Geneva Convention relative to the Treatment of Prisoners of War, (12 August 1949), 75 UNTS 135 (GC III); Geneva Convention relative to the Protection of Civilian Persons in Time of War, (12 August 1949), 75 UNTS 287 (GC IV).

<sup>169</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts ('Additional Protocol I'), (8 June 1977), 1125 UNTS 3, Article 1.

<sup>170</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts ('Additional Protocol II'), (8 June 1977), 1125 UNTS 609, Article 1.

<sup>171</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC, Customary International Humanitarian Law: Volume 1: Rules, (Cambridge: Cambridge University Press, 2005), Rules 1, 14, and 15.

principle of distinction).<sup>172</sup> Attacks may only be directed against combatants and military objectives.<sup>173</sup> Attacks must not be directed against civilians or civilian objects.<sup>174</sup> Objects indispensable to the survival of the civilian population, and which include agricultural lands, water installations, and livestock, should be protected from attacks, destruction, or removal.<sup>175</sup> In the conduct of military operations, constant care shall be taken to spare the civilian population and civilian objects (principle of precautions in attack).<sup>176</sup> Each party to the conflict must take all feasible precautions in selecting means and methods of warfare to prevent, or at least minimize, incidental loss of civilian life, injury to civilians, and damage to civilian objects.<sup>177</sup> The principle of proportionality prohibits attacks on legitimate military targets if they are expected to result in excessive incidental loss of civilian life, injuries to civilians, or damage to civilian objects in relation to the anticipated concrete and direct military advantage.<sup>178</sup> In this regard, parties to the conflict must refrain from using weapons, projectiles, materials, or methods of warfare designed to cause excessive injury or unnecessary suffering.<sup>179</sup> IHL prohibits the use of chemical weapons during IACs and NIACs.<sup>180</sup> Moreover, IHL prohibits the use of starvation as a method of warfare.<sup>181</sup>

### ***Access for Humanitarian Relief***

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<sup>172</sup> Article 50 of Additional Protocol I (n 188) defines the civilian population as individuals who are not combatants, emphasizing that in cases of doubt, a person should be presumed to be a civilian. Article 4 of Geneva Convention III (n 187) defines combatants as members of armed forces, militias, resistance movements meeting specific criteria, and local inhabitants resisting invasion. Non-combatants are those who do not or no longer participate in hostilities, including members of armed forces who have surrendered or are incapacitated due to sickness, wounds, detention, or other reasons, as outlined in Common Article 3 of the Geneva Conventions.

<sup>173</sup> According to Article 52 of Additional Protocol I (n 188), military objectives are defined as objects that contribute effectively to military action based on their nature, location, purpose, or use, and whose destruction, capture, or neutralization provides a clear military advantage. Conversely, objects that are civilian in nature are not considered military objectives and will be presumed to be civilian even in cases of uncertainty.

<sup>174</sup> Common Article 3 to the Geneva Conventions (n 187) prohibits violence against civilians, persons taking no active part in the hostilities, and persons placed hors de combat. Per Article 51 of Additional Protocol I (n 188) and Article 13 of Additional Protocol II (n 189), civilians and the civilian population must not be targeted in attacks.

<sup>175</sup> Article 54 of Additional Protocol I (n 188) and Article 14 of Additional Protocol II (n 189).

<sup>176</sup> Article 57(1) of Additional Protocol I (n 188).

<sup>177</sup> CIHL (n 190) Rule 17.

<sup>178</sup> Article 51(5)(b) of Additional Protocol I (188).

<sup>179</sup> Article 35 of Additional Protocol I (n 188) and CIHL (n 172) Rule 70; See also Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, (Geneva, 17 June 1925)

<sup>180</sup> CIHL (n 190) Rule 74; See also the 1993 Chemical Weapons Convention, to which the Syrian government is a State Party.

<sup>181</sup> CIHL (n 190) Rule 53.

Humanitarian relief personnel must be respected and protected.<sup>182</sup> Parties to the conflict must permit and facilitate the rapid and unrestricted passage of impartial humanitarian relief for civilians in need, while retaining their right to exercise control.<sup>183</sup> IHL provides that relief activities shall be conducted "...subject to the consent of the High Contracting Party concerned."<sup>184</sup> This requirement, however, does not grant unrestricted authority to deny the passage of aid.<sup>185</sup> More specifically, a state that is unable or unwilling to meet the essential needs of its civilian population is required to accept offers for impartial humanitarian assistance.<sup>186</sup> Refusing such offers, when civilian needs remain unmet, is considered arbitrary and unlawful.<sup>187</sup>

Humanitarian relief operations should reach civilians in need without delay. This rule emphasizes the centrality of impartiality in humanitarian work, and seeks to ensure that relief is provided based on need alone and without discrimination.<sup>188</sup>

### ***Freedom of Movement of Humanitarian Relief Personnel***

Parties to the conflict must allow authorized humanitarian relief personnel the freedom of movement necessary for their functions, restricting it only in cases of imperative military

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<sup>182</sup> See, Article 71(2) of Additional Protocol I (n 188) and CIHL Rule 31 (n 172) applicable during IACs and NIACs.

<sup>183</sup> See, Common Article 3(2) (n 169), Article 70 of Additional Protocol I (n 188), Article 18 of Additional Protocol II (n 189), and CIHL Rule 55 (n 172) applicable during IACs and NIACs.

<sup>184</sup> See, Article 18(2) of Additional Protocol II (n 189) and Article 70(1) of Additional Protocol I (n 188); Customary IHL provides for the obligation of parties to international and non-international armed conflicts to "...allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control." See CIHL (n 190) Rule 55.

<sup>185</sup> Requiring consent does not grant the parties full discretion. If the population's survival is at risk, and a humanitarian organization that meets standards of impartiality and non-discrimination can provide aid, relief efforts must proceed. See, International Committee of the Red Cross, Commentary on Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Geneva, 1987, Article 18, P. 4885-4888, available at <<https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977/article-18/commentary/1987?activeTab=>> and Commentary on Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Geneva, 1987, Article 70, P. 2805-2808, available at <<https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-70/commentary/1987?activeTab=>>; See also UN Security Council, Resolution 2139 (2014) UN Doc S/RES/2139 (22 February 2014).

<sup>186</sup> International Committee of the Red Cross, Commentary of 2020 on Geneva Convention III, (ICRC 2020), P. 874-875, available at <<https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3/commentary/2020?activeTab=>>

<sup>187</sup> Diakonia International Humanitarian Law Centre, Protection of the Civilian Population: Humanitarian Assistance and Access in Armed Conflict, (June 2023), P. 17, available at <<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2023/08/Humanitarian-Assistance-Report-FINAL.pdf>>

<sup>188</sup> International Committee of the Red Cross, Commentary of 1987 on Additional Protocol I to the Geneva Conventions (ICRC 1987) P. 2802, available at <<https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-70/commentary/1987>>

necessity.<sup>189</sup> This ensures aid operations can proceed while balancing military requirements.

All parties to the conflict must assist relief personnel in their mission, with movement restrictions only in case of imperative military necessity. In addition to ensuring freedom of movement, this rule places a responsibility on the parties to the conflict to actively assist humanitarian personnel. This includes helping them navigate challenges in reaching affected populations.<sup>190</sup> The “imperative military necessity” clause seeks to prevent restrictions on humanitarian workers’ movement which are not temporary and exceptional.<sup>191</sup>

### ***The Act of Displacement***

IHL prohibits the forcible transfer or deportation of protected persons. Only in cases related to the security of the population or imperative military reasons can total or partial evacuations take place.<sup>192</sup> Article 49 of Geneva Convention IV provides that persons who were evacuated due to these reasons ought to be transferred back to their homes as soon as the hostilities in their areas have ceased. This limits the use of forced evacuations and seeks to ensure that 1) displacement is not permanent; and 2) individuals can return to their homes as soon as it is safe. Moreover, the Article prohibits the occupying power from deporting or transferring its own population into the territory that it occupies. The right of displaced persons to voluntarily return to their homes or places of habitual residence once the reasons for their displacement are resolved is a norm of customary IHL, applicable during IACs and NIACs.<sup>193</sup>

Humanitarian NGOs should ensure that their operations do not prevent displaced persons from returning to their homes or places of habitual residence. This may manifest in a situation where educational facilities or housing units are built on the lands of displaced persons, or where NGOs are directly linked to third parties who are involved in the seizure or demolition of homes of IDPs.

### ***Treatment of Displaced Persons***

Parties to the armed conflict are mandated to take all possible measures, ensuring that displaced civilians are received under satisfactory conditions of shelter, hygiene, health,

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<sup>189</sup> See Article 71(3) of Additional Protocol I (n 188), CIHL (n 190) Rule 56 applicable during IACs and NIACs.

<sup>190</sup> ICRC *Commentary of 1987* (n 207) [2892].

<sup>191</sup> *Ibid* [2896].

<sup>192</sup> Article 49 of Geneva Convention IV (n 187).

<sup>193</sup> CIHL (n 190) Rule 132.

safety and nutrition.<sup>194</sup> In this process, members of the same family should not be separated.<sup>195</sup> This is a customary norm of IHL that is applicable during IACs and NIACs.<sup>196</sup> Regardless of the type of conflict that they are caught in, the special needs of women, children, the elderly, and people with disabilities must be respected.<sup>197</sup>

Humanitarians should commit to ensuring that living conditions are dignified and that assistance is provided to best meet the needs of protected persons, including those living in vulnerable conditions as well as those who are socially excluded.

### ***HLP Rights***

In the conduct of their military operations, parties to the conflict shall spare civilian objects. They should also refrain from destroying or seizing the property of an adversary.<sup>198</sup> The destruction or appropriation of protected property, i.e. medical establishments and transport, may constitute a grave breach under the Geneva Conventions.<sup>199</sup> IHL also prohibits pillage, which is associated with the appropriation of individual property for private or personal use and not out of military necessity.<sup>200</sup> In conflict situations, women and children are disproportionately impacted by HLP violations. For women, such violations can heighten their exposure to gender-based violence, exploitation, and discrimination.<sup>201</sup> Children, particularly those orphaned or separated from their families as a result of the conflict, are at increased risk of exploitation and recruitment by non-

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<sup>194</sup> Ibid; Article 17 of Additional Protocol II (n 189).

<sup>195</sup> Article 49 of Geneva Convention IV (n 187)

<sup>196</sup> CIHL (n 190) Rule 131.

<sup>197</sup> See CIHL (n 190) Rules 134, 135, 138; Common Article 3 (n 172) mandates the fundamental obligation of humane treatment for civilians, persons taking no active part in the hostilities, and those placed hors de combat. Parties to the conflict must treat protected persons with humanity and "...never...as less than fellow human beings and their inherent dignity must be upheld and protected." This is irrespective of their race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. Additionally, humane treatment is context-specific, considering factors like environment, condition, and background. Recognizing differing impacts of conflict on women, men, girls, and boys enhances understanding of humane treatment under Common Article 3. See, ICRC *Commentary of 2020* (n 207) [587] and [591].

<sup>198</sup> CIHL (n 190) Rule 50; In the context of belligerent occupation, parties to the conflict ought to respect and refrain from confiscating private property, except where destruction or seizure is required by imperative military necessity. If private property is seized, it must be restored, and appropriate compensation provided once peace is reestablished. See CIHL (n 190) Rule 51.

<sup>199</sup> See Article 50 of Geneva Convention I (n 187), Article 51 of Geneva Convention II (n 187), and Article 147 of Geneva Convention IV (n 187).

<sup>200</sup> CIHL (n 190) Rule 52.

<sup>201</sup> Diakonia International Humanitarian Law Centre, *The Protection of Housing, Land, and Property (HLP) in Armed Conflict*, (May 2024), P. 13, available at [https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2024/06/240607\\_HLP\\_Protection\\_EN\\_.pdf](https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2024/06/240607_HLP_Protection_EN_.pdf)

state armed groups when their HLP rights are violated.<sup>202</sup> During IACs and NIACs, belligerents must also respect the property rights of displaced persons.<sup>203</sup>

Humanitarian actors shall take steps to ensure that their initiatives are in line with IHL's protections. More concretely, humanitarians should respect property, including that of displaced persons, and conduct due diligence for HLP in every stage of a project.

### ***Non-Discrimination***

Parties to the conflict should afford protected persons with the protections that IHL mandates and without adverse distinction based on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.<sup>204</sup> Adverse distinction is not only understood to constitute discriminatory acts but also omissions, requiring parties to the conflict to consider the consequences of their policies on protected persons.<sup>205</sup>

Humanitarian efforts must reflect the prohibition on discrimination by providing aid and assistance impartially to all affected civilians.

### ***Humane treatment***

This rule seeks to ensure that civilians and combatants who are no longer fighting (*hors de combat*) are treated with humanity and dignity. Torture, abuse, violations of due process rights, and degrading treatment are strictly prohibited.<sup>206</sup> The obligation of humane treatment also prohibits rape or any form of sexual violence or indecent assault.<sup>207</sup> This principle extends to all protected persons, who should be treated with respect to their honour, family rights, and religious practices.<sup>208</sup> The requirement for humane treatment covers various groups affected by conflict, including wounded or sick

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<sup>202</sup> Ibid, P. 14

<sup>203</sup> CIHL (n 190) Rule 133; See also Principle 21(3) of the Guiding Principles on Internal Displacement (n 72): "Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use."

<sup>204</sup> CIHL (n 190) Rule 88; See also ICRC *Commentary of 2020* (n 187) [605]: "As is evident from the addition of the concluding phrase 'or any other similar criteria', this list is not exhaustive but only illustrative. Adverse distinction founded on other grounds, such as age, state of health, level of education or family connections of a [protected] person...would therefore equally be prohibited."

<sup>205</sup> See ICRC *Commentary of 2020* (n 207) [609].

<sup>206</sup> See Common Article 3 (n 169), Article 4 of Additional Protocol II (n 189), and CIHL (n 190) Rules 87, 90, and 100.

<sup>207</sup> See Common Article 3 (n 169), Article 4(2)(e) of Additional Protocol II (n 189), and CIHL (n 190) Rule 93.

<sup>208</sup> Article 27 of Geneva Convention IV (n 187).

members of the armed forces, who are entitled to medical care and protection.<sup>209</sup> Similarly, parties to the conflict are obligated to treat prisoners of war with humanity, ensuring their safety, health, and well-being.<sup>210</sup>

Humanitarian workers must ensure they do not inadvertently support environments where such abuses occur, and conduct thorough due diligence on third parties before partnering with them.

### ***Recruitment of Child Soldiers***

IHL prohibits the recruitment of children into armed forces or armed groups.<sup>211</sup> No child under the age of 15 shall be enlisted in armed forces or groups, nor engaged in hostilities.<sup>212</sup> When recruiting individuals aged 15 to 18, Parties to the conflict shall make every effort to prioritize the oldest within this age group.<sup>213</sup>

Humanitarian NGOs must avoid inadvertently enabling environments where such abuses occur and should perform comprehensive due diligence on third parties prior to partnering with them.

### ***Access to health care***

Medical personnel assigned exclusively to medical duties must be respected and protected in all circumstances. This protection is forfeited if they engage in acts harmful to the enemy outside their humanitarian functions.<sup>214</sup> Similarly, medical units and medical transports assigned solely for medical purposes must be respected and protected,<sup>215</sup> with the loss of such protection occurring only if they are misused for harmful acts against the enemy.<sup>216</sup> Parties to the conflict are prohibited from punishing individuals for performing

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<sup>209</sup> Article 12 of Geneva Convention I (n 187).

<sup>210</sup> Article 13 of Geneva Convention III (n 187); Prisoners of war include members of the armed forces as well as members of militias or volunteers that form part of these forces and who have fallen into the power of the enemy. They also include members of organized resistance movements, inhabitants of non-occupied territory who take up arms to resist the invading forces, persons who accompany the armed forces, such as war correspondents and military aircraft crews. See Article 4 of Geneva Convention III (n 187).

<sup>211</sup> CIHL (n 190) Rule 136.

<sup>212</sup> See Article 77(2) of Additional Protocol I (n 188) and Article 4(3)(c) of Additional Protocol II (n 189).

<sup>213</sup> See Article 77(2) of Additional Protocol I (n 188).

<sup>214</sup> CIHL (n 190) Rule 25 applicable during IACs and NIACs.

<sup>215</sup> Medical units encompass both permanent facilities, such as hospitals, laboratories, and equipment depots, as well as mobile units, including field hospitals, first aid posts, and ambulances. Medical transports refer to any land vehicle, ship, or aircraft designated for the transportation of medical supplies or for transporting the wounded, sick, or shipwrecked individuals. See [4711] and [4712] of the ICRC Commentary of 1987 (n 189).

<sup>216</sup> CIHL (n 190) Rules 28 and 29 applicable during IACs and NIACs.

medical duties that adhere to medical ethics or compelling them to act contrary to these ethics.<sup>217</sup>

IHL prohibits attacks on medical personnel, as well as objects displaying the distinctive emblems of the Geneva Conventions, in compliance with international law.<sup>218</sup> Parties to the conflict are explicitly forbidden from directing attacks against zones established to shelter the wounded, the sick, and civilians from the effects of hostilities.<sup>219</sup>

Humanitarian NGOs are encouraged to ensure that all medical personnel, units, and transports are clearly marked with distinctive emblems. Those who do not make use of these emblems do not forfeit their protection under IHL. They should also ensure all staff members' adherence to medical ethics, as well as ensure that health care services are provided in an impartial manner, without discrimination and prioritized according to urgency.

### ***Protection of the Natural Environment***

Unless required by military necessity, parties to a conflict shall refrain from directing attacks against the natural environment.<sup>220</sup> It is prohibited to carry out attacks against military objectives if the expected incidental harm to the natural environment would be excessive in relation to the anticipated concrete and direct military advantage.<sup>221</sup> Parties to the conflict must consider the protection and preservation of the environment when selecting means and methods of warfare.<sup>222</sup> Accordingly, they ought to refrain from using methods or means of warfare that are expected to cause widespread, long-term, and severe environmental damage.<sup>223</sup> Additionally, parties to the conflict are prohibited from deliberately destroying the natural environment as a form of a weapon.<sup>224</sup>

## **6. Humanitarian principles**

*"[A]ll humanitarian actors share responsibility for ensuring that activities in each cluster and other areas of the humanitarian response are carried out with "a protection lens". Each of the Cluster Working Groups and Cluster Leads are responsible for ensuring that...*

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<sup>217</sup> CIHL (n 190) Rule 26 applicable during IACs and NIACs.

<sup>218</sup> CIHL (n 190) Rule 30 applicable during IACs and NIACs.

<sup>219</sup> CIHL (n 190) Rule 35 applicable during IACs and NIACs.

<sup>220</sup> CIHL (n 190) Rule 43.

<sup>221</sup> Ibid.

<sup>222</sup> CIHL (n 190) Rule 44 applicable during IACs and is argued to apply during NIACs.

<sup>223</sup> CIHL (n 190) Rule 45 applicable during IACs and is argued to apply during NIACs.

<sup>224</sup> Ibid.

*activities carried out under their cluster responsibility do not lead to or perpetuate discrimination, abuse, violence, neglect or exploitation”.*<sup>225 226</sup>

IHRL and IHL standards offer a foundation for principled and rights-based engagement in humanitarian operations. These international legal frameworks establish the legal basis for the protection of individuals during crises, while humanitarian principles translate these obligations into practice by guiding humanitarian assistance in a neutral, impartial, and humane manner. Together, this tapestry of norms and standards ensure that humanitarian actors uphold respect for human dignity, avoid harm, and provide assistance in a way that respects and reinforces the rights and protections guaranteed under international law. Adherence to the norms enshrined in these frameworks may also serve to strengthen the credibility and effectiveness of humanitarian NGOs.

Humanitarian principles are the ethical and operational foundations of humanitarian action globally. Outlined in instruments such as UN General Assembly Resolution 46/182,<sup>227</sup> the Code of Conduct for the Red Cross and NGOs,<sup>228</sup> the Sphere Handbook,<sup>229</sup> the Core Humanitarian Standard on Quality and Accountability,<sup>230</sup> and the Grand Bargain.<sup>231</sup> These principles enshrine a commitment to act as impartially as possible, based on human need alone, to ensure that humanitarian assistance is provided without discrimination to all those in need, and that the essential elements of relief are fulfilled. Adherence to these principles enables humanitarian organizations to maintain access to affected populations, reduce operational risks, preserve human dignity, and engage with various stakeholders in a principled manner.<sup>232</sup>

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<sup>225</sup> The humanitarian coordination system in Northwest Syria operates through specialized clusters, each focusing on specific sectors such as Health, Food Security, Protection, WASH (Water, Sanitation and Hygiene), Education, and Shelter. Each cluster is led by designated UN agencies or international NGOs that coordinate the humanitarian response within their respective sectors. For example, WHO typically leads the Health cluster, while UNICEF often leads Education and WASH clusters. These clusters meet regularly to coordinate activities, share information, and ensure effective humanitarian response delivery.

<sup>226</sup> Inter-Agency Standing Committee Working Group, 'Progress Report' (IASC WG 2005).

<sup>227</sup> UNOCHA, UNGA Res 46/182, Strengthening of the coordination of humanitarian emergency assistance of the United Nations, (1991), available at [https://www.unocha.org/sites/unocha/files/dms/Documents/120402\\_OOM-46182\\_eng.pdf](https://www.unocha.org/sites/unocha/files/dms/Documents/120402_OOM-46182_eng.pdf)

<sup>228</sup> For more information: IFRC, Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, (1994), available at <https://www.ifrc.org/document/code-conduct-international-red-cross-and-red-crescent-movement-and-ngos-disaster-relief>

<sup>229</sup> For more information, see Sphere, The Sphere Handbook, (2018), (n 53)

<sup>230</sup> For more information, see Core Humanitarian Standard, Core Humanitarian Standard On Quality And Accountability, (2024), available at [https://www.corehumanitarianstandard.org/files/ugd/e57c40\\_f8ca250a7bd04282b4f2e4e810daf5fc.pdf](https://www.corehumanitarianstandard.org/files/ugd/e57c40_f8ca250a7bd04282b4f2e4e810daf5fc.pdf)

<sup>231</sup> For more information, see The Grand Bargain, The Grand Bargain (Official Website), available at <https://interagencystandingcommittee.org/grand-bargain>

<sup>232</sup> Kate Mackintosh, The Principles of Humanitarian Action in International Humanitarian Law, (2000), available at <https://www.cmi.no/file/1865-The-Principles-of-Humanitarian-Action-in-International-Humanitarian-Law.pdf>

While humanitarian principles stand as independent foundational elements of humanitarian action, humanitarian actors simultaneously carry obligations that may overlap with IHL and IHRL frameworks.

These four founding principles – humanity, neutrality, impartiality, and independence – are widely known and endorsed by the United Nations General Assembly.<sup>233</sup> They guide humanitarian agencies to help those most in need, and seek to protect and fulfill the dignity of human beings in grave distress and danger:

1. Humanity: in helping victims of war or natural disasters, protecting life and health and ensuring respect for human beings.<sup>234</sup>
2. Neutrality: Staying neutral in war or abstaining from political, racial, religious or ideological controversy.<sup>235</sup>
3. Impartiality: Providing aid solely based on need, without discrimination.<sup>236</sup>
4. Independence: Maintaining autonomy from political, economic, military, or other non-humanitarian objectives.<sup>237</sup>

These principles, by guiding action, can help humanitarian actors navigate complex and volatile contexts. While they exist independently of other frameworks, humanitarian actors may simultaneously need to respect both these principles and their obligations under human rights standards and IHL frameworks in humanitarian action.<sup>238</sup>

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<sup>233</sup> UNOCHA, UNGA Res 46/182, Strengthening of the coordination of humanitarian emergency assistance of the United Nations, (1991), (n 246) available at <[https://www.unocha.org/sites/unocha/files/dms/Documents/120402\\_OOM-46182\\_eng.pdf](https://www.unocha.org/sites/unocha/files/dms/Documents/120402_OOM-46182_eng.pdf)>; OCHA, OCHA on Message: Humanitarian Principles, (2022), available at <<https://www.unocha.org/publications/report/world/ocha-message-humanitarian-principles-enar>>

<sup>234</sup> International Committee of the Red Cross, The Fundamental Principles of the International Red Cross and Red Crescent Movement, (2015), available at <[https://www.icrc.org/sites/default/files/topic/file\\_plus\\_list/4046-the\\_fundamental\\_principles\\_of\\_the\\_international\\_red\\_cross\\_and\\_red\\_crescent\\_movement.pdf](https://www.icrc.org/sites/default/files/topic/file_plus_list/4046-the_fundamental_principles_of_the_international_red_cross_and_red_crescent_movement.pdf)>

<sup>235</sup> See, e.g., Hans Haug, 'Neutrality as a Fundamental Principle of the Red Cross' in *Humanity for All: The International Red Cross and Red Crescent Movement*, (Henry Dunant Institute/Paul Haupt Publishers, Berne/Stuttgart/Vienna, 1993) P. 461-464.

<sup>236</sup> International Federation of Red Cross and Red Crescent Societies, Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, (1994), available at <<https://www.ifrc.org/document/code-conduct-international-red-cross-and-red-crescent-movement-and-ngos-disaster-relief>>

<sup>237</sup> ED Schenkenberg, The Challenges of Principled Humanitarian Assistance, (2016) 97, International Review of the Red Cross 295.

<sup>238</sup> Committing to humanitarian principles, especially neutrality, could be challenging in conflicts where humanitarian aid is politicized and weaponised. For more see: Zainab Moallin, Leen Fouad and Dustin Barter, Navigating neutrality, relief and rights in Ethiopia, Myanmar, Syria and Guatemala, (January 2025), available at <[https://media.odi.org/documents/HPG\\_report-Trocaire\\_final\\_j3iyJap.pdf](https://media.odi.org/documents/HPG_report-Trocaire_final_j3iyJap.pdf)>

### *'Do No Harm' framework:*

The 'Do No Harm' principle serves as a fundamental ethical framework in humanitarian action that recognizes humanitarian interventions can inadvertently cause harm even while intending to help.<sup>239</sup> This framework acknowledges that aid is not neutral in conflict settings - it becomes part of the context and can either strengthen or weaken local dynamics.<sup>240</sup>

The framework requires humanitarian actors to:

1. Conduct thorough contextual analysis before and during interventions
2. Identify and analyze:
  - Factors that divide communities or create tensions
  - Elements that connect communities and support peace
  - How aid programs interact with these factors
3. Continuously assess program impacts and adjust interventions accordingly.<sup>241</sup>

Through this systematic approach, organizations can better anticipate, prevent, and minimize potential negative consequences of humanitarian assistance while maximizing positive impacts on affected communities.<sup>242</sup>

Applying the 'Do No Harm' approach to the work in Syria not only aligns with humanitarian actors' responsibility to respect IHRL and IHL standards and implement Heightened HRDD, but it also better positions humanitarian NGOs to deliver aid effectively while also avoiding harmful consequences.

### *Accountability to Affected Populations*

Accountability to Affected Populations (AAP) – which in humanitarian settings is defined as “an active commitment by humanitarian actors to use power responsibly by taking account of, giving account to, and being held to account by the people they seek to assist”, views the power discrepancy between donors and aid beneficiaries as a problem to be addressed.<sup>243</sup> It grounds itself in the idea that those who receive or benefit from

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<sup>239</sup> Mary Anderson, *Do No Harm: How Aid Can Support Peace Or War*, (Lynne Rienner Publishers 1999).

<sup>240</sup> CDA Collaborative Learning Projects, *The "Do No Harm" Framework for Analyzing the Impact of Assistance on Conflict: A Handbook*, (2004), available at <<https://www.cdacollaborative.org/wp-content/uploads/2016/01/The-Do-No-Harm-Framework-for-Analyzing-the-Impact-of-Assistance-on-Conflict-A-Handbook.pdf>>

<sup>241</sup> Mary Anderson and Peter Woodrow, *Rising from the Ashes: Development Strategies in Times of Disaster*, (Lynne Rienner Publishers, 1998).

<sup>242</sup> Marshall Wallace, *From Principle to Practice: A User's Guide to Do No Harm*, (2015), available at <<https://www.principletopractice.org/wordpress/from-principle-to-practice/>>

<sup>243</sup> International Organization for Migration, *Accountability to Affected Populations Framework*, (2019), available at <<https://publications.iom.int/books/accountability-affected-populations->

humanitarian aid should play a meaningful role in the way they are assisted, within the limits imposed by an emergency, and should be able to defend their interests and rights.

Central to this is the Collective AAP Framework developed by the Inter-Agency Standing Committee (IASC) to guide humanitarian actors to implement AAP principles across the various cycles of their projects. The framework states that humanitarian actors should “seek out, hear, and act upon the voices and priorities of affected communities.”<sup>244</sup>

Key elements of AAP include, inter alia, enabling meaningful participation of affected communities in decision-making processes, providing transparent and timely information to communities, and gathering feedback through accessible mechanisms.

In Syria, implementing AAP principles is particularly crucial given the complex and protracted nature of the crisis. Humanitarian NGOs should strive to integrate AAP throughout their project cycles, ensuring that affected populations have a voice in the decisions that impact their lives and that assistance is delivered in a manner that respects their rights and dignity.

## **7. Humanitarian NGOs involvement in human rights abuses and violations of IHL**

The UNGPs, which arguably apply to humanitarian NGOs, describe the scope of the responsibility to respect human rights through the following three categories of involvement in human rights abuses:

- **Causation**

An organization may cause human rights abuses where its activities (its actions or omissions) affect the ability of an individual or a group to enjoy a human right.<sup>245</sup>

For example, if an NGO builds housing, educational, or WASH facilities on the lands of displaced persons, they would be directly causing a human rights abuse - namely of housing, land, and property (HLP) rights.

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[framework#:~:text=The%20Accountability%20to%20Affected%20Populations,its%20Migration%20Crisis%20Operational%20Framework>](#)

<sup>244</sup> Inter-Agency Standing Committee, The Inter-Agency Standing Committee, available at <https://interagencystandingcommittee.org/the-inter-agency-standing-committee>

<sup>245</sup> UNGPs (n 7) Principle 13: “The responsibility to respect human rights requires that business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”

In WASH, humanitarian NGOs can also directly cause human rights abuses by installing water and sanitation infrastructure without adequate oversight, leading to contamination and the outbreaks of disease. NGOs working in the health sector may cause human rights abuses by providing negligent medical treatment.

- Contribution

An organization may contribute to human rights abuses through its own activities (actions or omissions), either directly alongside other entities, or through third parties (government, armed group, other humanitarian organizations, or businesses).<sup>246</sup>

For example, a state institution) may set out to build housing units on lands of ethnic minorities, ultimately resulting in demographic engineering and displacement of local communities. Humanitarian NGOs who offer their services in the form of building these shelters may be unaware of the effect of this project on the human rights of the affected communities, but would nevertheless be contributing to human rights abuses.

Humanitarian NGOs working in WASH may contribute to human rights abuses by partnering with businesses that exploit water resources for profit and drive shortages for local communities, violating their right to water. In the education sector, humanitarian NGOs can contribute to discrimination if they support education programmes that exclude girls, children with disabilities, displaced children, or children from certain ethnic or religious groups due to local policies or biases. If an NGO supplies textbooks, school meals, or other goods or services in a way that benefits authorities or armed groups engaged in abuses, it may also contribute to sustaining conflict dynamics. NGOs may also contribute to human rights abuses if, for instance, they establish IDP camps without sufficient safeguards against PSEAH, enabling perpetrators, including humanitarian staff, to commit violations.

- Direct Link

Responsibility can also arise for the human rights abuses of a third party, even if the organization has not caused or contributed to such abuses. Direct linkage refers to a situation where there is a direct link between the operations, activities, or services of an organization and the human rights abuses committed by an entity, including other organizations, businesses, and state and non-state actors, with which it has a business relationship.<sup>247</sup>

For example, direct linkage could manifest in a situation where an NGO procures building material from a company that avails itself of child labour.

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<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

Additionally, if an NGO rents office spaces, warehouses, or distribution centres from entities who acquired such properties through pillage or forced displacement, that NGO would be directly linked to violations of HLP rights. In a similar vein, if an NGO provides food or medical aid through local intermediaries with ties to abusive regimes or armed non-state actors (ANSAs), and those actors divert or distribute aid discriminatorily, the NGO is directly linked to those violations.

## 8. What are the steps involved in the HRDD process?

The following four components should be at the core of any HRDD process:

### 1. Identifying and Assessing Human Rights Risks

*Identifying and assessing actual or potential adverse conflict and human rights impacts that the organization may cause or contribute to through its own activities, or which may be directly linked to its operations, activities, or projects.*

Humanitarian NGOs must recognize the risks that their activities might inadvertently cause to the detriment of the human rights of partner communities. This step involves:

- **Mapping risks:** Identify potential human rights risks, such as, for example, unintentionally infringing HLP rights or causing environmental harm. This step also includes identifying risks that might infringe upon the ability of humanitarian NGOs to undertake humanitarian relief operations in an impartial manner, based on need, and without adverse distinction.
- **Context analysis:** Understand Syria's operational environment, including the actors involved, conflict and post-conflict dynamics, and the needs of vulnerable groups such as women, children, the elderly, persons with disabilities, and IDPs.<sup>248</sup>
- **Analyzing conflict dynamics:** Understand how humanitarian activities may affect local power structures, exacerbate tensions, or alter the balance of power among government authorities or community leaders.

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<sup>248</sup> This term is not intended to endorse or encourage the stigmatization of inherent vulnerability based on gender, religion or faith, race, or any other status. In this tool, vulnerability is understood in its specific context and discussed to highlight the structural and tangible discrimination faced by these groups, which serves as a key factor contributing to the disproportionate impact of human rights violations.

- **Community engagement:** Engage with affected communities to understand their concerns, vulnerabilities, and expectations to ensure no group is overlooked.

## 2. Integrating Findings and Taking Action

*Acting on the findings from risk and impact assessments across relevant functions and organization processes. More specifically, if the organization is causing or at risk of causing adverse impact, it should take steps to cease or prevent it.*

If the organization is contributing or at risk of contributing to adverse impact, it should take steps to cease or prevent its contribution and use leverage to mitigate the remaining impact. If the organization has not contributed to the impact, but that impact is actually or potentially directly linked to its operations, it should take steps to gain and use leverage to prevent and mitigate the impact, to the greatest extent possible.

After identifying risks, these insights must be incorporated into the design and implementation of the humanitarian operations. This step involves:

- **Developing prevention strategies:** Adopt adequate policies, for example on safeguarding and non-discrimination. Implement processes and adjust programmes to prevent or mitigate identified risks.
- **Adopting rights-based approaches:** Integrate human rights into programme design, ensuring that activities and projects are participatory, inclusive, and respectful of human rights.
- **Conflict-sensitive decision-making:** Ensure that decision-making at every level integrates an understanding of how humanitarian activities might influence conflict dynamics.
- **Internal alignment:** Ensure that all team members, from field workers to decision-makers, are aware of the risks and mitigation strategies. This should include training on the new policies adopted as well as on human rights standards.

## 3. Monitoring and Tracking Impact

*Tracking the effectiveness of measures and processes to address adverse conflict and human rights risks or impacts to understand if they are working.*

It is essential to monitor the effectiveness of the measures adopted in Stage 2 of the HRDD process to ensure that human rights are effectively safeguarded. This step involves:

- **Setting indicators:** Develop measurable indicators to track whether human rights are being respected and whether risks are being effectively mitigated.
- **Receiving feedback:** Maintain open channels of communication with affected communities, regularly gathering feedback on the impact of humanitarian activities.
- **Adjusting as needed:** Be prepared to modify operations in response to new risks or challenges identified through monitoring.

#### 4. Communicating and Being Accountable

*Communicating on how risks or impacts are being addressed and showing stakeholders (in particular, affected stakeholders) that there are adequate policies and processes in place to safeguard human rights in practice.*

Transparency and accountability are crucial to ensuring that human rights are respected. Humanitarian NGOs must openly communicate how they are addressing human rights impacts. This step involves:

- **Reporting to stakeholders:** Share findings with donors, affected populations, and local partners about how risks are being managed.
- **Establishing grievance or feedback mechanisms:** Ensure that affected populations have accessible ways to raise concerns and grievances about aid operations.
- **Learning and improving:** Use feedback and lessons learned to improve future operations and enhance human rights protection.

#### 9. Project Cycle Management (PCM)

Project Cycle Management (PCM) is a comprehensive framework designed to guide programming through programmatic processes and methods with a view to strengthening humanitarian action in terms of both quality and accountability.<sup>249</sup> PCM provides a structured approach to project management where the various phases are complementary and interdependent. In this regard, the PCM represents a perfect

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<sup>249</sup> Alliance for Child Protection in Humanitarian Action, Minimum Standards for Child Protection in Humanitarian Action, (2019), available at <<https://alliancecpha.org/en/>>

candidate to be a template for the humanitarian project cycle upon which the previous HRDD cycle to be implemented.

The PCM typically consists of five core steps:

1. **Initial (Understanding the context) phase:** This initial phase involves gathering and analyzing information about the operational environment, including political, economic, social, and cultural factors.<sup>250</sup> It sets the foundation for all subsequent decisions and actions.
2. **Assessing and analyzing the situation:** This step involves a detailed examination of the specific issues, needs, and opportunities within the project's scope. It includes stakeholder analysis, problem analysis, and the identification of objectives.<sup>251</sup>
3. **Planning programme response:** Based on the analysis, this phase involves developing a comprehensive project plan, including objectives, activities, resources, timelines, and indicators for monitoring and evaluation.<sup>252</sup>
4. **Implementing and monitoring response:** This phase involves carrying out planned activities while continuously monitoring progress against established indicators. It requires regular data collection, analysis, and reporting to inform decision-making.<sup>253</sup>
5. **Evaluating and learning from experience:** The final phase involves assessing the project's outcomes and impacts, identifying lessons learned, and using these insights to inform future programming.<sup>254</sup>

Each of these phases is interconnected, forming a cycle that promotes continuous learning and improvement. The PCM approach emphasizes the importance of stakeholder participation throughout the project lifecycle, ensuring that interventions are relevant, effective, and sustainable.<sup>255</sup>

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<sup>250</sup> European Commission, Project Cycle Management Guidelines, (2004), available at <[https://international-partnerships.ec.europa.eu/document/download/f7ed20c4-5fc2-4ed7-b54c-0805e4ed952d\\_en?filename=methodology-aid-delivery-methods-project-cycle-management-200403\\_en.pdf](https://international-partnerships.ec.europa.eu/document/download/f7ed20c4-5fc2-4ed7-b54c-0805e4ed952d_en?filename=methodology-aid-delivery-methods-project-cycle-management-200403_en.pdf)>

<sup>251</sup> Rachel Blackman, Project Cycle Management, (2003), available at <<https://www.pm4dev.com/resources/manuals-and-guidelines/124-project-cycle-management-tearfund/file.html>>

<sup>252</sup> Greta Jensen, The Logical Framework Approach: Project Planning & Management, (2012), available at <<https://www.pm4dev.com/resources/documents-and-articles/99-logical-framework-approach-sida/file.html>>

<sup>253</sup> Stephen Biggs and Sally Smith, A Paradox of Learning in Project Cycle Management and the Role of Organizational Culture, (2003), available at <<https://www.sciencedirect.com/science/article/abs/pii/S0305750X03001438>>

<sup>254</sup> Oliver Bakewell and Anne Garbutt, The Use and Abuse of the Logical Framework Approach, (2005), available at <[http://pdf2.hegoa.efaber.net/entry/content/909/the\\_use\\_and\\_abuse\\_SIDA.pdf](http://pdf2.hegoa.efaber.net/entry/content/909/the_use_and_abuse_SIDA.pdf)>

<sup>255</sup> Project Cycle Management (n 269 ).

In the context of human rights-based programming, PCM provides a structured framework for integrating human rights principles and standards at every stage of the project cycle. This integration ensures that human rights considerations are not an afterthought but are central to project design, implementation, and evaluation.<sup>256</sup> By systematically applying PCM principles, organizations can enhance their ability to deliver effective, rights-based humanitarian interventions that address root causes of problems and contribute to sustainable development outcomes.<sup>257 258</sup>

## **Human Rights Due Diligence (HRDD) Tool for Humanitarian and Development Projects in Syria**

### **HRDD Tool Structure**

The HRDD Tool Structure is designed to align with the Project Cycle Management (PCM) framework. This structure ensures a comprehensive integration of human rights considerations in humanitarian interventions in Syria, with a particular focus on Housing, Land, and Property (HLP) rights, environmental impact on human rights and gender equality. The tool applies the four stages of HRDD to each phase of the PCM as explained below. However, this remains subject to the project's context and the nature of the project. Applying the HRDD process to each phase may also create actionable steps to be integrated in the following phases.

#### **1. Assessment (Situation Analysis) Phase**

This phase focuses on understanding the context and conducting a comprehensive human rights analysis. Key components include:

- Situational analysis, including specific HLP rights assessment and gender analysis.
- Stakeholder identification and mapping, with emphasis on marginalized groups.
- Environmental and climate change impact assessment.

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<sup>256</sup> OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, (2006), available at <<https://unsdg.un.org/resources/frequently-asked-questions-human-rights-based-approach-development-cooperation>>

<sup>257</sup> UNDP, Handbook on Planning, Monitoring and Evaluating for Development Results, (2009), available at <<https://mandeguidelines.iom.int/sites/g/files/tmzbdl2306/files/2023-03/pme-handbook.pdf>>

<sup>258</sup> Sustainable Development Goals (SDGs) are a set of 17 interconnected global objectives established by the United Nations in 2015 as a universal blueprint to achieve a more sustainable future for all by 2030. These goals serve as a framework for addressing global challenges including poverty, inequality, climate change, environmental degradation, peace, and justice.

- Conflict sensitivity analysis.
- Child protection and PSEAH risk assessment.<sup>259</sup>
- Supply chain mapping for human rights risks.
- Food security and nutrition assessment, including cultural and religious considerations.
- Health service access assessment, including gender-specific needs.

According to the OHCHR, this phase should "identify and address the root causes of human rights violations and discrimination patterns".<sup>260</sup> The assessment should consider recommendations from international human rights mechanisms and local context-specific issues.

Applying HRDD steps to this phase requires the organizations to select relevant assessments according to the specific nature of their project. The goal is not to impose additional assessments but to ensure that critical human rights-related assessments are conducted where necessary. This approach ensures that teams are aware of key risks and can make informed decisions on how to address them. By focusing on assessments directly linked to human rights risks, organizations can avoid fragmented approaches and ensure their interventions are strategic and comprehensive.

As described earlier, the HRDD process includes 4 steps: assessment, integrating action, monitoring, and communication and being accountable. To benefit from the tool, an organisation would rely on the questions and indicators laid out in the Tool to assess the level of risk to human rights in its planned project. This is followed by integrating actionable steps to prevent or mitigate these risks, and monitor the application of the action plan. The final step or HRDD requires the organisation to communicate the results to relevant stakeholders and, therefore, be accountable for its plan.

## 2. Design (Planning) Phase

This phase involves integrating human rights principles into the project's logical framework. Key elements include:

- Developing comprehensive non-discrimination policies.
- Designing inclusive labour rights policies.
- Establishing data protection measures, particularly for vulnerable groups.

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<sup>259</sup> For more information on PSEAH awareness in NW Syria see UNHCR, PSEAH Factsheet in Syria, (2023), available at <<https://data.unhcr.org/en/documents/details/109795>>

<sup>260</sup> OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, (2006), available at <<https://unsdg.un.org/resources/frequently-asked-questions-human-rights-based-approach-development-cooperation>>

- Incorporating environmental sustainability and climate change adaptation considerations.
- Developing safeguarding measures, especially for women and children.
- Planning for meaningful consultation with affected populations.
- Integrating HLP rights considerations in shelter/infrastructure projects.
- Designing culturally appropriate and accessible feedback mechanisms.

According to the SPHERE Standards, "[t]he design should explicitly address patterns of discrimination and inequality, targeting the most marginalized groups".<sup>261</sup>

In a similar fashion to the previous phase of the project, the HRDD process is applied here relying on the relevant questions and indicators laid out in the annexed Tool. The assessment is then followed by the same stages: integrating action, monitoring, and communication and being accountable. This phase could include actionable steps from the previous stage assessment. It could also propose actionable steps to be integrated in the following phases of the project.

### **3. Implementation Phase**

This phase focuses on operationalizing human rights principles throughout project activities. Key aspects include:

- Continuous human rights monitoring, including HLP rights and gender-specific indicators
- Capacity building for both rights-holders and duty-bearers on human rights issues
- Establishing and maintaining accessible, gender-sensitive feedback mechanisms
- Practicing adaptive management based on human rights monitoring findings
- Implementing measures to ensure safe education access, including for girls
- Ongoing consultation with affected populations
- Systematic tracking of vulnerable groups' access to services

Here as well, the HRDD process is applied relying on the relevant questions and indicators as laid out in the attached Tool. Actionable steps from previous stages assessments could be included.

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<sup>261</sup> Sphere Association, *The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response*, (4th edn, 2018), (n 53)

#### **4. Monitoring and Evaluation Phase**

This phase involves assessing the project's impact on human rights. Key components include:

- Developing specific human rights indicators, including those related to HLP rights and gender equality
- Ensuring participatory M&E processes that include vulnerable groups
- Collecting disaggregated data, particularly by gender, age, and disability status
- Conducting comprehensive human rights impact assessments
- Monitoring education quality, including gender-specific considerations
- Evaluating the effectiveness of feedback mechanisms

The OHCHR stresses the importance of using human rights indicators to measure progress and impact, ensuring that "no one is left behind" in the humanitarian response.<sup>262</sup>

Here as well, the HRDD process is applied relying on the relevant questions and indicators as laid out in the attached Tool. Actionable steps from previous stages assessments could be included.

#### **5. Exit and Transition Phase**

This phase focuses on ensuring the sustainability of human rights gains. Key elements include:

- Developing an exit strategy that considers potential human rights implications of project closure
- Assessing the long-term sustainability of human rights gains, including HLP rights and gender equality improvements
- Building local capacities for continued human rights monitoring
- Ensuring effective knowledge transfer on human rights issues to local partners
- Conducting a final environmental rights assessment
- Planning for responsible transition of procurement relationships

As is the case in previous phases, HRDD steps are implemented in this stage as well.

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<sup>262</sup> OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation, (HR/PUB/12/5, 2012), available at [https://www.ohchr.org/sites/default/files/documents/issues/HRIndicators/AGuideMeasurementImplementationCover\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/issues/HRIndicators/AGuideMeasurementImplementationCover_en.pdf)

## **Example on how to apply HRDD**

The following example illustrates how a humanitarian NGO could apply the HRDD process across the five stages of the PCM.

A food security NGO planning a combined food distribution and livelihoods support intervention in a mixed IDP and returnee settlement in rural Aleppo governorate could apply the stages of the HRDD process as follows:

### **I. Identifying and Assessing Human Rights Risks**

During the assessment phase, the NGO should:

- 1) Conduct a detailed conflict analysis, mapping territorial control, armed actor influence, and explosive ordnance contamination zones that will affect the safety and pattern of delivery of aid;
- 2) Identify relevant human rights risks associated with the project, including risks related to the right to adequate food, right to an adequate standard of living, labour rights in livelihood activities, and protection risks such as GBV and child labour, as well as potential aid diversion and coercion risks by local power holders;
- 3) Engage with women, the elderly, persons with disabilities, returnees, and undocumented individuals to identify specific risks, access barriers, and civil documentation gaps that may prevent them from accessing assistance;
- 4) Assess possible environmental issues related to food packing, waste disposal, and the impact of livelihood activities on natural resources and land use; and
- 5) Screen local partners and suppliers against SEAH standards, sanctions lists, and human rights abuses, in line with the organisation's partner due diligence obligations.

### **II. Design (Planning and Preparation) Phase**

Based on the assessment findings, the NGO should:

- 1) Design selection criteria for beneficiaries that are transparent, non-discriminatory, and inclusive of undocumented individuals, ensuring that lack of civil documentation does not constitute a barrier to accessing assistance;

- 2) Establish a Community Feedback Mechanism (CFM) that is accessible, confidential, and culturally appropriate, with dedicated referral pathways for SEAH complaints separate from general grievance channels;
- 3) Provide mandatory training to all staff and partner personnel on safeguarding policies, SEAH prevention, data protection, and human rights standards, ensuring alignment and awareness across the organisation and its sub-grantees;
- 4) Integrate data protection protocols into the project design, ensuring that beneficiary personal data, including displacement status, civil documentation details, and vulnerability indicators, is collected, stored, and shared only with informed consent and in compliance with humanitarian data responsibility standards;
- 5) Incorporate environmental mitigation measures such as the use of biodegradable packaging in lieu of traditional plastics and a waste management plan; and
- 6) Establish a written partner agreement that includes explicit human rights obligations, SEAH clauses, data protection requirements, and aid diversion prevention protocols, with clear consequences for non-compliance.

Before the project moves to implementation, the NGO should open an HRDD Decision Log and record all risk assessment findings, agreed mitigation measures, responsible staff, and baseline indicators, establishing the accountability trail that will be maintained throughout the project cycle.

### **III. Implementation (Delivery) Phase**

During implementation, the NGO should:

- 1) Apply the HRDD Tool Matrix systematically across all relevant sectors (Food Security, Early Recovery, and Protection) ensuring that the risk assessment questions and indicators are completed for each PCM phase and each sector before and during delivery;
- 2) Actively monitor access barriers throughout distribution cycles, particularly for women-headed households, persons with disabilities, ethnic and religious minorities, and individuals without documentation, adjusting distribution modalities accordingly;
- 3) Implement a Post-Distribution Monitoring (PDM) system that captures beneficiary feedback on aid quality, accessibility, dignity of delivery, and any incidents of misconduct or coercion, with findings reported internally within 72 hours;

4) Conduct monthly coordination meetings with other humanitarian actors, including food security and early recovery cluster members, to share lessons learned and adapt strategies to changing conflict and access dynamics;

5) Document all HRDD decisions, risk flags, and mitigation actions in the HRDD Decision Log, noting the date, responsible staff member, action taken, and outcome, to ensure institutional continuity and accountability; and

6) Ensure that livelihood activities embedded in the project — including cash-for-work and skills training — comply with ILO core labour standards, prohibit child labour, and include gender-sensitive workplace safety measures.

#### **IV. Monitoring and Evaluation (Tracking Progress and Impact) Phase**

During the monitoring and evaluation phase, the NGO should:

1) Develop specific, measurable human rights indicators, including: a) percentage of beneficiaries disaggregated by assessed levels of need, including by sex, age, disability status, displacement status, and documentation status; b) number of reported incidents of aid diversion, discrimination, or SEAH, and percentage resolved within the agreed timeframe; c) percentage of livelihood participants reporting improved food security outcomes, disaggregated by gender and displacement status; d) quantity of waste properly managed or recycled; and e) number of partner due diligence reviews conducted and findings documented;

2) Conduct quarterly human rights impact reviews that assess whether the project has caused, contributed to, or become directly linked to any human rights harm, and whether the original risk ratings remain accurate in light of changing conditions;

3) Verify partner compliance with the human rights obligations established in the partnership agreement — including SEAH obligations, data protection protocols, and aid diversion safeguards — through desk review and field spot-checks;

4) Publish monthly summaries in accessible language detailing the project's human rights impact assessments, SEAH incident responses, partner compliance findings, and outcomes, in accessible formats for the affected community; and

5) Update the HRDD Decision Log at the close of each reporting period, documenting lessons learned and flagging any unresolved risks for escalation to senior management.

#### **V. Exit and Transition (Handover and Closure) Phase**

During exit and transition planning, the NGO should:

- 1) Develop an exit strategy that explicitly considers potential human rights implications, including the risk of abrupt withdrawal creating dependency, reducing access to food, or leaving vulnerable groups — particularly undocumented individuals and female-headed households — without alternative support mechanisms;
- 2) Conduct a final human rights impact review covering all sectors addressed by the project, assessing residual risks and unresolved harms, and documenting recommended follow-up actions for handover to successor organisations or coordination bodies;
- 3) Ensure that all beneficiary data is handled in compliance with data protection obligations at the point of exit, including secure deletion, transfer with informed consent, or archiving in line with the organisation's data retention policy;
- 4) Share lessons learned — including HRDD Decision Log findings, CFM data, and partner compliance outcomes — with relevant cluster coordination mechanisms and the wider humanitarian community to contribute to collective learning; and
- 5) Communicate transparently with affected communities about the timeline, rationale, and arrangements for transition, ensuring that referral pathways to other services remain operational and that community feedback on the exit process is recorded and addressed before closure.

## **VI . Cross-Cutting Obligation: Communicating and Being Accountable to Affected Populations**

Transparency and accountability to affected populations are not confined to a single project phase but constitute a continuous obligation running throughout the entire project cycle. The NGO should give practical effect to this obligation as follows:

- 1) Make the CFM visible and functional. The CFM must be actively publicised — not merely established. Information about how to submit feedback or a complaint should be displayed at all distribution and livelihood activity points, shared through trusted community intermediaries, and communicated verbally during distribution to account for low literacy levels. Dedicated, confidential channels for SEAH complaints must be kept strictly separate from general grievance channels, with female staff available to receive complaints from women and girls.
- 2) Close the feedback loop. Receiving feedback is insufficient without a visible response. The NGO should communicate back to communities — in appropriate language(s) and through the same channels used to receive the original feedback — on actions taken in

response to complaints or suggestions, within an agreed and publicly communicated timeframe. Where a complaint cannot be resolved, the reason should be explained clearly to the complainant.

3) Enable community oversight. A community oversight committee — with balanced representation across sex, age, displacement status, and ethnicity — should meet no less than monthly during active implementation to review distribution quality, raise concerns, and receive updates from project staff. Meeting minutes should be shared with the community in an accessible format and retained in the project file for accountability purposes.

4) Report publicly and accessibly. Monthly project updates should be produced in plain language and shared with the affected community through appropriate channels, covering what was delivered, to how many people, any human rights concerns identified, and how they were addressed. These updates serve a dual function — they fulfil the organisation's accountability obligation to rights holders and contribute to the evidence base for donor reporting and cluster coordination.

5) Commission independent review. At least once during the project cycle — and again at exit — the NGO should commission a locally-based civil society organisation or protection actor to conduct an independent assessment of the project's human rights impacts. Findings, including critical ones, should be shared with cluster coordination mechanisms and used to inform adaptive management decisions.

6) Document accountability actions in the HRDD Decision Log. All communication and accountability actions taken under this obligation, including community briefings conducted, CFM complaints received and resolved, oversight committee meetings held, and independent review findings, should be recorded in the HRDD Decision Log. This ensures that accountability to affected populations is not only practised but also evidenced, traceable, and available for review by senior management, donors, and coordination bodies.

7) Document implemented measures. Maintain records of all HRDD assessments conducted, risk flags identified, decisions made, and mitigation actions implemented in the HRDD Decision Log, noting the date, responsible staff member, action taken, and outcome for each entry. Share relevant lessons learned with donors and coordination mechanisms at agreed reporting intervals.

## HRDD Tool Matrix

The HRDD Tool is a structured framework designed to support humanitarian organizations in integrating Human Rights Due Diligence (HRDD) into their operations in Northwest Syria. It provides detailed guidance across the five stages of Project Cycle Management (PCM): Assessment, Design, Implementation, Monitoring and Evaluation, and Exit and Transition. The Tool is tailored to address the complex human rights risks associated with humanitarian interventions in conflict-affected settings.

### Description of Tool Matrix Columns

The Tool Matrix is organized into several columns, each serving a specific purpose to facilitate the integration of HRDD into humanitarian programming.

- 1. PCM Stage:** This column identifies the specific stage of the project cycle, such as Assessment, Design, Implementation, Monitoring and Evaluation, or Exit and Transition. By clearly delineating each project stage, this column ensures that human rights considerations are systematically addressed throughout the entire project lifecycle. It provides a structured approach for integrating HRDD at every critical point in the humanitarian intervention, promoting a comprehensive and proactive stance on human rights protection.
- 2. Code:** A unique identifier for each human rights consideration, facilitating easy reference and tracking.
- 3. Category:** This is to identify whether this risk is found across multiple humanitarian sectors or whether it is specific to certain sectors. It is either cross-cutting or sector (e.g. Shelter or WASH) specific.
- 4. Subcategory:** This helps to identify the specific cross-cutting issue.
- 5. Key Human Rights Risks:** This column lists potential human rights risks specific to each PCM stage and sector of intervention, such as discrimination in aid distribution, violations of housing rights, or risks to children's education. By explicitly outlining the human rights risks associated with each project stage, this column enables humanitarian actors to anticipate and prepare for potential challenges. It serves as an early warning system, allowing organizations to develop targeted strategies to prevent or mitigate these risks before they materialize.

- 6. Indicators:** This column suggests measurable indicators to track compliance with human rights standards and evaluate the effectiveness of mitigation measures, such as the percentage of affected population consulted, or the number of complaints received and addressed. By providing clear, quantifiable metrics, this column facilitates ongoing monitoring and evaluation of human rights impacts. It enables organizations to assess the effectiveness of their interventions, identify areas for improvement, and demonstrate accountability to stakeholders and affected communities.
- 7. Risk Assessment Questions:** This column offers targeted questions to assess the likelihood and impact of identified human rights risks, such as "Have we consulted with all affected groups, including marginalized populations?" or "What measures are in place to ensure non-discrimination in aid distribution?". These questions guide users in conducting thorough risk assessments by prompting them to consider relevant factors and scenarios. They encourage a deeper analysis of potential human rights impacts, fostering a more nuanced understanding of the operational context and its challenges.
- 8. Considerations:** This column provides additional context-specific factors and nuances to be taken into account when assessing risks and planning interventions, such as local power dynamics or cultural sensitivities. These considerations enhance the tool's relevance to the complex environment of Northwest Syria. They ensure that risk assessments and mitigation strategies are tailored to local realities, promoting more effective and culturally sensitive humanitarian interventions.
- 9. Reference:** This column includes a list of relevant international law and humanitarian frameworks.

## How to use the Tool

A step-by-step instructions on how to use the tool are listed below:

### 1. Understand the Tool's Structure

- Familiarize yourself with the PCM stages and sector-specific sections of the Tool.
- Review the included risk assessment questions, indicators, and mitigation measures.

### 2. Identify Relevant Sections

- Determine which PCM stage(s) and sector(s) are applicable to your project.

### **3. Conduct Risk Assessments**

- Use the provided questions to identify potential human rights risks associated with your activities.
- Pay special attention to heightened risks such as HLP violations, environmental harm, SEAH, data protection, aid diversion, civil documentation gaps, or exclusion of vulnerable groups.

### **4. Plan Mitigation Measures**

- Based on identified risks, select appropriate mitigation strategies from the Tool or adapt them to your context.

### **5. Incorporate Findings into Project Design**

- Integrate risk assessments and mitigation plans into project proposals, budgets, and operational plans.

### **6. Monitor Progress**

- Utilize the indicators provided in the Tool to track compliance with human rights standards throughout project implementation.
- Regularly revisit risk assessments to address emerging issues and update the HRDD Decision Log accordingly

### **7. Engage Stakeholders**

- Collaborate with affected communities, local partners, and other stakeholders to ensure inclusivity and accountability.
- Use feedback mechanisms to refine your approach and respond to community concerns in a timely manner.

### **8. Document Actions Taken**

- Maintain records of assessments conducted, decisions made, and actions implemented for accountability purposes.
- Share lessons learned with donors and coordination mechanisms.

### **9. Adapt as Needed**

- Adjust your approach based on changing conditions or new insights from monitoring activities, particularly in light of shifting conflict dynamics, access constraints, or emerging human rights risks.

## **10. Promote Advocacy Efforts**

- Leverage findings from the HRDD process to advocate for sustainable and flexible funding and strategic partnerships with donors.
- Use documented human rights impact data to demonstrate the interconnected nature of rights-based programming and the need for comprehensive, long-term support.

The HRDD Tool provides a comprehensive framework for integrating human rights considerations into humanitarian interventions. By systematically applying this tool, organizations can enhance their human rights due diligence, ensure more effective and rights-based interventions, and ultimately contribute to the protection and promotion of human rights in Syria.