



Power of humanity

Council of Delegates of the International Red Cross and Red Crescent Movement

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Safeguarding humanitarian data

DRAFT RESOLUTION

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DRAFT RESOLUTION

Safeguarding humanitarian data

The Council of Delegates,

shocked by and deeply concerned about the recent breach of personal data entrusted to the International Committee of the Red Cross (ICRC) and National Red Cross and Red Crescent Societies (National Societies),

concerned that unauthorized access to or extraction of data being processed (for example, collected, stored, transferred or archived) by impartial humanitarian organizations undermines their work and may create significant risks for the dignity and safety of people affected by armed conflicts, natural disasters and other emergencies,

stressing that such actions are unacceptable, not reconcilable with the letter and spirit of international humanitarian law and contrary to the long-standing international consensus on the importance of impartial humanitarian activities,

reaffirming that the ability of impartial humanitarian organizations to process data, including personal data, for humanitarian purposes (humanitarian data) and in connection with any other activity required to carry out their mandates, is critical to and an integral part of their ability to deliver humanitarian activities, such as providing medical care and humanitarian relief, protecting detainees and civilians, including particularly vulnerable groups such as migrants and children, and tracing people and reuniting families,

recognizing that it is of the foremost importance for people to be able to trust impartial humanitarian organizations with their personal data and that their data be protected, and *recalling* that personal data protection is closely related to the safeguarding of people's privacy and dignity and to their safety, and that the abuse of personal data may violate privacy obligations that are set out in national, regional and international legal frameworks and may result in serious violations of people's fundamental rights,

highlighting the trust that States and other actors involved in armed conflicts, natural disasters and other emergencies place in the impartiality of humanitarian organizations and their work, and that this trust is a precondition and essential for these organizations to carry out their mandates and activities,

recalling the commitment of the International Red Cross and Red Crescent Movement (Movement) to its Fundamental Principles, and *recognizing* that Movement components process data as part of the mandates and roles entrusted to them, in particular under international humanitarian law, the Statutes of the Movement and resolutions adopted by the International Conference of the Red Cross and Red Crescent (International Conference), with due consideration for data protection frameworks and principles, such as those in the *Handbook on Data Protection in Humanitarian Action* and the

Restoring Family Links Code of Conduct on Data Protection, and for protection frameworks, such as those in the *Professional Standards for Protection Work*, *welcoming* Resolution 4, “Restoring Family Links while respecting privacy, including as it relates to personal data protection”, adopted by the 33rd International Conference, and *emphasizing* that the issues addressed in that resolution are also important for the protection of humanitarian data,

reiterating in particular the concern that impartial humanitarian organizations may come under pressure to provide humanitarian data to authorities wishing to use such data for other purposes, and *recalling* that the ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC) and their employees and representatives enjoy privileges and immunities, to the extent applicable, in order for them to perform their respective mandates and to do so in full conformity with the Movement’s Fundamental Principles of neutrality, impartiality and independence,

1. *recognizes* that the digital transformation of impartial humanitarian organizations’ structure and activities, including the processing of humanitarian data, entails an important responsibility for these organizations to adopt and implement cyber security measures and data protection practices – in order to respect the rights and dignity of the individuals whose data they are processing and to mitigate the risk of data breaches so that the people whose data are being processed, the organization and its staff and volunteers are protected from any harm that may result from such breaches – and to prepare and implement contingency and response measures should a data breach occur;
2. *also recognizes* that whenever an impartial humanitarian organization processes humanitarian data, it should do so solely for purposes that are compatible with its exclusively humanitarian mandate and in compliance with applicable national, regional and international law and/or relevant data protection principles and frameworks, which for the ICRC means the *ICRC Rules on Personal Data Protection*;
3. *expresses concern* that harmful cyber operations, including those resulting in data breaches, may erode trust in impartial humanitarian organizations and, given this trust is essential to their ability to operate, that such cyber operations therefore jeopardize their access to people in need, the safety of their staff and volunteers, and ultimately exacerbate the humanitarian situation of people affected by armed conflicts, natural disasters and other emergencies;
4. *also expresses concern* about cyber operations that disrupt the work of impartial humanitarian organizations and about disinformation and other information operations that undermine trust in their activities and put their staff and volunteers at risk;
5. *reaffirms* the fundamental importance of the obligation under international humanitarian law of all parties to armed conflicts to allow and facilitate impartial humanitarian activities during armed conflict, including activities carried out by digital means, and to respect and protect humanitarian activities and personnel, including against any harm caused by digital means;
6. *emphasizes* that during armed conflicts, natural disasters and other emergencies, impartial humanitarian organizations’ activities must be respected and protected online as well as offline, and *recalls* in particular the relationship of cooperation and support between States party to the Geneva Conventions and Movement components, as codified in Article 2 of the Statutes of the Movement, and the commitment of the States Parties to respect the adherence by all Movement components to the Fundamental Principles;
7. *calls on* States to recognize that the processing of personal data is necessary for Movement components to perform their mandates, particularly under international humanitarian law, where applicable, and under the Statutes of the Movement, and that such processing serves

- the furtherance of and is necessary for important grounds of public interest and the vital interests of people affected by armed conflicts, natural disasters and other emergencies;
8. *commits* Movement components to take appropriate steps, within the scope of their respective mandates, capacities and operational needs and contexts, to enhance their ability to ensure appropriate levels of data security, to apply best practices in data governance for all humanitarian data, to implement relevant standards and good practices in the processing of personal data, taking into consideration the *Handbook on Data Protection in Humanitarian Action*, and to comply with applicable law and personal data protection frameworks;
 9. *invites* Movement components to share good practice on personal data protection, including data security, to support each other in building capacity, to ensure that staff and volunteers are trained in and aware of the importance of data protection and to consider the possibility of developing a Movement Code of Conduct for Data Protection;
 10. *also invites* Movement components to establish an informal working group, convened by the ICRC, to facilitate the Movement's collective work on the issues highlighted in paragraph 9 of this resolution, among others;
 11. *encourages* Movement components – in partnership with other impartial humanitarian organizations, States and experts – to research, develop and acquire the necessary tools and infrastructure to ensure the protection and security of the humanitarian data they process, and *invites* States and other actors to support such efforts;
 12. *encourages* the ICRC to continue researching the technical feasibility of a digital emblem – namely, a distinctive emblem, signal or other digital means to identify the data and digital infrastructure of organizations and entities entitled to display the distinctive emblems recognized under international humanitarian law and to indicate, where applicable, their legal protection – and to assess the benefits of such an emblem, signal or other digital means of identification and to work closely with the IFRC and National Societies and to consult with States and experts to this effect;
 13. *calls on* States and other actors to respect and protect impartial humanitarian organizations online as they do offline, including by ensuring that national law protects the confidentiality, integrity and availability of humanitarian data, by taking appropriate measures to safeguard impartial humanitarian organizations from harmful cyber and information operations and by ensuring that actors under their influence respect impartial humanitarian organizations and the data they process;
 14. *calls on* States to take all feasible measures to protect individuals whose data have been breached;
 15. *emphasizes* the fact that the 33rd International Conference urged States and the Movement to cooperate to ensure that humanitarian data are not requested or used for purposes incompatible with the humanitarian nature of the work of the Movement, and in conformity with Article 2 of the Statutes of the Movement, or in a manner that would undermine the trust of the people it serves or the independence, impartiality and neutrality of humanitarian services;
 16. *calls on* all Movement components to engage in a dialogue with States, according to each component's mandate and capacity, to strengthen the protection of humanitarian data;
 17. *invites* other impartial humanitarian organizations to work with Movement components to strengthen national, regional and international legal and protection frameworks that safeguard humanitarian data and protect the people they serve from harm;

18. *invites* the ICRC and the IFRC to report to the 2023 Council of Delegates on the measures taken by Movement components on personal data protection, including data security;
19. *considers* addressing the protection of humanitarian data at the 34th International Conference.