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PRIORITIZING HEALTH EQUITY IN A CHANGING WORLD



WEAPONIZING THE FRAMEWORK:
NAVIGATING COUNTER-TERRORISM LEGISLATION, SANCTION OVERREACH, AND THE CRIMINALIZATION OF IMPARTIAL HEALTHCARE IN CRISES

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1. INTRODUCTION & OBJECTIVES

Counter-terrorism legislation and sanctions regimes have become central tools for addressing security threats. However, their broad interpretation and implementation increasingly affect humanitarian action, particularly the provision of impartial healthcare in conflict and crisis settings. Across several African contexts, including regions affected by armed conflict, healthcare providers face legal uncertanty, administrative restrictions, and potential criminal liability for treating individuals associated—whether actually or allegedly—with designated armed groups.

This presentation examines how counter-terrorism frameworks, when applied without adequate humanitarian safeguards, may undermine the principles of humanity, impartiality, and medical neutrality. Its objective is to identify the legal and operational challenges facing healthcare actors and propose reforms that reconcile legitimate security concerns with international humanitarian and human rights obligations.

2. METHODOLOGY

The study adopts a doctrinal and comparative legal methodology complemented by policy analysis. It reviews international humanitarian law, international human rights law, United Nations Security Council resolutions, regional African legal instruments, and selected national counter-terrorism laws from African states.

The analysis is further informed by reports from humanitarian organizations, jurisprudence, and documented experiences from conflict-affected settings. Particular attention is given to legal provisions governing material support, sanctions compliance, financial restrictions, and obligations imposed on healthcare providers operating in humanitarian emergencies.

3. RESULTS & DISCUSSION

The findings demonstrate that the expanding scope of counter-terrorism measures has generated a **"chilling effect"** on humanitarian healthcare.

- Fear of prosecution, sanctions, or loss of funding has encouraged **risk-averse practices,** including delayed medical assistance, withdrawal of services from high-risk areas, burdensome compliance procedures, and restrictions on humanitarian partnerships.
- These measures **disproportionately affect vulnerable populations** whose access to healthcare depends on humanitarian organizations capable of operating impartially across conflict lines.
- The analysis also reveals **inconsistencies** between domestic counter-terrorism legislation and international legal obligations protecting medical personnel, patients, and healthcare facilities.
- While states possess a legitimate interest in combating terrorism, **excessive or ambiguous legal frameworks** may inadvertently criminalize conduct protected under international humanitarian law and weaken health system resilience during crises.

4. CONCLUSION & RECOMMENDATIONS

Security and humanitarian imperatives need not be mutually exclusive.

- States should incorporate **explicit humanitarian exemptions** into counter-terrorism legislation and sanctions regimes.
- **Clarify protections** for impartial medical care, and strengthen judicial and administrative oversight to prevent over-criminalization.
- **Regional organizations**, including the African Union, should **promote harmonized standards** that safeguard humanitarian action while preserving effective counter-terrorism measures.
- **Reaffirming medical neutrality** and ensuring legal certainty for healthcare providers are essential to protecting civilian populations and maintaining access to lifesaving healthcare in situations of armed conflict and humanitarian crisis.

KEY TAKEAWAYS

- **Balance security and humanitarian obligations through clear legal safeguards.**
- **Protect impartial healthcare and medical neutrality in all circumstances.**
- **Ensure that legal certainty allows humanitarian actors to serve populations in need.**
- **Strengthen regional cooperation for coherent and human rights–consistent counter-terrorism frameworks.**