



## Civil Society Statement on the Protection of Civilians in Armed Conflict (2021)

Over the past year, anniversaries of the conflicts in Syria, Libya, Yemen, and new outbreaks of violence elsewhere, have served as grim reminders of the international community's lack of meaningful progress to uphold their commitments to protect civilians in armed conflict. The COVID-19 pandemic has interacted with new, ongoing, and protracted conflicts, exacerbating existing inequalities and protection concerns, and contributing to dramatically escalating humanitarian needs including displacement, famine and food insecurity, and desperate medical shortfalls. Civilians living in conflict-zones continue to experience the devastating impacts of conflict-related environmental damage and an increased vulnerability to climate and environmental risks with wide-ranging effects on health and human suffering.

Meanwhile, States continue to use the pandemic and other pretexts to shrink civic space. Dialogue essential to the development of policies, strategies, and plans for protection of civilians too often fails to be adequately representative and inclusive of civil society, despite their voices being essential. This is especially true for vulnerable or marginalized communities and for human rights defenders.

Parties to conflict continue to be blind to the gendered, age-specific, and intersectional vulnerabilities of civilians. In particular, conflicts continue to undermine the rights of women, children, persons with disabilities and minorities, especially when it comes to participating in decisions that impact their lives and communities. Conflict often leads to the widespread use of gender-based violence, undermining of women's freedom of movement and access to education, health and livelihoods. The deliberate targeting and collateral impact of conflicts on women and girls continues to result in specific gendered harms that must be redressed, requiring the humanitarian system to ensure that there is gender equity in the decision-making structures at all levels. Attacks on educational institutions and their military use result in death, destruction, and loss of education, creating long-term negative consequences for whole communities.

Moreover, the absence of genuine political will to realize accountability for war crimes and other serious violations has deepened a culture of impunity. As a result, parties to conflict continue to directly violate international humanitarian law (IHL) or enable violations by others and fail to take meaningful practical steps to minimize and respond to civilian harm in conflict. Parties, including some States who profess to support the protection of civilians agenda are also fueling protection crises around the world, including through the supply of weapons and other forms of military and security assistance. Rather than enhancing the protection of civilians, millions have been forced to flee bombing and fighting and face hunger, starvation and disease as their access to life-saving humanitarian assistance is denied or otherwise impeded.

At the same time, protecting civilians has too often been understood through the prism of compliance with international humanitarian law. This is an incomplete view: compliance with the law is the bare minimum, but current patterns of harm and long-term effects of hostilities highlight the need for policies and practices to effectively prevent, minimize, and respond to civilian harm. The full protection of civilians must become a strategic imperative across scenarios from direct involvement in hostilities to support provided to parties to conflict, and through the full spectrum of UN and other international and regional peace operations. This should entail prioritizing the health and wellbeing of people, supporting political and social structures that ensure justice and dignity, and protecting the environment, and be understood as a wider goal of conflict prevention and response.

Ambitious action to shift mindsets and invest in robust policies, strategies and practices is urgently required to adequately protect civilians caught in armed conflict:

- **Member States, the UN System, and the international community must recommit to a United Nations of 'We the Peoples', and engage conflict-affected communities and local, national, and international civil society in a direct, robust, inclusive, and sustained dialogue on the protection of civilians and measures to minimize civilian harm.** Effective protection of civilians can only be conceived and implemented through safe and inclusive dialogue with conflict-affected communities and civil society at all levels. Additionally, the UN, States, and other stakeholders should support nonviolent and community-based protection mechanisms where possible such as political mediation, early warning/early response activities, and unarmed civilian protection.
- **The UN Security Council, Member States, and the UN System must fulfill their commitment to the full protection of civilians, including by promoting and implementing the relevant and applicable legal and policy frameworks.** Member States should partner with civil society to develop national policy frameworks that include mechanisms to systematically record casualties, track, analyze, prevent, mitigate, and respond to civilian harm from the actions of their own and those of security partners, including the indirect and reverberating effects of hostilities on critical civilian objects, critical infrastructure and essential services, including health and education, and that ensure principled and sustained dialogue with humanitarian organizations in conflict contexts.
- **The UN Security Council, Member States and all parties to conflict must operate in a manner that preserves and protects space for principled humanitarian action, including by ensuring compliance with international humanitarian and human rights law, as a critical aspect of strengthening the protection of civilians.** As conflicts are increasingly defined as protection crises, disproportionately affecting women, girls, and boys, and are compounded by the gendered and age-specific impacts of COVID-19, States must take actions to reinforce the rights of women, children, persons with disabilities and other marginalized groups, and the localization of principled humanitarian response. States and all other parties to conflict must facilitate

unhindered access to affected populations, respecting humanitarian principles of humanity, impartiality, neutrality, and independence. Sanctions and counterterrorism measures must include effective humanitarian exceptions and not limit principled humanitarian action. All actors must redouble efforts to protect humanitarian, education and health workers, and cease attacks on them, particularly in light of COVID-19's effects and vaccine rollout.

- **The UN Secretary-General, the Security Council, and Member States must redouble efforts to ensure accountability for violations, including by publicly condemning actors who violate international humanitarian law, international human rights law and other applicable legal frameworks.** The UN Security Council and Member States must strengthen the implementation of accountability mechanisms. The Secretary-General should reinforce transparent mechanisms, including at the field level, to track, analyze, and publicly report on violations caused by parties to armed conflicts, and make practical recommendations to enhance the protection of civilians and prevent further violations. Critical mechanisms established to help strengthen accountability, such as the list of perpetrators of grave violations of children's rights included in the Secretary-General's Annual Report on Children and Armed Conflict, must be credible and accurate, free from politicization.
- **Member States should engage constructively in the process to develop a political declaration that would strengthen the protection of civilians from the use of explosive weapons with wide area effects.** Such a declaration should commit States to avoid the use of explosive weapons with wide area effects in populated areas. It should include inclusive humanitarian provisions to assist victims and affected communities including from damage and destruction to infrastructure – including schools and hospitals – and the resulting reverberating effects. This should recognize the particular vulnerability of and specific impacts of explosive weapons on children, the gendered impacts, and particular impacts on persons with disabilities.
- **The UN Secretary-General must work together with the UN Security Council to ensure protection is at the heart of UN peace operations.** Configurations and operations of UN peace operations must prioritize and be driven by analysis of threats against civilians, including threats of sexual and gender-based violence and threats of grave violations against children. The Secretary-General and Member States should ensure a coherent and adequately resourced approach to the protection of civilians, including that distinct capacities for protection, human rights, gender equality and the empowerment of women and girls, and child protection are defined and provided across the spectrum of peace operations and in UN Country Teams, and sustained throughout transitions. Peacekeeping operations should continue to strengthen implementation of the UN Department of Peace Operations PoC Policy, mitigate potential harm from their presence or operations, and incorporate local perspectives into protection strategies.

As civil society, we believe in the comprehensive protection of civilians: the protection of civilians *from* conflict, the protection of civilians *during* conflict, and the protection of civilians in the devastating and often long *aftermath* of conflict. Over the past year, the pandemic has further forced the world to confront the protection implications of a global health crisis. Especially in the context of conflict, States and the international community must meaningfully advance the protection of civilians, starting with a recommitment to the critical dictum of “do no harm.”

\*See also: Joint Statement: NGOs Call for Action to Strengthen the Protection of Civilians in Armed Conflict (May 2020): <http://bit.ly/NGO-PoCstatement-2020>

#### **Endorsing organizations:**

1. Action Against Hunger

2. Airwars
3. Article36
4. CARE
5. Center for Civilians in Conflict
6. Childfund Alliance
7. Control Arms
8. Every Casualty Counts
9. Global Centre for the Responsibility to Protect
10. Global Coalition to Protect Education from Attack
11. Humanity & Inclusion – Handicap International
12. Human Rights Watch
13. Interaction
14. The International Network on Explosive Weapons
15. International Rescue Committee
16. Nonviolent Peaceforce
17. Norwegian Refugee Council
18. Oxfam
19. PAX
20. Plan International
21. Refugees International
22. Save the Children
23. War Child
24. Watchlist on Children and Armed Conflict
25. Women’s Refugee Commission
26. World Vision International