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## Protection of civilians in armed conflict

### Report of the Secretary-General

#### I. Introduction

1. The present report is submitted pursuant to the request in the statement by the President of the Security Council of 21 September 2018 ([S/PRST/2018/18](#)). It also responds to the Council's requests for reporting on specific themes in resolutions [2286 \(2016\)](#), [2417 \(2018\)](#), [2474 \(2019\)](#), [2475 \(2019\)](#) and [2573 \(2021\)](#).

2. It is submitted against the backdrop of the conflict in Ukraine, which has caused unbearable heartache and pain and has effects far beyond Ukraine. Hospitals, schools, apartment buildings and shelters have come under attack. Twelve million Ukrainians have been forced from their homes. In encircled cities, civilians have remained trapped and cut off from essentials. The prospect of nuclear conflict, once unthinkable, is now back within the realm of possibility. Globally, food, fuel and fertilizer prices are skyrocketing. Supply chains, already under pressure from the coronavirus disease (COVID-19) pandemic, are disrupted. All this is hitting the poorest the hardest, exacerbating suffering in other situations of conflict and planting the seeds for further political instability and unrest around the globe, with direct impacts on the protection of civilians.

3. Humanity is also distressed by the unrelenting COVID-19 pandemic, which has caused an estimated 15 million excess deaths between 1 January 2020 and 31 December 2021 and has left countless people grappling with health issues. Combined with conflict, the pandemic has intensified human suffering and added strains on weakened health-care services. Vaccines have allowed many parts of the world to bring the pandemic under control, but their distribution remains deeply unequal. Nearly 3 billion people are still waiting for their first shot, many in conflict situations where health systems are weak and public trust is low.

4. In 2021, armed conflict in several countries intersected with intercommunal violence, violent protests, organized crime or other forms of violence, raising concerns about human rights violations and abuses, compounding suffering, and obscuring distinctions between armed conflict and other situations of violence. In some countries facing conflict, unconstitutional changes in government led to additional violence. The climate crisis also exacerbated conflict-related vulnerabilities such as food insecurity, fuelling violence and escalating humanitarian crises.

5. Armed conflict continued to be characterized by high levels of civilian death, injury and psychological trauma, sexual violence, torture, family separation and



disappearance. Conflict damaged and eroded critical infrastructure, disrupting vital water, sanitation, electricity and health services, and fuelling deprivation, hunger and displacement. The misuse of digital technologies facilitated the spread of misinformation, disinformation and hate speech, fuelling conflict and increasing the risks of civilian harm. Hostilities, bureaucratic impediments, the adverse effects of sanctions and counter-terrorism measures on humanitarian activities, violence against humanitarian personnel and assets, and other difficulties overlapped to hinder humanitarian access, with harsh consequences for civilians in need. Section II of the present report reviews the global state of the protection of civilians in 2021; section III examines challenges to humanitarian operations in recent years.

## **II. Global state of the protection of civilians in armed conflict**

### **A. Widespread civilian harm**

6. In 2021, the United Nations recorded at least 11,075 civilian deaths across 12 armed conflicts, a 17 per cent decrease compared with 2020. In Afghanistan in the first half of 2021, civilian casualties reached record levels, with 5,183 civilians killed and injured – a 47 per cent increase from the same period in 2020 – but declined after 15 August. In Nigeria, 3,008 civilians were killed across Borno, Adamawa and Yobe States. In Ethiopia, 2,993 civilian deaths and 998 injuries were recorded. In Yemen, based on available data, at least 811 civilians were killed or injured in hostilities. In the Democratic Republic of the Congo, at least 2,474 civilians were killed and 2,538 were wounded. In the Syrian Arab Republic, at least 875 civilian deaths and 1,259 injuries were documented. Civilian deaths and injuries were also reported in Cameroon, the Central African Republic, Mozambique, Myanmar, the Occupied Palestinian Territory, and elsewhere. Mutilation, torture, other ill-treatment and abductions were also reported in a number of conflicts.

7. Fighting continued to damage and destroy homes, essential infrastructure and other civilian objects, compounding civilian suffering. In this regard, the Security Council's unanimous adoption of resolution [2573 \(2021\)](#), drawing attention to the vulnerabilities of objects indispensable to the survival of the civilian population in armed conflict, is welcome.

8. In Yemen, attacks damaged or destroyed schools, hospitals, telecommunications infrastructure, roads, factories, houses, cars, farms, and other civilian objects. In northern Mozambique, businesses and crops were looted, houses and vehicles burned, and banks, hospitals, schools, airports, and water and electrical systems destroyed. In Ethiopia, homes and factories were destroyed. In the Tigray region, millions lacked reliable electricity, telecommunications networks and banking services, while commercial supply chains were severely disrupted.

9. In the Central African Republic, health facilities, markets, schools and places of worship were looted or used for military purposes, while bridges, homes and schools were destroyed. In the Democratic Republic of the Congo, there were incidents of looting and burning of homes and bombings in markets, restaurants and places of worship. Across a number of towns in north-east Nigeria, homes, schools, hospitals, electricity grids, churches and telecommunications infrastructure came under repeated attack. In Gaza, residential buildings, public facilities and factories suffered significant damage.

10. Water infrastructure has been manipulated by parties or neglected, depriving civilians of adequate supply and compounding water scarcity caused by climate change. After a decade of war in the Syrian Arab Republic, widespread damage to water systems and a lack of maintenance have left civilians with 40 per cent less

drinking water than 10 years ago, while only 50 per cent of the country's water and sanitation systems functioned properly. In areas of Mali, armed groups controlled access to water and arable land, giving them only to those who joined their ranks.

11. Across many conflicts, water infrastructure also came under attack. In Gaza, water infrastructure, including groundwater wells and reservoirs, desalination and wastewater plants, water delivery networks and pumping stations all sustained significant damage in hostilities. In Libya, attacks on the Great Man-Made River project put wells out of service, affecting more than 70,000 people. In eastern Ukraine,<sup>1</sup> 26 security incidents affected the supply of clean water and sanitation.

12. The conduct of hostilities in urban and other populated areas increased the risks of death and injury for civilians, particularly when fighting involved the use of explosive weapons. In 2021, 1,234 incidents involving the use of explosive weapons were recorded in populated areas in 21 States affected by conflict, resulting in 10,184 victims. Of these, 89 per cent were civilians, compared with 10 per cent in other areas. The highest numbers of civilian victims of explosive weapons in populated areas were reported in Afghanistan, the Occupied Palestinian Territory and the Syrian Arab Republic.<sup>2</sup> Civilians suffered devastating harm both in the immediate aftermath and in the long term. Many surviving victims of explosive weapons face lifelong disabilities and grave psychological trauma. The use of explosive weapons damaged or destroyed critical infrastructure, with reverberating effects on essential services such as water, sanitation, electricity and health care, and the disruption of food supply chains.

13. Even when parties claim to use explosive weapons in populated areas in compliance with international humanitarian law, this still causes a pattern of devastating harm to civilians in the immediate and long term. There is an urgent need for parties to avoid the use of explosive weapons with wide-area effects in populated areas. Continuing efforts towards a political declaration to address this problem are welcome. Such a declaration should include a clear commitment by States to avoid the use of wide-area explosive weapons in populated areas.

14. In 2021, the United Nations recorded 9,797 civilian casualties from mines, improvised explosive devices and explosive remnants of war, with the highest numbers in the Syrian Arab Republic, followed by Afghanistan.

15. In the Central African Republic, Colombia, the Democratic Republic of the Congo, Ethiopia, Iraq, Myanmar, the Philippines, Somalia, South Sudan, the Sudan, the Syrian Arab Republic, Ukraine, Yemen and elsewhere, improvised explosive devices, landmines and explosive remnants of war caused civilian death and injury, hindered access to farmland, essential services and livelihoods, slowed reconstruction, and deterred internally displaced persons and refugees from returning.

16. In Afghanistan, 4,104 hazardous areas remained in the country, affecting 1,522 communities. A third of all households reported the presence of explosive hazards nearby. In South Sudan, where landmines and explosive remnants of war were suspected of contaminating 18 million m<sup>2</sup> of land, heavy rains and floodwaters exposed and shifted buried explosives or carried away their markings, contaminating new or previously cleared areas. Explosive hazards prevented civilians from collecting water or firewood, cultivating land, attending schools and accessing health-care services. In Iraq, civilians faced weapon contamination from multiple conflicts, in addition to improvised explosive devices buried underground, attached to household items or concealed in the rubble. In Ninawa Governorate, Iraq, the

<sup>1</sup> This and subsequent references to Ukraine refer to 2021.

<sup>2</sup> Action on Armed Violence in 21 States. All Action on Armed Violence (<https://aoav.org.uk/>) and Insecurity Insight (<https://insecurityinsight.org/>) figures are based on currently available data.

contamination of schools and the roads leading to them has hampered school reconstruction and generated fear in children and their caregivers. Agricultural land contamination has hampered crop production, and the contamination of homes has prevented displaced persons from returning.<sup>3</sup>

17. Conflict exacted a lasting toll on mental health. More than one in five people living in conflict-affected areas were estimated to suffer from depression, anxiety and post-traumatic stress disorder. In eastern Ukraine, Yemen, the Occupied Palestinian Territory and elsewhere, exposure to hostilities, reduced access to essentials such as health care, food and education, and limited freedom of movement have contributed to serious mental health conditions. According to the United Nations Children’s Fund, the May 2021 hostilities in Gaza had a severe negative impact on the mental health of 9 out of 10 children.

18. Some States took important and welcome steps to strengthen the protection of civilians in their military operations, which, it is hoped, will yield concrete results. In January 2021, following the inquiry by the Government of New Zealand into civilian harm during Operation Burnham in 2010 in Afghanistan, the New Zealand Defence Force issued Defence Force Order 35, consisting of new rules on responding to reports of civilian harm arising from military activity in armed conflict. The steps include mandatory reporting of civilian harm, investigation, sharing findings and providing amends to victims. In response to concerns over a long-standing pattern of civilian harm, in January 2022 the Secretary of Defense of the United States of America directed that a Civilian Harm Mitigation and Response Action Plan be developed to implement recommendations from recent studies and internal reviews. The Secretary specifically directed, inter alia, that a “civilian protection center of excellence” be established, that standardized civilian harm reporting and data management be developed, and that a Department of Defense-wide policy on mitigating and responding to civilian harm be completed.

## **B. Human suffering and needs**

### **Medical care**

19. Throughout 2021, medical workers, facilities, equipment and transports came under attack, and parties interfered with medical care. According to data in 17 countries and territories affected by conflict, 219 health-care workers were killed in 2021 (versus 158 in 21 countries in 2020), 233 were injured (versus 153 in 2020), 120 were kidnapped (versus 91 in 2020), and 68 were assaulted (versus 37 in 2020). Burkina Faso had the highest number of deaths of health-care workers (95). The largest numbers of injured health-care workers were in the Occupied Palestinian Territory (101) and the Syrian Arab Republic (41). The kidnapping of medical personnel was most prevalent in Mali (29) and Nigeria (28).<sup>4</sup>

20. In the same 17 countries and territories, 493 health-care facilities were destroyed or damaged, affected by armed entry, or used for military purposes. Of these, 165 health-care facilities were damaged or destroyed (versus 158 in 21 countries in 2020). Health-care facilities in the Occupied Palestinian Territory were the most affected, with 59 facilities damaged and 4 destroyed. Across several conflicts, the World Health Organization also recorded incidents harming patients and medical personnel, transports, facilities, and supplies.

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<sup>3</sup> Humanity and Inclusion, *No Safe Recovery: the Impact of Explosive Ordnance Contamination on Affected Populations in Iraq* (2021).

<sup>4</sup> Figures provided by Insecurity Insight.

21. In northern Ethiopia, health-care facilities, equipment and transports were attacked and looted, and hospitals used for military purposes. Hundreds of health facilities in the Afar, Amhara and Tigray regions of Ethiopia were damaged, and many were rendered non-functional. In eastern Ukraine, 35 per cent of primary health-care facilities had sustained damage. In Ituri, Democratic Republic of the Congo, a medical facility serving over 80,000 people was looted and destroyed. In Gaza, airstrikes damaged Al-Shifa' hospital and roads leading to it, as well as a trauma and burn clinic and a health-care centre providing COVID-19 testing and vaccinations.

22. Hostilities forced the suspension of medical care in the Central African Republic, Ethiopia, Nigeria, the Occupied Palestinian Territory and elsewhere. In Afghanistan, attacks against health-care facilities hampered access to health services for 300,000 people. Médecins sans frontières (international) suspended operations in the central part of the Tigray region of Ethiopia after three medical aid workers were killed. In Cabo Delgado, Mozambique, nearly half of health centres were closed owing to insecurity, and 80 per cent of health centres in the nine most conflict-affected districts in the province were not operational owing to conflict and disaster impacts. Insecurity compelled Médecins sans frontières (international) to stop treatments for malaria and malnutrition, and other activities, in parts of Borno State, Nigeria. In Yemen, only half of health facilities were fully functioning, and those that remained open faced acute shortages of staff, medicine, fuel and medical supplies.

23. Parties to conflict also interfered with the provision of medical assistance. The movement of essential medicines and medical supplies into the Tigray region of Ethiopia faced heavy restrictions, leading to significant shortages throughout the region. Doctors identified multiple deaths and complications linked to a lack of medicine and supplies, including for the treatment of kidney disease, cancer and other chronic conditions. In one of many instances of interference in Myanmar, medical supplies were seized and an arrest warrant was issued against a doctor providing medical care to internally displaced persons in Mindat township, Chin State. Médecins sans frontières (international) reported that staff in Afghanistan, Iraq and Nigeria had been subject to harassment, abuse and violence for allegedly supporting terrorists by providing impartial health care.

24. People affected by conflict are vulnerable to COVID-19 owing to weakened health systems, a scarcity of vaccines, low public trust, misinformation and other factors. Very few vaccines have reached countries facing conflict, such as Ethiopia, Somalia, the Syrian Arab Republic and Yemen. COVID-19 vaccination has taken place in areas under the control of non-State armed groups in Myanmar, the Syrian Arab Republic, eastern Ukraine and elsewhere, but not without challenges relating to scarcity, misinformation and weak health systems. Non-State armed groups have taken a range of positions on COVID-19, from denying its existence to proactively addressing the pandemic.<sup>5</sup>

### **Conflict-driven hunger**

25. The cycle of armed conflict and hunger persisted. By December 2021, around 140 million people faced crisis or worse levels of acute food insecurity in 24 States where conflict and insecurity played a major role in driving hunger, up from 99.1 million people in 2020.

26. Ethiopia, Nigeria, South Sudan and Yemen faced actual or projected catastrophic food insecurity, primarily because of armed conflict and violence. The

<sup>5</sup> Irénée Herbet and Jérôme Drevon, "Engaging armed groups at the International Committee of the Red Cross: challenges, opportunities and COVID-19", *International Review of the Red Cross*, No. 915 (January 2022); and Geneva Call, COVID-19 Armed Non-State Actors' Response Monitor database. Available at [www.genevacall.org/covid-19-armed-non-state-actors-response-monitor/](http://www.genevacall.org/covid-19-armed-non-state-actors-response-monitor/).

Central African Republic also faced one of the sharpest deteriorations in food security. By November 2021, more than 9 million people in northern Ethiopia needed urgent food assistance, and from July some 400,000 people in the Tigray region were estimated to face famine-like conditions. In Yemen, approximately half the population was acutely food insecure, and over 2.25 million children and 1 million pregnant and breastfeeding women were acutely malnourished. In the Syrian Arab Republic, 60 per cent of the population suffered from hunger and food insecurity, a two-fold increase since 2018. The High-level Task Force on Preventing Famine advocated for famine prevention resources and improved humanitarian access.

27. Parties to conflict continued to drive food insecurity by impeding food production, cutting off access to food and destroying food sources indispensable for civilians' survival. In northern Ethiopia, agricultural production was significantly hampered, with people displaced from their farms, crops destroyed and livestock looted or killed. In parts of the Tigray region of Ethiopia, people were reportedly prevented from farming. Constraints on access to the region – including for commercial commodities – severely limited the availability of seeds and other agricultural inputs, as well as stocks of food assistance and fuel. In Yemen, farms, livestock, food storage facilities and other essential food production inputs and infrastructure were damaged in attacks. In Nigeria, farmers were routinely attacked and robbed of produce, while ongoing conflict, road closures and weapon contamination in agricultural fields contributed to lower food production, a loss of livelihoods and acute food insecurity for millions of people.

28. In the Central African Republic, conflict restricted people's access to land and led to a sharp decline in agricultural production and related livelihoods. Armed groups occupied fields and prevented access to crops and opportunities to harvest. Limited access to agricultural land and the abandonment of crops contributed to a 40 per cent drop in harvests compared with 2020. In Mozambique, forced displacement resulted in a loss of access to agricultural land and livestock, and related livelihoods. A ban on maritime movements off the coast of Palma hampered fishing, a primary livelihood in coastal communities.

29. Disruptions to food systems and markets drove up prices, and decreased purchasing power and access to supplies. In the Tigray region of Ethiopia, infrastructure in 85 out of 200 markets was non-functional or destroyed. In addition to a lack of commercial supplies, essentials became unaffordable for most of the population. In Yemen, the continued collapse of the economy wiped out people's incomes, caused major food and fuel price increases, and hampered imports of essential commodities. In the Central African Republic, markets were disrupted, affecting the availability of food, and driving up the median price of basic goods by 20 per cent between January and June 2021.

#### **The natural environment**

30. Military operations damaged the natural environment. In the Syrian Arab Republic, damage to industrial infrastructure has generated millions of tons of rubble and dust containing hazardous materials such as asbestos, heavy metals, chemicals and combustion products, with a potentially serious impact on health. During fighting in Gaza, a fire broke out at a warehouse storing pesticides and herbicides, and in factories containing large amounts of hazardous chemicals, causing groundwater contamination. In northern Iraq, military operations sparked wildfires, causing deforestation, driving farmers and pastoralists from their land, and threatening populated areas. In Ukraine, the presence and detonation of landmines and explosive remnants of war have hindered the response to wildfires.

31. Weak governance, disruption and neglect resulting from prolonged conflict have also taken a heavy toll on the natural environment. In the Democratic Republic of the Congo, weak governance has enabled the exploitation of forests, wildlife and minerals, and contributed to deforestation. In eastern Ukraine, disruptions to industrial mine maintenance have posed a risk of groundwater contamination with toxic and radioactive materials. In Libya, oil spills from ill-maintained power plants, oil fields and offshore installations resulted in coastal pollution in some areas. Weak governance and decreased maintenance capacity led an aging fuel tank in Baniyas, Syrian Arab Republic, to leak nearly 12,000 m<sup>3</sup> of heavy fuel oil into the Mediterranean Sea in August 2021, imperilling marine environments and the health of local communities. A rusting oil tanker moored in the port of Aden, Yemen, sank and contaminated over 20 km of beaches, including a large nature reserve. The deteriorating floating storage and offloading tanker *Safer* also remained off the west coast of Yemen, illustrating the need to urgently mitigate the imminent threat of destroying ecosystems, jeopardizing livelihoods, contaminating the food chain and forcing critical ports to close.

### **Forced displacement**

32. By mid-2021, an estimated 84 million people were forcibly displaced, compared with 82.4 million by the end of 2020.<sup>6</sup> Nearly 50.9 million people were internally displaced by conflict, 4.4 million were asylum-seekers, and 26.6 million were refugees. In the Syrian Arab Republic, 6.6 million people, some of whom had been displaced up to 25 times, remained displaced. With some 5.6 million internally displaced persons, the Democratic Republic of the Congo was home to one of the largest populations of such persons in the world, while also hosting more than 500,000 refugees. Ethiopia had more than 4.2 million internally displaced persons by the end of 2021, including over 2.1 million displaced owing to the conflict in the north. Colombia had 4.9 million conflict-related internally displaced persons and Yemen had 4.3 million.

33. In many conflicts, internally displaced persons faced heightened dangers and challenges, including sexual violence, family separation, arbitrary arrest or detention, exposure to explosive remnants of war, and limited access to food, shelter, health, water, sanitation and education. Women and children formed the large majority of internally displaced persons. Over 30.5 million internally displaced persons were children and young people.<sup>7</sup> Five million internally displaced persons were living with disabilities, and 2.6 million were elderly, putting them at greater risk of abuse and neglect.

34. In follow-up to the September 2021 report of the High-level Panel on Internal Displacement, the Secretary-General issued a draft Action Agenda on Internal Displacement in December 2021. It contains a common vision of stepped-up efforts to address internal displacement, including by advancing durable solutions, preventing new displacement crises, and ensuring that those facing displacement receive effective protection and assistance. The draft Action Agenda, which is undergoing consultations with key stakeholders prior to its finalization, renews the Secretary-General's call for all Governments to urgently put in place policies, training, guidance, and other measures to protect civilians during conflict and reduce displacement risks.

<sup>6</sup> Office of the United Nations High Commissioner for Refugees, "Mid-year trends 2021".

<sup>7</sup> High-level Panel on Internal Displacement, *Shining a Light on Internal Displacement: a Vision of the Future* (2021).



## C. Specific vulnerabilities

### Children

35. In the conflicts in Afghanistan, Cameroon, the Democratic Republic of the Congo, Ethiopia, Iraq, Mozambique, Somalia, the Syrian Arab Republic, Ukraine, Yemen and elsewhere, the number of children killed, injured and subjected to sexual violence remained very high, with devastating effects on the mental health and development of survivors. Harm including amputation, paralysis, loss of vision or hearing and psychological trauma led to social exclusion and impeded access to education.

36. Children in Afghanistan, Cameroon, the Central African Republic, Colombia, the Democratic Republic of the Congo, Mozambique, Nigeria, Somalia, Yemen and elsewhere faced elevated risks of abduction and recruitment, and use in hostilities (see [S/2022/272](#)). In Iraq, the Syrian Arab Republic and elsewhere, children continued to be detained for actual or alleged association with armed groups or for security reasons. Some were ill-treated, tortured and denied due process. The Hawl camp in the Syrian Arab Republic contained approximately 36,300 children. They had inadequate access to food, water, health care and education. Many were deliberately separated from their caregivers.

37. Throughout 2021, educators were killed, injured, kidnapped, and assaulted across at least 13 countries and territories affected by conflict.<sup>8</sup> The highest recorded numbers of killed educators were in Afghanistan and the highest recorded numbers of kidnapped educators were in Nigeria and Yemen. In Afghanistan, Burkina Faso, Cameroon, the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Mali, Myanmar, the Niger, Nigeria, Somalia, the Syrian Arab Republic, Ukraine, the Occupied Palestinian Territory, the Central Sahel and elsewhere, attacks on and the military use of schools deprived children of learning and other services received through schools, and made them more vulnerable to other dangers. In Afghanistan, in the first nine months of 2021, over 900 schools were destroyed, damaged or closed and their rehabilitation hindered by the presence of explosive hazards. In southern Borno and northern Yobe States in Nigeria, at least 15 schools were damaged or set ablaze in attacks. In Ethiopia, thousands of schools were entirely or partially damaged and more than 30,000 teachers were displaced. In Myanmar, 60 schools and university campuses were used for military purposes in 13 states and regions.

38. The Security Council's adoption of resolution [2601 \(2021\)](#) is welcome, in which the Council calls for measures to protect schools from attack and encourages States to mitigate and avoid the military use of schools. Equally welcome are all new endorsements of the Safe Schools Declaration and recent efforts in Nigeria, South Sudan and Ukraine to implement the Declaration and the associated Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

### Sexual violence

39. In conflicts in the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Somalia and elsewhere, parties continued to use sexual violence as a tactic of war and terror, and a form of torture and political repression (see [S/2022/272](#)). In general, conflict-related sexual violence remained significantly underreported owing to fears of reprisals, gender inequality and stigma, while impunity for perpetrators persisted. Women and girls accounted for at least 97 per cent of recorded victims.

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<sup>8</sup> Figures provided by Insecurity Insight.

40. In many places, survivors' access to medical, psychosocial and legal support was severely restricted because of poor infrastructure, insecurity and other factors. Stigma, weak institutions and survivors' lack of trust in the judicial system hampered the pursuit of justice. Nevertheless, accountability measures for sexual violence were recorded. The decision of the International Criminal Court (ICC) in the Ongwen case was the first international conviction for forced pregnancy as a war crime and crime against humanity.<sup>9</sup> In Iraq, the Yazidi Female Survivors Act was adopted on 1 March 2021 to provide support, including reparations, to survivors of sexual violence perpetrated by Da'esh.

### **Persons with disabilities**

41. Persons with disabilities comprise an estimated 15 per cent of any given population, and conflict only increases this prevalence. In Afghanistan, the Central African Republic, Myanmar, eastern Ukraine and elsewhere, persons with disabilities faced barriers in accessing health care, water, sanitation, food, education and employment.

42. Across the Syrian Arab Republic, the disability rate was 25 per cent, while the rate amongst internally displaced persons was around 36 per cent. In Afghanistan, decades of conflict have left approximately 800,000 people with severe disabilities. Stigmatization, combined with limited access to rehabilitation and education, hampered livelihood opportunities. In the Democratic Republic of the Congo, 28 per cent of those surveyed reported difficulties related to sight, hearing, mobility, cognition, self-care and/or communication.

43. When civilians fled to safer areas, those with disabilities, including children and older people, were often left behind because of limited mobility and physical barriers. Those who did flee often lacked their assistive devices and faced accessibility challenges upon arriving in safer areas. They were often at higher risk of violence, discrimination, neglect, gender-based violence, exploitation and abuse. They faced barriers in accessing basic services and were often excluded from education and livelihood opportunities. In the Sudan, Ethiopian refugees with disabilities described stigmatization and discrimination, an inability to access information about available services, and physical barriers in their access to food, water points, sanitation, health centres and schools.

44. In November 2021, the Senate of the Democratic Republic of the Congo adopted a law on the protection and promotion of the rights of persons with disabilities. In July 2021, the Government of Somalia launched a National Disability Agency responsible for designing, developing, and implementing laws, policies and programmes to promote the rights of persons with disabilities.

### **Journalists**

45. According to the United Nations Educational, Scientific and Cultural Organization, 20 out of 55 journalist killings recorded in 2021 occurred in countries affected by conflict – Afghanistan (7), Burkina Faso (2), Colombia (1), the Democratic Republic of the Congo (3), Ethiopia (2), Myanmar (2), Somalia (2) and Yemen (1). Of these, 12 resulted from direct attacks or incidental harm.

### **The missing**

46. Concerns remained over the number of persons going missing. The International Committee of the Red Cross (ICRC) registered more than 29,000 new missing persons cases in 2021 and was following 173,800 cases, about 75 per cent more than five

<sup>9</sup> See [www.icc-cpi.int/uganda/ongwen](http://www.icc-cpi.int/uganda/ongwen).

years ago. As at 31 August 2021, ICRC and the Ukrainian Red Cross had registered approximately 1,880 cases of disappearances in relation to the conflict in eastern Ukraine, 43 per cent of which were still unaccounted for.

47. In Colombia, the Unit for the Search of Persons Deemed as Missing, created by the 2016 Final Peace Agreement between the Government of Colombia and the former Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP), established in 2021 10 new regional search plans with an ethnic and gender approach. Of note, two individuals who had been missing for 20 and 53 years were successfully reunited with their families in 2021. In total, the Unit has recovered 376 bodies and has delivered 42 bodies to their families since its creation.

#### **Sexual exploitation and abuse**

48. Despite clear gains, allegations of sexual exploitation and abuse involving United Nations personnel continued. In his 2021 report on special measures for protection, the Secretary-General looked at progress made over the previous five years and explored areas for improvement (A/76/702). The Secretary-General is committed to prioritizing the rights and dignity of victims, scaling up actions at the country level to tackle the root causes of these wrongs, and identifying and mitigating the risk of this misconduct to prevent its occurrence.

#### **United Nations peacekeeping and special political missions**

49. In the Central African Republic, the number of incidents of civilian harm attributed to State actors and other security personnel in support of the Government increased, creating challenges for peacekeepers serving to protect civilians. Continued uncertainties in the political transition exacerbated the impact of conflict in Mali, as armed groups continued to expand their operations towards the south and west of the country. An increased threat of explosive ordnance in the Central African Republic, the Democratic Republic of the Congo and Mali affected peacekeepers' movements.

50. To address these challenges, United Nations peacekeeping missions leveraged the full range of tools and capabilities to protect civilians, including political engagement and good offices. Missions in Mali and South Sudan have increasingly established temporary operating bases as forward staging points for civilian personnel, enabling them to launch and conduct more protection activities, including dialogue, community engagement and investigations in otherwise out-of-reach areas. These efforts are in line with efforts to build on and improve unarmed approaches to the protection of civilians as part of an integrated and comprehensive response. Technical advice by peacekeeping operations contributed to efforts towards enhanced accountability, including through the operationalization of the Special Criminal Court in Bangui, the progress of the Gender-based Violence and Juvenile Court in Juba and the deployment of mobile courts throughout South Sudan, and the prosecution of several perpetrators of serious crimes in the Democratic Republic of the Congo.

51. In the Transition Plan for the drawdown of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, protection was prioritized in each of the benchmarks. Peacekeeping missions used data analysis to identify and anticipate threats to civilians, make evidence-based decisions and assess mission performance related to the protection of civilians. The missions in the Democratic Republic of the Congo, Mali and South Sudan, and Abyei, all worked to strengthen early warning and rapid response systems for the protection of civilians. Finally, a review of civilian harm mitigation in United Nations peacekeeping operations was conducted to improve measures to prevent, track, mitigate and address potential harm to civilians resulting from peacekeeping military and police operations.

52. Special political missions continued to contribute to the protection of civilians, including through political engagement to prevent and resolve conflict, advance human rights and the rule of law, and support the delivery of humanitarian assistance. In Sudan, the United Nations Integrated Transition Assistance Mission in the Sudan continued to support the transitional Government in implementing its plan for the protection of civilians (S/2020/429), including through the establishment of state-level protection of civilians committees in the five states of Darfur, the launch of the first in a series of round tables between the committees and community representatives, and support to the Sudanese Police Force in assessing needs in the implementation of the police's protection mandate.

#### **D. Accountability for international crimes**

53. Although allegations of international crimes continued to outpace the investigation and prosecution of such crimes, accountability efforts persisted through national, regional, international and hybrid mechanisms. In Ethiopia, three soldiers were convicted of rape and one of killing a civilian in the Tigray region. In Colombia, the period of validity of a national victims' law was extended until 2030 to provide additional time for the judiciary to investigate and assist conflict victims. In Sweden, prosecutors charged the chair of a private company with complicity in war crimes committed in southern Sudan between 1999 and 2003.

54. Some States exercised jurisdiction over crimes committed abroad. A United States court found a Liberian former colonel liable for war crimes and crimes against humanity during a 1990 massacre of 600 civilians. In the first universal jurisdiction trial in Switzerland, a former rebel commander was convicted of war crimes committed during the civil war in Liberia. In Germany, a court determined that a Da'esh member had committed acts of genocide in connection with the enslavement and death of a Yazidi child. A French court sentenced a Rwandan former taxi driver for complicity in genocide and crimes against humanity. In Argentina, a court authorized an investigation into war crimes allegedly committed against the Rohingya.

55. Hybrid and international accountability bodies also made progress. A former Kosovo<sup>10</sup> Liberation Army fighter was arrested and detained on war crimes charges brought by the Kosovo Specialist Chambers. The ICC awarded \$30 million in reparations to victims of war crimes and crimes against humanity committed in Ituri, Democratic Republic of the Congo, in 2002–2003. It also charged a former rebel leader with crimes against humanity and war crimes committed in the Central African Republic in 2013. The ICC Prosecutor confirmed the initiation by the Office of the Prosecutor of an investigation concerning the situation in Palestine since 13 June 2014. The Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission, in their joint investigation into the conflict in the Tigray region of Ethiopia, found reasonable grounds to believe that violations of international human rights and humanitarian law had been committed by all parties. The Independent Fact-Finding Mission on Libya established by the Human Rights Council found reasonable grounds to believe that war crimes had been committed in the country.

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<sup>10</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

### **III. Challenges to humanitarian operations in armed conflict**

56. In recent years, humanitarian operations have faced a range of overlapping challenges. Hostilities and the physical environment have made it difficult to reach people in need in a timely and sustainable manner. Some parties have imposed severe limitations or conditions on humanitarian activities, thereby impeding principled humanitarian action, and have imposed bureaucratic measures that have slowed or stalled operations. Engagement with a proliferating number of armed groups has been challenging. In some instances, States have prohibited or severely restricted humanitarian access to areas in which armed groups designated as terrorist organizations have been present. Non-governmental organizations (NGOs) have had their activities suspended because of perceptions that their assistance has been in support of groups considered terrorist organizations. States' sanctions and broadly conceived counter-terrorism measures have impeded principled humanitarian activities. These constraints have resulted in uneven coverage and prioritization based on opportunity instead of need. They have also made needs assessments and the monitoring of activities more challenging.

57. While acceptance by beneficiaries and communities is key to gaining and maintaining safe humanitarian access, misinformation and disinformation have eroded trust, put humanitarians at risk of harm and ultimately jeopardized humanitarian operations. Social media have facilitated the spread of harmful information influencing various audiences. Humanitarian organizations have invested significant resources in monitoring and countering false information about themselves.

58. When humanitarian activities have been politicized, community acceptance has been jeopardized. Humanitarian staff have been intimidated, arrested and detained in the course of their functions. Humanitarian workers and assets have also come under attack.

59. Many of these factors have combined to hinder humanitarian activities in the Central African Republic, Ethiopia, Yemen and other conflict-affected countries, with harsh consequences related to the availability of essentials for survival, including food. This is despite clear international humanitarian law obligations on all parties to conflict to allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need and to protect humanitarian personnel and assets.

#### **A. Bureaucratic and administrative impediments**

60. Overlapping bureaucratic and administrative impediments have often slowed, undermined or stalled principled humanitarian operations, leaving civilians without essentials and disrupting community acceptance. Such impediments have included complex and opaque registration processes for humanitarian organizations; visa and other entry requirements; movement restrictions; interference with staff recruitment, beneficiary selection and humanitarian activity; administrative delays; heavy levies and restrictions on imports; and misalignment of policies at the central and local levels. Bureaucratic and administrative impediments have also generated higher costs for humanitarians and vulnerability to liability under local laws. Many of these overlapping challenges have arisen in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Iraq, the Sudan, eastern Ukraine, Yemen and elsewhere.

61. In Yemen last year, some 19 million people lived in areas where aid delivery was impeded by entry visa delays, movement limitations, delays or refusals in approving projects, and attempts to interfere with aid delivery. Constraints were particularly severe in areas controlled by the de facto authorities and included

limitations on the movement of female humanitarian workers. Impediments caused major delays and generated additional pressure on already-stretched humanitarian resources. Some progress has been made; humanitarian engagement with authorities has helped to reduce some of these constraints, including the backlog of visas, permits and NGO project approvals.

62. In Ethiopia from July to December 2021, humanitarians faced major impediments in transporting key supplies, including fuel and medicines, to the Tigray region, owing to fighting, attacks on and looting of relief convoys, and long bureaucratic delays. During that period, of the estimated 500 trucks per week of relief supplies required, only 11 per cent reached the Tigray region. In Afghanistan, the most common constraint has been active interference with humanitarian programming, including activities of female staff providing key services for women and girls. In eastern Ukraine, operations were hindered by cumbersome registration and lengthy approval processes for movements between government- and non-government-controlled areas. In Ninawa, Iraq, United Nations agencies needed two authorizations to cross checkpoints, while international NGOs required four and national NGOs required seven.

63. In Myanmar, bureaucratic impediments included burdensome and lengthy travel approval processes, and difficulties in obtaining visas for international staff and registering organizations. In some parts of the country, humanitarian access to people in need was blocked because of delayed or denied travel authorizations, tightened bureaucratic requirements and new roadblocks and checkpoints. Humanitarian organizations were prevented from distributing aid to populations perceived to be affiliated with the opposition. Access impediments left many communities with little access to food, health care, shelter, safe drinking water or sanitation facilities.

## **B. Engagement with non-State armed groups**

64. Up to 160 million people live in areas under the direct control of non-State armed groups or where control is contested. In 2020, ICRC identified around 100 armed conflicts around the world, involving 60 States and more than 100 non-State armed groups as parties. In 2021, the number of non-international armed conflicts had more than doubled since the early 2000s, from fewer than 30 to over 70.

65. Humanitarian engagement with non-State armed groups is indispensable for gaining safe and timely access to populations living under their control or influence, and for promoting respect for international humanitarian law. In 2021, Geneva Call's engagement with non-State armed groups on the promotion of international humanitarian law resulted in an armed group in the Syrian Arab Republic moving some military bases outside civilian areas, an armed group in Yemen signing a unilateral declaration on the protection of health care, and over 1,000 members of non-State armed groups being trained on the protection of children, education and the prohibition of sexual violence.

66. The Security Council has recognized the need for consistent engagement with all parties to conflict for humanitarian purposes (see [S/PRST/2013/2](#)). Under international humanitarian law, an impartial humanitarian organization may offer its services to any party to an armed conflict for the benefit of persons who are not fighting, whether the party is a State or a non-State armed group, irrespective of any sanctions or terrorist designation of the party. Such an offer, and any resulting humanitarian engagement, does not amount to recognition or support of that party and does not have any bearing on its legal status, nor does it amount to interference in the conflict or an unfriendly act.

67. In some conflicts, humanitarian engagement with non-State armed groups may be limited or lacking because of security constraints, the effect of terrorism-related



designations, or a lack of capacity and resources. The multiplication and fragmentation of such groups also poses a challenge to humanitarian engagement. In turn, this limits humanitarian access to people in need living in areas under such groups' influence. Different non-State armed groups will have distinct organizational structures and motivations that should inform how humanitarians engage with them.<sup>11</sup> In addition to a non-State armed group's familiarity with international humanitarian law, community acceptance is key to humanitarians' cooperative engagement, access, and security.

68. The growing presence of private military and security contractors has created distinct challenges for humanitarians trying to reach people in need, making humanitarian engagement with them equally critical. In the Central African Republic, humanitarian engagement and access negotiations with such contractors have been difficult. In western Central African Republic, the staff of such contractors have reportedly used humanitarian premises and accommodation for their own purposes.

### **C. Adverse effects of sanctions and counter-terrorism measures on humanitarian activities**

69. Humanitarian activities are often carried out in countries where groups and individuals designated under sanctions or counter-terrorism measures are present. Such measures have posed significant challenges to impartial humanitarian activities during armed conflict, at times impeding principled humanitarian action precisely where civilians need it and where provision is made for it in international humanitarian law.

70. Certain humanitarian activities and transactions necessary for humanitarian operations could fall within the scope of United Nations, regional and national measures, as could humanitarian goods that are diverted and end up in the hands of designated groups or persons. Such measures can also preclude the provision of goods considered dual-use items, such as protective equipment and water pumps. Moreover, to comply with sanctions and counter-terrorism measures, some States have imposed restrictive conditions on funding to ensure that funded activities do not benefit designated persons or entities. In some instances, complying with restrictions could prevent humanitarian organizations from operating in accordance with humanitarian principles.

71. Sanctions and counter-terrorism measures have also led banks to delay or block transactions, refuse to process payments, and close accounts in connection with humanitarian operations in areas they consider high-risk, causing delays and even the cessation of humanitarian activities. Other private-sector actors, such as insurers and traders, have increasingly shown similar reluctance. In some instances, all this has led humanitarian organizations to discontinue operations in places where sanctions and counter-terrorism measures apply, even when people's needs there were high. These adverse effects have undermined humanitarian organizations' ability to act in accordance with humanitarian principles, jeopardized community acceptance and staff security, and hindered access to civilians in need.

72. In its resolutions [2462 \(2019\)](#) and [2482 \(2019\)](#), the Security Council urged Member States to ensure that counter-terrorism measures complied with their obligations under international humanitarian and human rights law, and to take into account potential effects of those measures on humanitarian activities, including medical activities. The Council has also given clear signals that its sanctions are not intended to have adverse humanitarian consequences, and has reaffirmed that

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<sup>11</sup> Herbet and Drevon, "Engaging armed groups".

measures to implement sanctions need to comply with international humanitarian and human rights law.

73. This should translate into ensuring that sanctions and counter-terrorism measures do not impede impartial humanitarian activities. In this regard, several countries have excluded impartial humanitarian activities from the scope of their sanctions and counter-terrorism measures. While some jurisdictions have issued general and case-by-case licences and derogations excluding the application of sanctions to humanitarian activities, humanitarian organizations often consider the latter approach unworkable for practical, operational and legal reasons.

74. It is welcome that the Council, in its resolution [2615 \(2021\)](#), clarified that humanitarian assistance and other activities that support basic human needs in Afghanistan are not a violation of the financial sanctions applicable to designated individuals and entities associated with the Taliban. This decision, now reflected in the domestic law of a growing number of countries, will enable urgently needed humanitarian action to save lives and livelihoods in Afghanistan. It also serves as a standard to follow in all sanctions and counter-terrorism measures.

#### **D. Hostilities and attacks on humanitarian personnel and assets**

75. In Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Mali, Somalia, the Syrian Arab Republic and elsewhere, hostilities have significantly hampered and endangered humanitarian operations. In Somalia, fighting has impeded the movement of humanitarian personnel and supplies along main routes. Fighting between non-State armed groups has impeded humanitarian access to the centre and north of Mali. In the Central African Republic, insecurity has forced NGOs to scale back or suspend their activities, and the increased use of explosive devices has hampered humanitarian movement and civilians' access to assistance and services. In the Democratic Republic of the Congo, humanitarian workers have been forced to regularly suspend their operations because of hostilities. In Yemen, years of conflict have closed or damaged roads and major supply lines, and rendered telecommunications services unreliable.

76. Insecurity has led international humanitarian organizations to adapt their delivery modalities by opting for bulk or one-time deliveries, relocate multiple times and increasingly rely on local partners. In turn, that situation has weakened community acceptance and thus humanitarian access, while shifting security risks onto local organizations.

77. As many international humanitarian actors turn to local organizations to deliver in areas with severe access constraints, the transfer of risk can have a serious impact on the safety and security of local staff, as highlighted by the number of national staff injured and killed in recent years. Procuring security equipment and training can help to account for difficulties operating in these areas.

78. The cost of humanitarian operations in high-risk or severely constrained environments is significantly higher than in other environments, as it requires security equipment such as armoured vehicles and satellite phones, as well as boats or aircraft to reach people in need. Humanitarian partners with successful acceptance and access strategies have invested in building relationships with communities with a focus on quality programming, but this has increased operating costs.

79. In many situations of conflict, attacks on humanitarian workers and assets are cause for grave concern. In 2021, 143 security incidents against humanitarian workers were recorded in 14 countries and territories affected by conflict – Afghanistan, Burkina Faso, Cameroon, the Central African Republic, the Democratic Republic of



the Congo, Ethiopia, Libya, Mali, Myanmar, Nigeria, Somalia, the Syrian Arab Republic, Yemen and the Occupied Palestinian Territory. Incidents included shootings, aerial bombardment and shelling, bodily and sexual assault, kidnapping, and explosions of landmines and improvised explosive devices, principally during ambushes, combat and crossfire, raids, and individual attacks.

80. These incidents resulted in the death of 93 humanitarian workers. The highest numbers of humanitarian workers' deaths were in Ethiopia, Afghanistan and the Syrian Arab Republic (19, 18 and 15 deaths, respectively). Kidnappings were most prevalent in Mali (41) and the Democratic Republic of the Congo (17). The Syrian Arab Republic and Afghanistan had the highest numbers of wounded humanitarians (36 and 25 respectively).<sup>12</sup>

81. In the past five years, 408 humanitarians were killed, 459 were wounded and 367 were kidnapped in the following nine countries: Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Libya, Mali, Nigeria, Somalia, the Syrian Arab Republic and Yemen. Of the 604 security incidents in these countries over the last five years, at least 28 per cent were kidnappings, 19 per cent were shootings, 17 per cent resulted from aerial bombardment, and 16 per cent were bodily or sexual assaults. Among the deadliest forms of attacks against humanitarian workers were shootings (35 per cent of deaths) and aerial bombardments (28 per cent of deaths).

82. In the nine reviewed countries over the past five years, the Syrian Arab Republic had the highest number of humanitarian deaths (174), followed by Afghanistan (67), the Central African Republic (42) and Nigeria (41). The greatest number of injuries to humanitarians was also in the Syrian Arab Republic (157 wounded), followed by Afghanistan (66 wounded), the Central African Republic (61 wounded) and the Democratic Republic of the Congo (56 wounded). In the past five years, 105 humanitarians were kidnapped in Mali, followed by the Democratic Republic of the Congo (91) and Afghanistan (57) (see table below).

#### Humanitarians killed, wounded or kidnapped

	2017	2018	2019	2020	2021	Total
Afghanistan						
Killed	15	14	18	2	18	67
Wounded	3	12	17	9	25	66
Kidnapped	13	21	15	6	2	57
Central African Republic						
Killed	17	10	6	3	6	42
Wounded	6	7	14	23	11	61
Kidnapped	–	4	4	5	5	18
Democratic Republic of the Congo						
Killed	–	7	12	2	6	27
Wounded	1	10	23	13	9	56
Kidnapped	9	26	13	26	17	91

<sup>12</sup> See the Aid Worker Security Database. Available at <https://aidworkersecurity.org/>.

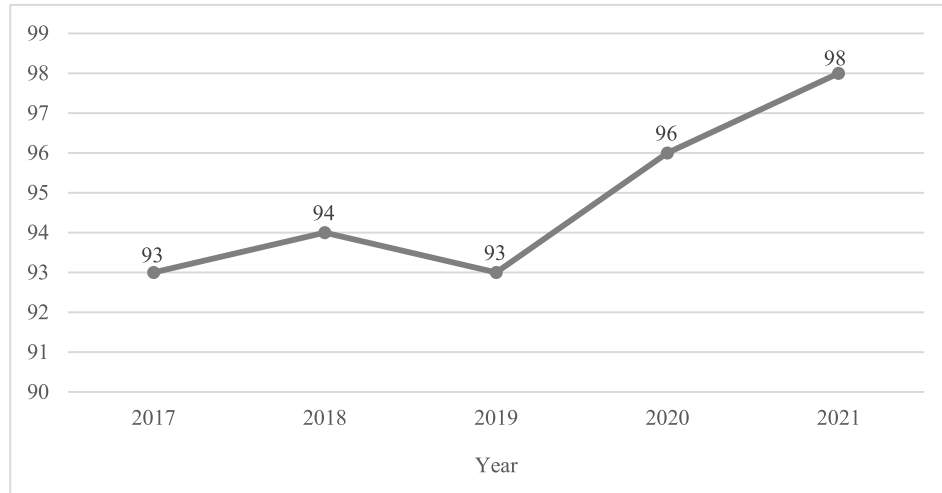
	2017	2018	2019	2020	2021	Total
<b>Libya</b>						
Killed	–	1	–	–	–	<b>1</b>
Wounded	3	2	2	3	–	<b>10</b>
Kidnapped	–	2	–	–	1	<b>3</b>
<b>Mali</b>						
Killed	4	–	–	1	3	<b>8</b>
Wounded	4	15	7	5	3	<b>34</b>
Kidnapped	2	7	22	33	41	<b>105</b>
<b>Nigeria</b>						
Killed	11	5	14	6	5	<b>41</b>
Wounded	15	–	–	6	–	<b>21</b>
Kidnapped	5	7	9	5	6	<b>32</b>
<b>Somalia</b>						
Killed	9	3	5	11	3	<b>31</b>
Wounded	17	2	2	6	–	<b>27</b>
Kidnapped	10	7	8	8	1	<b>34</b>
<b>Syrian Arab Republic</b>						
Killed	43	56	36	24	15	<b>174</b>
Wounded	8	7	49	57	36	<b>157</b>
Kidnapped	2	5	1	4	1	<b>13</b>
<b>Yemen</b>						
Killed	–	2	5	7	3	<b>17</b>
Wounded	3	4	10	5	5	<b>27</b>
Kidnapped	9	1	4	–	–	<b>14</b>

Source: Aid Worker Security Database.

83. Over the past five years, the overwhelming number of humanitarian staff killed, injured or kidnapped in these nine countries were national staff (95 per cent). Since 2019, this percentage has trended upward, as shown in the figure below. In 2021, national staff accounted for 98 per cent of those affected.

### National staff killed, wounded or kidnapped

(Percentage)



Source: Aid Worker Security Database.

84. In the Central African Republic, Ethiopia, Nigeria, the Syrian Arab Republic and elsewhere, humanitarian facilities and supplies have also frequently come under attack, or been looted or used for military purposes. In Nigeria last year, United Nations humanitarian hubs were destroyed or badly damaged, forcing the suspension of operations and ultimately affecting humanitarian assistance for nearly 250,000 people. In Idlib, Syrian Arab Republic, a warehouse containing humanitarian supplies was hit by air strikes, causing the destruction of relief items intended for nearly 25,000 people.

85. Some humanitarian organizations have increasingly relied on private military and security contractors for armed or unarmed protection, logistics, security expertise, crisis management and more. Armed escorts have been used or even imposed by parties to defend humanitarian personnel and assets. The resort to armed protection has come with certain risks: it can draw attacks, undermine humanitarian principles, damage community acceptance and, ultimately, impair humanitarian access. Humanitarian organizations should anticipate and manage these risks and conduct due diligence on the private military and security contractors that they hire. Armed escorts should only be used in exceptional circumstances as a last resort, and consequences and alternatives should always be considered first.

86. While digital technologies such as mobile apps, digital cash and biometrics may create opportunities for effective humanitarian action, they also create the risk of interception, tracking or unauthorized access. With increasing reliance on data and digital technologies, humanitarian organizations are increasingly vulnerable to malicious activities intended to steal, manipulate or leak personal or sensitive data, put the people the organizations serve at risk, disrupt operations, damage trust and acceptance, and endanger humanitarian staff. The data breach that began in November 2021 against ICRC is the most serious known cyberincident in the humanitarian sector to date. To ensure resilience, humanitarian organizations must understand current information-security threats and adopt strategies to protect the data they manage. In February 2021, the Inter-agency Standing Committee launched its Operational Guidance on Data Responsibility in Humanitarian Action to advance data responsibility in all phases of humanitarian action.

## IV. Recommendations

87. Across all the themes examined in the present report, protecting civilians depends on full compliance with international humanitarian law by all parties. States and non-State armed groups, as appropriate, should:

(a) Ratify or accede to relevant treaties, issue unilateral declarations committing to respect international humanitarian law, and incorporate international humanitarian law obligations into national laws, military manuals, codes of conduct, rules of engagement and training;

(b) In coalition operations and with security partners and allies, including non-State armed groups, ensure respect for international humanitarian law and the adoption of good practices. Doing so entails political dialogue, training and dissemination, joint operational planning, and withholding arms transfers where there is a clear risk that the arms will be used to commit serious violations of international humanitarian law;

(c) Investigate alleged war crimes, prosecute perpetrators, ensure reparations for victims and guarantees of non-repetition and strengthen other States' capacity and resources to investigate and prosecute; and become a party to the Rome Statute of ICC, and cooperate fully with ICC and other investigative and judicial mechanisms.

88. I also urge States and non-State armed groups, as appropriate, to adopt and share policies and practices to strengthen the protection of civilians, and to develop national policy frameworks that build upon those policies and practices, which include the following:

(a) Adopting, reviewing and implementing military policy and practice at the strategic, operational and tactical levels throughout military operations. This includes avoiding the use of explosive weapons with wide-area effects in populated areas, improving situational awareness, information-sharing and processes to examine intelligence in real time, and developing specific protections for vulnerable persons, such as children and persons with disabilities;

(b) Tracking and learning from reports of civilian harm to gauge the impact of military operations and avoid and minimize such harm, as well as prompt, comprehensive and transparent recording of civilian casualties to help clarify the fate of missing persons, avoid and minimize civilian harm, and ensure accountability, recovery and reconciliation;

(c) Increasing understanding of the effects of conflict on the natural environment, integrating legal protections for the environment into military training and doctrine and national policy and legal frameworks, and designating areas of particular environmental importance or fragility as demilitarized zones;

(d) Treating children associated or allegedly associated with armed forces and groups primarily as victims and not detaining them except as a last resort, adopting protective measures that take children's best interest and specific needs into consideration, and repatriating foreign children with their family, subject to the principle of non-refoulement;

(e) Ensuring that humanitarian operations are shielded from the political dynamics of conflict, and supporting and facilitating humanitarian engagement with all parties to conflict, including non-State armed groups;

(f) Taking steps to facilitate humanitarian activities, including through expedited visa processing and customs clearance for humanitarian personnel, goods

and equipment, exemptions from taxes, duties and fees on humanitarian activities, and simplified means to operate legally in a country.

(g) Adopting standing humanitarian exemptions that exclude impartial humanitarian and medical activities from the scope of application of counter-terrorism and sanctions measures, and minimizing the adverse humanitarian consequences of those measures for civilian populations.

## **V. Conclusion**

89. The most effective way to protect civilians is to prevent the outbreak of armed conflicts and settle them peacefully. Where conflicts cannot be prevented or settled, compliance with international humanitarian law and human rights law contributes significantly to the prevention and alleviation of human suffering. Policies and practices have been developed and shared to respect and ensure respect for international humanitarian law and strengthen the protection of civilians. Parties to conflict, all States, the United Nations and civil society play distinct and complementary roles in ensuring the protection of civilians. However, parties to conflict and States must apply much greater political will and commitment to respect the rules and implement good policies and practices.

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