Security Council

Protection of civilians in armed conflict

Report of the Secretary-General

I. Introduction

1.   The present report is submitted pursuant to the request contained 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) and 2475 (2019). It is submitted against the backdrop of the coronavirus disease (COVID-19) pandemic, which is the greatest test that the world has faced since the establishment of the United Nations, and which has had a severe impact on the protection of civilians, particularly in conflict contexts. The pandemic is a global health crisis with the potential to devastate conflict-affected States and overwhelm already weak health-care systems. The ability of States to prevent the spread of the virus, care for infected people and sustain essential health services for the general population has been severely constrained and varies from one context to another. The COVID-19 crisis has further exacerbated the vulnerability of the least protected in society. Older people, those without access to water and sanitation, and those with pre-existing conditions appear particularly vulnerable to the virus. Women and children face obstacles in their access to health care and to their livelihood, education and other critical support. In addition, their need for protection, including from domestic and gender-based violence, has increased. Access to maternal and reproductive health services has decreased. Persons with disabilities face new hindrances in gaining access to the services and support to which they have a right. COVID-19 also poses a major threat to refugees and internally displaced persons in camps and settlements, which are often overcrowded and lack adequate sanitation and health services. Pre-existing and new access restrictions on humanitarian actors could further undermine response efforts.

2.   Recognizing the unprecedented challenge that the international community faces, on 23 March 2020, I launched an appeal for an immediate global ceasefire in order to help create conditions for the delivery of humanitarian assistance, open space for diplomacy and bring hope to those most vulnerable to COVID-19. The multiple expressions of support have been encouraging, including the endorsement of Member States, regional and subregional organizations, armed groups, civil society and individuals throughout the world. In many contexts, challenges in implementing the ceasefire still need to be overcome, in particular in areas where there are protracted conflicts, often involving multiple armed actors and complex interests at the local, national and international level. The pandemic may create incentives for some parties

to conflict to press for an advantage, leading to an increase in violence, while others may see opportunities because the attention of Governments and the international community is absorbed by the health crisis.

3.   In these and other conflict situations, international humanitarian law, international human rights law and international refugee law continue to apply and must be respected by all parties and actors in order to ensure effective protection for conflict-affected populations and an effective response to the pandemic. That could be done, for example, by protecting health-care workers, essential infrastructure and transport; reducing conflict-related injuries among civilians and, in turn, relieving pressure on overstretched health-care systems; facilitating the rapid, unimpeded and safe access of humanitarian assistance; and ensuring that those fleeing violence and persecution have access to protection.

4.   The year 2019 featured striking contrasts in the protection of civilians. It marked the twentieth anniversary of the Security Council's consideration of the protection of civilians as a thematic agenda item and the seventieth anniversary of the four Geneva Conventions, a cornerstone of international humanitarian law. Throughout 2019, a chorus of Member States, United Nations representatives and others stressed the importance of protecting civilians and their commitment to international humanitarian law. In September 2019, France and Germany presented the call for action to strengthen respect for international humanitarian law and principled humanitarian action, endorsed to date by 43 Member States.[1] The year ended with the holding of the thirty-third International Conference of the Red Cross and Red Crescent, at which States adopted a road map entitled "Bringing international humanitarian law home: a road map for better national implementation of international humanitarian law".[2]

5.   Despite those positive steps, the reality on the ground told a vastly different story. There were instances in which parties to conflict sought to respect international humanitarian law in their operations, but there were also countless situations to the contrary, whereby the rules of international humanitarian law and international human rights law were regularly flouted, as described in section II. The new decade presents both challenges and opportunities with regard to the protection of civilians, some of which are considered in section III. As discussed in section IV, a genuine and concerted effort to implement the three actions presented in the previous two reports (S/2018/462 and S/2019/373) and, in particular to strengthen accountability for serious violations of the law, would signify real progress towards achieving the three actions. That would require, above all, political will to do so.

II. State of the protection of civilians in 2019: a year of suffering

6.   Tens of thousands of civilians were killed, physically injured or traumatized in 2019. Millions of people were forced from their homes or displaced for a second, third or fourth time, their vulnerability increasing in the process. Consistent with the findings in previous years, women and girls, in particular, were subject to appalling sexual and gender-based violence. In addition, direct or indiscriminate attacks by

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[1] See onu.delegfrance.org/IMG/pdf/humanitarian_call_for_action.pdf.

[2] International Conference of the Red Cross and Red Crescent, "Bringing international humanitarian law home: a road map for better national implementation of international humanitarian law", resolution adopted at the 33rd International Conference of the Red Cross and Red Crescent, 9–12 December 2019 (33IC/19/R1).

parties to conflict damaged and destroyed homes, schools, hospitals, markets, places of worship and essential civilian infrastructure, such as electrical and water systems.

Widespread civilian deaths and injuries

7.   The United Nations reported that more than 20,000 civilians had been killed or injured in 2019 as a result of attacks in conflicts in 10 countries: Afghanistan, Central African Republic, Iraq, Libya, Nigeria, Somalia, South Sudan, Syrian Arab Republic, Ukraine and Yemen. That figure is almost certainly an underestimate. Moreover, it does not include reports of civilian casualties in Cameroon, Chad, the Democratic Republic of the Congo, Mali, Myanmar, the Niger, the Sudan (Darfur) and the occupied Palestinian territory.

8.   Afghanistan accounted for the largest number of recorded civilian casualties, with 10,392 civilians killed or injured by improvised explosive devices, ground engagements, air strikes or other tactics, Women and children represented 42 per cent of the civilians who were killed or injured. In the Syrian Arab Republic, hostilities resulted in the deaths of at least 2,404 civilians, including 466 women and 688 children. In Yemen, 3,217 civilians were reported to have been killed or injured, with children accounting for 25 per cent. In South Sudan, fighting between March and December 2019 led to the killing or injury of 1,405 civilians. In Somalia, 1,459 civilian casualties were recorded in 2019.

9.   Various civilian objects were also damaged or destroyed in 2019. In Myanmar, for example, monasteries, schools and camps for internally displaced persons, as well as agricultural areas, were reportedly subjected to attacks. In Libya, an air strike on an immigration detention facility in July 2019 killed at least 53 migrants and refugees and injured 87 others. Attacks by armed groups on markets, towns and commercial trucks in Nigeria also killed more than 100 civilians. In the far north of Cameroon, attacks by armed groups resulted in the destruction of 700 houses and 7 churches and the killing of more than 200 civilians. In the Syrian Arab Republic, 29 pumping stations were attacked, which affected water availability for tens of thousands of civilians across the country.

10.   The use of explosive weapons in populated areas accounted for at least 17,904 civilian casualties in 2019.[3] For the ninth consecutive year, over 90 per cent of those killed and injured by the use of explosive weapons in populated areas were civilians.[4] This statistic again underlines the need for parties to conflict to avoid the use of explosive weapons with wide-area effects in populated areas. Libya, for example, saw a significant increase in civilian casualties resulting from air strikes, with 409 civilians killed and injured in 2019, compared with 17 civilians the previous year. In Afghanistan, improvised explosive devices remained the leading cause of death and injury, accounting for 42 per cent of civilian casualties. The Independent International Commission of Inquiry on the Syrian Arab Republic reports that countless children have been killed by cluster munitions, thermobaric bombs, barrel bombs, improvised rocket-assisted munitions and chemical weapons, often used against civilians and civilian objects. In those and other contexts, explosive remnants of war remain a lethal threat. In Nigeria, contamination from explosive remnants of war posed a threat to an estimated 1.5 million people in the north-east of the country.

11.   Years of conflict in the Sudan have left eight of the country's states affected by anti-personnel mines and explosive remnants of war. By the end of 2019, 3,900 hazardous sites in Iraq had been recorded as contaminated by anti-personnel mines and explosive remnants of war as a result of multiple conflicts that continue to affect

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[3] Action on Armed Violence, Explosive Violence in 2019 (7 January 2020).

[4] Ibid.

infrastructure, homes and livelihoods. Those and other examples are a stark reminder of the deadly legacy of anti-personnel mines and the fundamental importance of their prohibition under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. All States that are not yet party to the Convention are urged to join it without delay and to ensure that those weapons are never used.

12. As reported separately in the report of the Secretary-General to the Security Council on conflict-related sexual violence, the perpetration of conflict-related sexual violence persists in many armed conflicts. In 2019, although men and boys were also victims of conflict-related sexual violence, women and girls continued to account for the vast majority of recorded victims. Patterns of conflict-related sexual violence were identified in the context of detention, displacement and migration, during military operations, as retaliation by armed groups for perceived support for adversaries, or in order to control land, mineral resources or illicit industries. Harmful coping mechanisms, such as early and forced marriage, were reportedly used by households, primarily in refugee and displacement settings.

13. As reported separately in the report of the Secretary-General on special measures for protection from sexual exploitation and abuse (A/74/705), the United Nations has been strengthening accountability measures and putting victims at the centre of efforts to address allegations of sexual exploitation and abuse by United Nations personnel and implementing partners. However, significant challenges remain, such as the high turnover of personnel, combined with the vulnerable environments in which the United Nations operates, whereby constant vigilance is required to ensure that systems are in place to identify and mitigate risk, screen and train personnel and respond in a victim-centred, timely and robust way to allegations when they are received.

14. Conflicts continued to have a devastating impact on children throughout 2019. Afghanistan, the Democratic Republic of the Congo, Mali, Somalia, the Syrian Arab Republic, Yemen and the occupied Palestinian territory saw significant levels of grave violations against children. Tens of thousands of boys and girls were forced to take part in hostilities, including on the front lines, and were exposed to a multitude of other violations, including killing, maiming and sexual violence. A disproportionate number of children were displaced, with many becoming separated from their families and lacking access to shelter, food and health care. Throughout the year, schools continued to be used for military purposes, exposing teachers and students to attacks. In many situations of conflict, attacks on schools included the burning of facilities, the destruction of school equipment and threats against education personnel. Such incidents underline the need for parties to conflict to strictly comply with international humanitarian law and for States to endorse and implement the Safe Schools Declaration.

15. Thousands of children actually or allegedly associated with Islamic State in Iraq and the Levant (ISIL) and affiliated groups live in precarious conditions. Those children are highly vulnerable and need to be treated first and foremost as victims, with primary consideration given to the best interests of the child in determining their treatment. Under international human rights law, every child who has allegedly infringed the penal law, or who has been accused of or recognized as having done so, is to be treated in a manner which is consistent with the promotion of the child's sense of dignity and worth, reinforces the child's respect for the human rights and fundamental freedoms of others and takes into account the child's age and the desirability of promoting the child's reintegration and of increasing the child's potential to assume a constructive role in society.

16. At least 16 journalists were reportedly killed in armed conflicts in 2019,[5] including in Chad, Libya, Somalia and the Syrian Arab Republic. This was a decrease from the previous year, when 35 journalists were killed in armed conflicts, however, that is because fewer journalists were reporting from conflict zones owing to the high degree of insecurity. The lack of access granted to the media is of grave concern, given the importance of independent reporting in exposing human suffering, restraining belligerents and advocating political solutions and accountability.

Millions displaced as a result of horrific violence and terrible conditions

17. Conflict forced millions of civilians from their homes in 2019, adding to the 70.8 million people who had already been displaced as a result of conflict and violence by the beginning of 2019. The majority of those people – over 41 million – were displaced in their own country. For example, almost 1 million people were newly displaced in the Democratic Republic of the Congo, 455,553 in Afghanistan and 200,000 in Nigeria. In Libya, the number of internally displaced persons almost doubled in 2019 to 343,000 because of fighting in Tripoli. In the Syrian Arab Republic, 1.8 million people were displaced in 2019. Many Syrian families have suffered multiple displacements. In Myanmar, fighting displaced 48,000 people in Rakhine State and 26,000 in Shan State.

18. Displaced people faced acute challenges in 2019, including the threat of further violence, inadequate access to humanitarian assistance and limited prospects for durable solutions. At the same time, families and communities hosting displaced people, both in urban and in other areas, were under increasing stress.

19. The High-level Panel on Internal Displacement, established in October 2019, is tasked with proposing concrete long-term solutions to internal displacement, so that Member States and the United Nations can improve their efforts to help all those affected, including displaced persons and host communities.

Humanitarian access hampered by violence, insecurity and bureaucracy

20. Violence against humanitarian workers and assets, including killings and assaults, arbitrary detention, harassment, theft and the military use of humanitarian premises, were widely reported in 2019. Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Mali, Nigeria, South Sudan and the Syrian Arab Republic accounted for the highest number of security incidents in 2019.[6] National staff accounted for more than 90 per cent of those killed and injured. In Yemen, for example, 392 incidents of violence against humanitarian personnel and assets were reported. In Afghanistan, 32 aid workers were killed, with 52 injured and 532 abducted. In the Democratic Republic of the Congo, 357 security incidents were reported, with four humanitarian workers killed, 22 injured and 36 abducted. In South Sudan, 535 incidents were reported in 2019, in comparison with 760 in 2018, and at least 129 humanitarian workers were relocated in 2019 owing to insecurity, leading to disruption of operations.

21. Humanitarian operations were also constrained by various bureaucratic and other impediments in the Democratic Republic of the Congo, Iraq, Libya, Myanmar, Nigeria, Somalia, South Sudan, the Syrian Arab Republic, Yemen and elsewhere. In Yemen, 2,570 access-related incidents were reported in 2019, resulting in impediments or delays to humanitarian services for 8.3 million people, including more than 2.1 million children. In Iraq, although conflict-related access restrictions

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[5] International News Safety Institute, "Killing the messenger 2019: an analysis of news media casualties carried out for the International News Safety Institute by Cardiff School of Journalism" (2020).

[6] See https://aidworkersecurity.org/incidents/search?start=2019&detail=1.

subsided in 2019, there were still more than 320 incidents involving the denial or hindrance of access to people in need, affecting 1.4 million people.

22. Humanitarian organizations in Somalia faced arbitrary taxation and interference from authorities in contracting suppliers and service providers, and in staff recruitment. These and other incidents led to disruptions, delays and, in some cases, the suspension of humanitarian operations. In the Democratic Republic of the Congo, complex or delayed registration and visa processes for non-governmental organizations and ad hoc taxation had an impact on humanitarian operations. National-level authorization was at times not recognized at the provincial level.

23. Humanitarian operations were also constrained by counter-terrorism and sanctions measures. In some contexts, national counter-terrorism policies have led some Governments to impose conditions on humanitarian funding and humanitarian activities that jeopardize the ability of humanitarian organizations to operate in accordance with humanitarian principles. Under the laws of several States, the conduct of humanitarian activities in areas in which groups designated as "terrorist" in those States have significant influence may expose organizations to severe penalties. The Security Council, in its resolutions 2462 (2019) and 2482 (2019), repeatedly urged States to ensure that counter-terrorism measures comply with international humanitarian law and to take into account their potential effect on humanitarian activities, notably through the introduction of exemptions for impartial humanitarian activities in counter-terrorism and sanctions frameworks.

Continued attacks on health care

24. The World Health Organization (WHO) recorded 1,006 security incidents affecting health care, that resulted in 825 casualties across 11 countries and territories in 2019, including Afghanistan, the Central African Republic, Libya, Mali, Nigeria, the Syrian Arab Republic, Yemen and the occupied Palestinian territory. Incidents included the destruction of hospitals, attacks on medical transport, the military use of medical facilities and the removal of medical items from humanitarian convoys. In Afghanistan, increases in the frequency and lethality of attacks on health care resulted in the loss of 48,000 hours of medical care delivery and 76,000 missed consultations. Hostilities in Libya in December 2019 resulted in damage to 26 medical facilities, 12 of which were consequently forced to close. In Yemen, 8.9 million people were in acute need of medical care in 2019, but only half of the medical facilities were functioning, in part, on account of conflict-related damage. Fighting in the north of the Syrian Arab Republic resulted in damage to 82 medical facilities. In the Democratic Republic of the Congo, the response to the Ebola virus disease crisis was significantly hampered by 406 attacks on health-care facilities in 2019. It remains imperative that parties to conflict comply with international humanitarian law and ensure the protection of all medical and humanitarian personnel exclusively engaged in medical duties, of their transport and equipment, as well as of hospitals and other medical facilities, and that Member States step up their efforts to implement Security Council resolution 2286 (2016) and the associated recommendations on the protection of health care.

Hunger driven by conflict

25. Conflict remains the main driver of global hunger. According to the 2020 *Global Report on Food Crises*, 77 million of those who faced acute hunger in 2019 – more than 57 per cent of the total globally – were living in 22 countries and territories affected by conflict or insecurity.[7] In the Lake Chad basin, for example, conflict-

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[7] Food Security Information Network, *Global Report on Food Crises 2020: Joint Analysis for Better Decisions* (2020).

related violence led to a significant increase in acute food insecurity levels between October and December 2019, with 3.3 million people requiring urgent food, nutrition and livelihood assistance, mostly in north-eastern Nigeria.[8] The reported use of starvation of the civilian population as a method of warfare, such as in South Sudan, is of grave concern.

26. In resolution 2417 (2018), the Security Council recognized the intrinsic link between hunger and conflict and the essential role of international humanitarian law in preventing and addressing hunger in armed conflict. It also reiterated the prohibition on the use of starvation of civilians as a method of warfare. In December 2019, the Assembly of States Parties to the Rome Statute of the International Criminal Court adopted an amendment to the Statute to include the war crime of intentionally using starvation of civilians as a method of warfare in non-international armed conflicts. That closes an important gap in the Court's jurisdiction. It also sends a categorical message that intentionally denying civilians access to food and other essentials for survival is a war crime and is not acceptable. States parties to the Statute are urged to ratify or accept the amendment without delay.

Devastating and disproportionate impact of conflict on persons with disabilities

27. Armed conflict has had a significant impact on persons with disabilities. In Yemen, for example, the challenges included limited access to health services, education and employment opportunities. Organizations working for the inclusion of persons with disabilities have faced constraints in providing crucial services because of delays and cuts in funding. Persons with disabilities living in displacement have experienced difficulties fleeing violence and obtaining aid and often live in inadequate and undignified conditions.[9] Similar challenges were also faced by older persons who were often left behind to guard property or abandoned as other family members fled violence.

28. The Security Council's adoption of resolution 2475 (2019) was a welcome call for parties to conflict to protect persons with disabilities and for Member States to end impunity for criminal acts against persons with disabilities; ensure their equal access to basic services, as well as the meaningful participation and representation of persons with disabilities and their representative organizations in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding; and eliminate the discrimination and marginalization of persons with disabilities in situations of armed conflict.

Ongoing tragedy of missing persons

29. Alarming numbers of people continued to go missing in armed conflicts in 2019. At the end of 2019, ICRC alone was handling more than 139,000 tracing requests from the families of missing persons, the majority of which were related to past or ongoing conflicts. The families of the missing persons were in despair, not knowing the fate and whereabouts of their loved ones. They also faced other challenges in their daily lives, including social isolation and legal, administrative and economic obstacles, especially when the missing person had also been the breadwinner. Moreover, the anguish and uncertainty often jeopardized reconstruction of the social fabric of conflict-affected societies.

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[8] Food and Agriculture Organization of the United Nations (FAO) and World Food Programme (WFP), "Monitoring food security in countries with conflict situations: a joint FAO/WFP update for the members of the United Nations Security Council", issue No. 7 (January 2020).

[9] Amnesty International, *Excluded: Living with Disabilities in Yemen's Armed Conflict* (London, 2019).

30. International humanitarian and international human rights law prohibit enforced disappearance. Under international humanitarian law, parties are required to prevent persons from going missing and to take all feasible measures to account for those reported missing as a result of armed conflict. International humanitarian law also provides for the right of families to receive information on the fate and whereabouts of their missing relatives and requires States to investigate alleged war crimes, some of which may include violations that led to people going missing, including cases of enforced disappearance.

31. All Member States need to ensure that they have in place appropriate laws, policies and institutional frameworks or mechanisms to prevent people from going missing, to search for missing people and to respond to the needs of their relatives in situations of armed conflict. Key measures include: the systematic registration, centralization and timely transmission of information on protected persons to their families, in particular detainees and the dead; the establishment of national information centres; the collection, management and protection of information on missing persons; the establishment of the necessary forensic processes and capacity for managing human remains; and the provision of psychological, legal and financial support to families of the missing. The fact that in resolution 2474 (2019), the Security Council called upon Member States and parties to conflict to take such measures, was welcome. Parties to conflict and Member States are encouraged to avail themselves of the support of ICRC and other relevant actors to establish the necessary legal, policy and institutional frameworks and to exchange good practices.

III. Protection of civilians in the new decade: risks and opportunities

32. It is of grave concern that the COVID-19 pandemic may exacerbate difficulties in the protection of civilians. Since the attention of Governments and the international community is absorbed by the health crisis, the pandemic may create incentives for some parties to conflict to press their advantage or seek opportunities to attack, which could lead to an increase in violence and civilian suffering. Such a scenario underlines the need for scrupulous compliance with international humanitarian and international human rights law and standards, which would support efforts to respond to the pandemic, including by protecting health-care workers, facilities and transport.

Need for new approaches to urban warfare as a result of high population density and vulnerability

33. Urban warfare will remain a defining feature of armed conflict in the years to come. Parties to conflict have to recognize that they cannot fight in urban and other populated areas in the way that they would in open battlefields, for example, by using explosive weapons with wide-area effects and placing civilians at a high risk of indiscriminate harm. High population density in cities and towns means that greater numbers of civilians are at risk. Moreover, the nature of the urban environment, with a high occupancy level of dwellings, narrow streets and blind corners, challenges the ability of parties to accurately assess and anticipate harm to civilians and civilian objects. Civilians risk being caught in the crossfire or mistaken for combatants and attacked. The comingling of combatants with civilians and the proximity of military objectives to civilian objects, which may be deliberate and itself a violation of international humanitarian law, places civilians more at risk of sustaining incidental harm in attacks. Efforts by parties to conflict to estimate and minimize the collateral damage from explosive weapons may also be ineffective in urban contexts. Narrow streets and tall buildings can channel blasts in ways that are not anticipated, while building materials can contribute to secondary fragmentation which may kill or injure

civilians. The interconnectedness of essential service infrastructures, such as water and power systems, and their vulnerability to damage from heavy explosive weapons means that access to services essential to the survival of the civilian population more broadly could be cut off.

34. The ongoing efforts of Member States and other relevant actors to develop a political declaration to address the humanitarian impact of the use of explosive weapons in populated areas are welcome. As the discussions continue, there remains a fundamental need for such a declaration to, inter alia, commit States endorsing it to avoid the use of explosive weapons with wide-area effects in populated areas and to develop operational policies against such use.

35. Ensuring effective protection for the civilian population in the event of urban warfare is about more than avoiding the use of explosive weapons with wide-area effects. Above all, it requires making the protection of civilians a strategic priority in the planning and conduct of military operations. That means reviewing and rethinking urban warfare by analysing past and current operations, including the tactics employed by adversaries, collecting lessons learned and identifying and sharing good practices. It also means using that evidence and knowledge to inform new doctrines, strategies and tactics that fully take into account the inherent and heightened vulnerability of civilians in urban contexts and the need to prioritize those aspects in operational decision-making at all levels.

Increased risk for civilians from the development and proliferation of weapons technology

36. The use of armed remotely piloted aircraft or drones by an increasing number of States and some non-State armed groups to conduct attacks in places such as Libya, Somalia and Yemen reinforces long-standing concerns over compliance with international humanitarian and international human rights law, accountability and transparency (see S/2013/689, paras. 26–28). As drone technology proliferates, the need to address those concerns becomes increasingly acute. The current absence of debate around the proliferating acquisition and use of armed drones leaves a policy vacuum that has to be addressed by Member States, in cooperation with the United Nations, other international organizations and civil society. Increased transparency, oversight and accountability would boost confidence in the adherence to international law, promote common standards to reduce the potential for unlawful acts, facilitate the implementation of export controls and ensure the provision of more effective protection to civilians.

37. It is also important to move expeditiously to address concerns over the implications of developments in the area of lethal autonomous weapon systems. Autonomous weapons are generally considered to be systems that are enabled to select and attack a target, whether a person or an object, without human intervention. While lethal autonomous weapon systems are not specifically regulated by international humanitarian law treaties, it is undisputed that any autonomous weapon system must be capable of being used, and must be used, in accordance with international humanitarian law. There are, however, important doubts on how lethal autonomous weapon systems can be used to carry out attacks in a way that conforms with international humanitarian law. There are also fundamental moral and ethical issues in allowing technology to decide whether to take a human life.

38. A growing number of Member States have called for a prohibition of lethal autonomous weapon systems. Others consider that the application of existing international humanitarian law is sufficient to regulate their use. All sides appear to be in agreement that, at a minimum, retention of human control or judgment about the use of force is necessary. It is imperative that Member States, with the support

and active participation of the United Nations, other international organizations, civil society and the private sector, quickly reach a common understanding on characteristics, as well as on agreed limitations and obligations, that should be applied to autonomous weapons.

Additional risks to civilians from the malicious use of digital technologies

39. Across the globe, digital technologies help people to connect, share news and information, learn and take decisions. In situations of armed conflict, information can save lives. It can also be misused to promote hatred and incite violence. In many conflict situations, social media has been used to spread disinformation, sow divisiveness and exacerbate violence. In fragile contexts, hate speech is amplified by digital technologies, creating opportunities for individuals, including political actors, and organized groups to prey on existing fears and grievances and spark violence. For some non-State armed groups, such as ISIL, social media has been an important means of recruitment, manipulation and coordination.

40. Responding to such malicious use of digital technology requires a comprehensive approach. This includes conducting prevention activities, building expertise to monitor, detect and assess threats, building resilience among affected populations, increasing digital literacy and mitigating harm once information has already spread. All that has to be done while imposing limits on freedom of expression and information only where they are legal, necessary and proportional. It requires the involvement of Member States, civil society, the private sector and regional and international organizations, including the United Nations. In May 2019, the United Nations launched the United Nations Strategy and Plan of Action on Hate Speech,[10] with the aim of enhancing its efforts to address the root causes and drivers of hate speech and enable effective responses.

41. The potential for the malicious use of digital technology also extends to cyberattacks on critical infrastructure. For example, the increased digitization and interconnectivity of the health-care and energy sectors makes them particularly vulnerable to direct cyberattacks and to incidental harm from attacks directed elsewhere. That vulnerability is often exploited in times of crises, including the COVID-19 pandemic, during which health-care facilities in several countries have been targets of serious cyberattacks and the International Criminal Police Organization (INTERPOL) has reported a rise in ransomware attacks. WHO has faced an onslaught of cyberattacks and impersonation attempts. Similarly, cyberattacks affecting the operation of electrical and water infrastructure in situations of armed conflict could cause significant harm to civilians. Growth in global interconnectivity means that the frequency and impact of such attacks could become increasingly widespread, affecting many systems or networks at the same time. Responses to those attacks can increase the threat to civilians. The challenges of identifying the attribution and intent of cyberattacks are amplified by the challenges of clearly defining State and non-State actors in cyberspace. An increasing number of States recognize that international humanitarian law applies to cyber operations during armed conflicts.[11] However, further reflection is needed to identify ways of reducing the potential human cost of such operations and to work towards consensus on the interpretation of international humanitarian law.

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[10] See www.un.org/en/genocideprevention/hate-speech-strategy.shtml.

[11] International Committee of the Red Cross (ICRC), *International Humanitarian Law and the Challenges of Contemporary Armed Conflict: Recommitting to Protection in Armed Conflict on the 70th Anniversary of the Geneva Conventions* (October 2019).

Civilian suffering compounded by the environmental impact of conflict and climate change

42. The previous report emphasized the negative impact of conflict on the environment and the consequences for human health (S/2019/373, para. 50). Armed conflict has a direct and significant impact on the natural environment, leading to long-term habitat destruction, direct loss of wildlife from poaching or because it becomes a food source for conflict-affected populations, overexploitation and degradation of natural resources, and increases in soil, air and water pollution. This can have detrimental effects on local populations and the environment on which they depend.

43. The increased attention paid by Member States, international organizations and civil society to the environmental damage caused by armed conflicts is welcome. An Arria-formula discussion by the Security Council in December 2019 saw important suggestions that warrant further exploration and discussion. In addition, the draft principles on the protection of the environment in relation to armed conflicts of the International Law Commission were circulated to Governments for comment. In 2020, ICRC will release its updated guidelines on the protection of the natural environment in situations of armed conflict. The guidelines will clarify existing international humanitarian law rules and guide parties to conflict on the adoption of concrete measures for the promotion and implementation of such rules.

44. The importance of implementing international humanitarian law is further underlined by the fact that the environmental consequences of armed conflicts can also contribute to climate change. For example, damage to infrastructure, such as oil installations and chemical facilities, as well as the deliberate burning of oil wells, as occurred in Iraq in 2016, can force large volumes of greenhouse gases and other airborne pollution into the atmosphere.

45. At the same time, conflict-affected populations are especially vulnerable to the consequences of climate change. Armed conflict damages or destroys infrastructure, decreases financial stability, and has a negative impact on foreign investment or interventions which could otherwise support adaptation.[12] Globally, many conflicts occur in warm climate zones, where farming is a common and dominant livelihood, and which are particularly sensitive to climate shocks. According to the Office for the Coordination of Humanitarian Affairs, the world's eight worst food crises are all linked both to conflict and climate shocks. In sub-Saharan Africa, combinations of conflict, floods, droughts and other natural hazards led to a doubling of new internal displacements in just three years between 2015 and 2018.[13] Conflicts erode institution-building and the ability of States and their populations to adapt to and plan for climate change. A better understanding of the relationship between conflict and climate change is crucial.

Protection of civilians, peacekeeping and special political missions

46. The protection of civilians will remain a priority for United Nations peacekeeping operations, in accordance with the mandates provided to them by the Security Council. Peacekeeping operations deployed in evolving security contexts will continue to adapt to ensure the protection of civilians through an integrated approach that builds on the contributions of civilian, police and military components. The revised policy and new guidance entitled "*Protection of Civilians in United*

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[12] Norwegian Red Cross, *Overlapping Vulnerabilities: The Impacts of Climate Change on Humanitarian Needs* (Oslo, 2019).
[13] *Global Humanitarian Overview 2020* (Office for the Coordination of Humanitarian Affairs, December 2019).

Nations Peacekeeping Handbook" issued by the Department of Peace Operations set out this comprehensive and integrated approach. Support for implementing the policy and the guidance will be provided to the mission leadership and Protection of Civilians Advisers through field visits and in-mission training, as well as a virtual campaign of events and resources.

47. Working alongside other protection actors, United Nations peacekeeping operations, together with local communities, Member States and regional organizations, will continue to support the primary responsibility of host States to protect civilians. In seeking long-term and sustainable peace, peacekeeping operations will align their political engagement and support for peace processes with military, police and community-level approaches to protection, thereby ensuring a coherent, integrated and whole-of-mission approach. Peacekeeping operations will ensure that risks to civilians as a result of their presence and actions are identified and mitigated.

48. To support a proactive and preventive approach to peace and security across the United Nations system, peacekeeping operations will need a more structured approach to protecting civilians during transitions and changes in United Nations presence. That applies in particular to cases in which civilians remain at risk during and after the reconfiguration, drawdown and closure of a peacekeeping operation. This will require collaboration and dialogue among actors of the United Nations system, the Security Council and host States during transition planning. Clear benchmarks and standards will need to be set to ensure that the protection of civilians remains at the heart of a United Nations system-wide approach that prioritizes the needs of the population at risk while taking into account the available tools and resources.

49. While United Nations special political missions are generally not mandated to use force and leverage military and police components to protect civilians, they too can play an important role. Depending on the operational context, they can contribute to the protection of civilians through political and civil society engagement, good offices, dialogue, capacity-building and advocacy. Some are mandated to support national authorities in the protection and promotion of human rights, as well as in strengthening law enforcement, judicial processes and criminal accountability for serious crimes.

IV. The principal challenges remain: respect for the law and accountability for serious violations

50. It bears repeating that the terrible suffering inflicted upon civilians would be significantly reduced if parties to conflict respected international humanitarian and international human rights law and if third States took steps to ensure respect for international humanitarian law. However, one simple truth remains: respect for law and accountability for serious violations are the two most pressing challenges to strengthening the protection of civilians.

Moving beyond the rhetoric of demanding respect for the law

51. Throughout 2019, Member States, the United Nations and other actors stressed the importance of protecting civilians and reaffirmed their commitment to international humanitarian law and its implementation. As noted in paragraph 4 above, there had also been important State initiatives. The call for action to strengthen respect for international humanitarian law and principled humanitarian action, presented by France and Germany, has been endorsed by 43 Member States. In December 2019, the

International Conference of the Red Cross and Red Crescent adopted a road map for better national implementation of international humanitarian law.

52.   States endorsing the call for action have pledged to take concrete steps to strengthen respect for international humanitarian law, including the adoption or reinforcement of national protection frameworks to ensure the domestic implementation of the call for action. In action 1 of the 2018 and 2019 reports (S/2018/462 and S/2019/373), States were expressly called upon to develop such frameworks as a means of strengthening respect for law in the conduct of hostilities by establishing clear institutional authorities and responsibilities for the protection of civilians. The frameworks should, inter alia, include a proactive approach to preventing, or at least mitigating and responding to, civilian harm, and strengthen the protection of civilians by State and non-State armed groups. Building on this initiative, it would be desirable from the perspective of the protection of civilians for Member States to develop frameworks incorporating elements such as those outlined in the annex to the 2018 report.

53.   The call for action includes pledges to train partner forces on international humanitarian law and to support the training provided to non-State armed groups. Both activities are key to ensuring compliance with the law and should be pursued. As elaborated in action 2 of the 2018 and 2019 reports, strengthening respect for the law by non-State armed groups requires principled, sustained and strategic engagement with such groups by humanitarian and other relevant actors. It confers no legitimacy on the groups concerned, but reflects the reality that engagement with non-State armed groups is a sine qua non for achieving compliance with the law, negotiating humanitarian access and carrying out humanitarian activities.

Finding the political will to close the accountability gap

54.   As emphasized in action 3 of the 2018 and 2019 reports, ensuring accountability for violations of the law is an instrumental part of enhancing respect for the law. Nevertheless, efforts to that end remain insufficient.

55.   The Security Council has in the past taken significant steps to enhance accountability for serious violations of international humanitarian and human rights law. These include, for example, the establishment of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda in 1993 and 1994, respectively, the establishment of the International Commission of Inquiry on Darfur in 2004 and the International Commission of Inquiry on the Central African Republic in 2013. In 2005, on the basis of the findings of the International Commission of Inquiry on Darfur, the Council took the unprecedented step of referring the situation in Darfur to the Prosecutor of the International Criminal Court, and in 2011, referred the situation of Libya to the Prosecutor.

56.   The General Assembly established the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 to collect and preserve evidence of crimes committed in the Syrian Arab Republic for future prosecutions. The Human Rights Council established the Independent International Commission of Inquiry on the Syrian Arab Republic; an independent international fact-finding mission on Myanmar, which was followed by the establishment of the Independent Investigative Mechanism for Myanmar in 2018; as well as the Group of Eminent International and Regional Experts on Yemen.

57.   Other developments include the case brought before the International Court of Justice in 2019 in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide, *the Gambia v. Myanmar*. This resulted, in January 2020,

in the handing down of provisional measures to protect members of the Rohingya group. At the national level, under the principle of universal jurisdiction, there has been a steady stream of investigations, arrests and prosecutions in several States in relation to the perpetration of international crimes in the Syrian Arab Republic, as well as in Liberia and Rwanda.

58.	To prevent the recurrence of war crimes and provide justice to victims, allegations of war crimes require credible investigation and prosecution wherever and whenever they occur.

59.	There are differences in domestic legal frameworks and in practice across States in the extent to which parties to conflict take the necessary steps to identify and investigate possible serious violations. ICRC and the Geneva Academy of International Humanitarian Law and Human Rights have recently issued guidelines to States which set out a general framework for investigations conducted during armed conflicts and relevant international principles and standards.[14]

60.	Few, if any, militaries, routinely track or investigate civilian harm caused as a result of their operations, but this could help to identify possible serious violations. One recent study found inconsistencies as to when and how investigations into civilian harm are conducted, with note taken of instances of investigations being concluded on the basis of incomplete or inadequate internal information and of the failure to sufficiently incorporate external evidence, such as witness interviews or site visits.[15] The study contains recommendations for moving current practices forward. In addition, the United Nations recently published guidance to support the establishment of casualty recording systems, including in situations of armed conflict.[16]

61.	Both the call for action to strengthen respect for international humanitarian law and principled humanitarian action and the road map for better national implementation of international humanitarian law address accountability for violations. It has also been the subject of broad academic commentary.[17] States have the primary responsibility to promote and ensure accountability and should take concrete, credible and practical actions to that end. Over the past 20 years, the reports of the Secretary-General on the protection of civilians have included extensive recommendations on accountability that remain relevant today and should be implemented (see, e.g., S/2009/277, paras. 61–73).

62.	Drawing on those various sources, it is recommended that Member States, as well as non-State parties to conflict, as appropriate, should:

	(a)	Provide training to members of armed forces and non-State armed groups on international humanitarian and international human rights law, including refresher training;

	(b)	Issue manuals, orders and instructions setting out their respective obligations and ensure the availability of appropriate investigative processes, as well as legal advisers to inform commanders about the application of the law;

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[14] ICRC and the Geneva Academy for International Humanitarian Law and Human Rights, "Guidelines on investigating violations of international humanitarian law: law, policy and good practice" (September 2019).

[15] Centre for Civilians in Conflict, Columbia Law School Human Rights Institute, *In Search of Answers: U.S. Military Investigations and Civilian Harm* (2020).

[16] Office of the United Nations High Commissioner for Human Rights, *Guidance on Casualty Recording* (United Nations publication, Sales No. E.20.XIV.1).

[17] See, e.g., Theodor Meron, "Closing the accountability gap: concrete steps toward ending impunity for atrocity crimes", *American Journal of International Law*, vol. 112, issue 3, pp. 433–451 (July 2018).

(c)   Ensure that orders and instructions are observed by establishing effective monitoring and reporting mechanisms and disciplinary procedures, central to which must be strict adherence to the principle of command responsibility;

(d)   Establish specific capabilities to track, analyse, respond to and learn from allegations of civilian harm.

63.   If not already done, Member States should also:

(a)   Adopt national legislation on the prosecution of persons suspected of war crimes, crimes against humanity, genocide and other violations of international humanitarian and international human rights law and provide redress to victims;

(b)   Search for and prosecute persons suspected of war crimes, crimes against humanity, genocide and other violations of international humanitarian and international human rights law, or extradite them in accordance with the applicable rules of international law;

(c)   Become a party to the Rome Statute of the International Criminal Court without delay;

(d)   Cooperate fully with the International Criminal Court and other investigative and judicial mechanisms.

64.   For its part, the Security Council is urged to consider:

(a)   Continuing to refer to International Criminal Court situations in which crimes under the jurisdiction of the Court are alleged to have taken place;

(b)   Insisting that Member States cooperate fully with the International Criminal Court and similar judicial mechanisms;

(c)   Enforcing such cooperation, as necessary, through targeted measures;

(d)   Systematically requesting reports on serious violations of international humanitarian and human rights law;

(e)   Mandating commissions of inquiry to examine situations in which concerns exist over such violations, with a view to identifying those responsible and holding them accountable at the national level.

65.   Member States are further urged to:

(a)   Invest in investigative, judicial and prosecutorial infrastructure, including in third countries;

(b)   Take appropriate steps to ensure the protection of victims and witnesses so that they can participate safely in investigations and trials;

(c)   Enhance inter-State cooperation, including by offering exchanges of expertise to enhance the capabilities of national actors, including judges, prosecutors, defence counsels and investigators;

(d)   Consider and support accountability initiatives at the regional level;

(e)   Develop innovative solutions to promote and ensure greater accountability;

(f)   Reject amnesties and targeted immunities for war crimes, crimes against humanity, genocide and other serious violations of international humanitarian and international human rights law.

66.   Strengthening accountability for international crimes and other violations of international humanitarian and international human rights law requires much greater political and financial investment in national processes not only in conflict-affected

but also in other Member States. I urge States to take all necessary steps to fulfil the international community's collective responsibility to prevent those crimes and violations, prioritize their investigation and prosecution, and develop a principled and comprehensive approach to achieving accountability, on the basis of the recommendations above.

V. Conclusion

67.   The most effective way to protect civilians is to prevent the outbreak, escalation, continuation and recurrence of armed conflict. As the world confronts the monumental challenge of the COVID-19 pandemic, the need to silence the guns could not be more acute. I again urge parties to conflict to respond to my call for a global ceasefire in order to facilitate efforts to address the pandemic. Where conflicts cannot be prevented or resolved, it is imperative that collectively, parties to conflict, Member States, the United Nations and civil society, strengthen the protection of civilians. In very basic terms, that means ensuring respect for the law in all circumstances and accountability for serious violations. Tools required to achieve that already exist and are available. What is needed more than ever is the political will and commitment to prioritize the protection of civilians in order to ensure that it becomes a tangible reality for those affected by armed conflict, today and in the future.

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