

“Importance of casualty recording for the promotion and protection of human rights.”

Input to inform the High Commissioner’s report to the Human Rights Council, pursuant to resolution 50/11.

By Damián Tuset Varela

Reporting on civilian casualties can have a number of positive impacts on human rights, the implementation of international humanitarian law (IHL), and the protection of civilians, particularly in situations of armed conflict. Here are a few examples of how this can occur:

1. **Increased accountability:** Reporting on civilian casualties can help to hold parties to armed conflicts accountable for their actions and ensure that they are held responsible for any harm they cause to civilians. This can help to deter future violations and create a disincentive for parties to engage in behavior that is harmful to civilians.
2. **Improved compliance with IHL:** By bringing attention to instances where IHL has been violated, reporting on civilian casualties can help to ensure that parties to armed conflicts are more mindful of their obligations under IHL and are more likely to comply with these obligations. This can help to protect civilians from harm during armed conflicts.
3. **Increased protection of civilians:** In some cases, reporting on civilian casualties can lead to increased efforts to protect civilians from harm, either through the implementation of protective measures or through the provision of humanitarian assistance. This can help to reduce the suffering of civilians during armed conflicts and improve their overall well-being.
4. **Promotion of justice:** Reporting on civilian casualties can also help to promote justice for victims of armed conflict and their families. By bringing attention to these incidents and the harm caused to civilians, it can help to create pressure for perpetrators to be held accountable for their actions.
5. **Increased awareness:** Finally, reporting on civilian casualties can help to increase awareness of the impact of armed conflict on civilians, both among the general public and among policymakers. This can help to build support for efforts to protect civilians and ensure that their needs are taken into account in decision-making processes.

Reporting on civilian casualties can have a number of impacts in areas related to missing persons and the right to the truth, particularly in situations of armed conflict.

- **Identification of missing persons:** In some cases, reporting on civilian casualties can help to identify missing persons and provide information to families about the whereabouts of their loved ones. This can be particularly important in situations where large numbers of people have gone missing as a result of armed conflict or other types of violence.
- **Clarification of the circumstances surrounding deaths:** Reporting on civilian casualties can also help to clarify the circumstances surrounding the deaths of

missing persons, which can be important for families seeking to understand what happened to their loved ones. This can help to provide families with a sense of closure and help them to move forward.

- Facilitation of the right to the truth: Finally, reporting on civilian casualties can help to facilitate the right to the truth for families of missing persons and for society as a whole. By shedding light on the circumstances surrounding these incidents and the harm caused to civilians, it can help to ensure that the truth about what happened is not covered up or suppressed.

The United Nations Human Rights Office has published a report which estimates that 306,887 civilians were killed between March 2011 and March 2021 in Syria due to the conflict. The report, mandated by the United Nations Human Rights Council, used statistical estimation techniques to connect the dots where there were missing elements of information and individual documentation by various sources. The report also contains data on deaths, including by age, gender, year, governorate, and cause of death. The report highlights the challenges in recording casualties during a conflict, including the immediate risk to civil society actors who try to access sites and the collapse of usual networks of information as people are displaced or in areas with a general information shutdown. The report also details the high number of female and child casualties, with women and girls comprising 39% of documented civilian casualties, and children comprising 30%.

During a meeting of the United Nations Security Council in May 2022¹, experts and delegates stressed the importance of protecting civilians in conflicts, citing data showing that civilians make up nearly 90% of war-time casualties. They called for the Council to fulfill its responsibility and take action to protect innocent people caught in conflicts around the world. The discussion also highlighted the challenges faced by humanitarian workers, who have faced arrest for providing aid to "the enemy," and the impact of conflict on access to resources such as healthcare and food. The experts called for the Council to prioritize the protection of civilians in military and security operations and to hold accountable those who target civilians or aid workers.

Recording casualties can positively impact the fight against impunity in several ways. First, accurate and comprehensive casualty recording can help to establish the facts and circumstances of an incident and potentially identify those responsible. This information can be used to hold perpetrators accountable and deter future violations. Second, the process of collecting and documenting casualty data can also serve as a form of documentation and advocacy, drawing attention to the impact of violence on civilians and highlighting the need for accountability. Finally, the availability of reliable casualty data can help to inform the development of policies and strategies aimed at preventing future casualties and promoting respect for international humanitarian and human rights law.

It can also be an important tool in the investigation of unlawful deaths, whether or not they are conflict-related. In the context of armed conflict, reliable casualty data can help to establish the facts and circumstances surrounding an incident, including the number

¹ <https://press.un.org/en/2022/sc14904.doc.htm>

of people killed or injured, the types of weapons used, and the location of the attack. This information can be used to determine whether a violation of international humanitarian law has occurred and to identify those responsible.

Outside of armed conflict, casualty recording can also be useful in the investigation of unlawful deaths that are not related to conflict. For example, accurate and comprehensive data on the number and causes of deaths can help to identify patterns of violence or abuse and potentially hold those responsible accountable. Additionally, the availability of reliable data on mortality can inform the development of policies and programs aimed at reducing the risk of unlawful deaths and promoting the respect for human rights.

It can play an important role in promoting the right of access to justice for all and the right to obtain effective remedy and reparation when violations occur. By establishing the facts and circumstances surrounding an incident, casualty data can help to identify those responsible for violations and provide a basis for holding them accountable. This can contribute to a sense of justice and fairness for victims and their families, and can also serve as a deterrent to future violations.

Furthermore, the availability of reliable casualty data can help to inform the development of policies and strategies aimed at preventing future violations and promoting respect for human rights. This can include measures to ensure that victims have access to legal remedies and reparation, such as compensation or other forms of assistance. Overall, accurate and comprehensive casualty recording can help to promote accountability and justice, and can contribute to the protection and promotion of human rights.

Accurate and comprehensive casualty recording can have a positive impact on the human rights of vulnerable groups in several ways.

- **Women:** Reliable data on the number of women killed or injured in conflicts or other situations of violence can help to shed light on the specific risks and vulnerabilities faced by women and girls, and can inform the development of policies and programs to protect their rights.
- **Children:** Accurate and comprehensive data on the number of children killed or injured can help to identify patterns of abuse and highlight the need for specific protections for children in situations of violence. This can include measures to prevent the recruitment and use of children by armed groups, as well as efforts to protect children from harm in conflict and other situations of violence.
- **Older persons:** Data on the number of older persons killed or injured can help to identify the specific risks faced by this group and inform the development of policies and programs to protect their rights.
- **Persons with disabilities:** Reliable data on the number of persons with disabilities killed or injured can help to identify the specific risks faced by this group and inform the development of policies and programs to protect their rights.
- **Persons belonging to national or ethnic, religious and linguistic minorities:** Accurate and comprehensive data on the number of members of minority groups killed or injured can help to identify patterns of abuse and highlight the need for

specific protections for these groups. This can include measures to prevent discrimination and other forms of violence against minority communities.

Casualty recording can help to identify the specific risks and vulnerabilities faced by different groups, and can inform the development of policies and programs to protect their human rights.

It can also have a preventative impact by helping to identify patterns of violence or abuse and highlighting the need for specific protections. By establishing the facts and circumstances surrounding an incident, reliable data can help to identify the root causes of violence and inform the development of strategies to prevent future casualties.

One example of the preventative impact of casualty recording is its use in the context of armed conflict. Reliable data on the number of civilians killed or injured in conflicts can help to identify the specific risks and vulnerabilities faced by this group and inform the development of policies and programs to protect them. For example, data on the number of children killed or injured in armed conflicts can help to identify the need for specific protections for children, such as measures to prevent the recruitment and use of children by armed groups.

In addition to its use in the context of armed conflict, accurate and comprehensive casualty recording can also have a preventative impact in other situations of violence, such as domestic abuse or police brutality. By identifying patterns of abuse and highlighting the need for specific protections, reliable data can help to inform the development of policies and programs to prevent future casualties.