# Call for Input to inform the High Commissioner’s report to the Human Rights Council on the impact of casualty recording

# Submission by Every Casualty Counts

28 February 2023

[Every Casualty Counts](http://www.everycasualty.org) (ECC) welcomes the call for input to the OHCHR comprehensive report on the impact of casualty recording on the promotion and protection of human rights, as mandated by [Human Rights Council resolution 50/11](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F50%2F11&Language=E&DeviceType=Desktop&LangRequested=False).

This submission by ECC is intended to supplement joint submissions made with members of the [Casualty Recorders Network](https://everycasualty.org/casualty-recording-organisations/), including Amhara Association of America, Airwars, AOAV, Défenseurs Plus, Omaria, Pak Institute for Peace Studies, Somali Human Rights Association, Tigray Project – University of Ghent, and the Ukrainian Helsinki Human Rights Union. The current submission focuses on issues not addressed elsewhere and does not repeat previous content.

ECC is an independent, non-governmental organisation which works to ensure all casualties of armed conflict and other situations of gross human rights violations are recorded, identified and acknowledged. ECC conducts global research and advocacy and supports the development and implementation of best practice among casualty recorders worldwide. We have more than a decade of experience working with a wide range of casualty recording initiatives, in all parts of the globe.

ECC is a Registered Charity (No. 1166974) in England and Wales and has IRC 501(c)(3) status in the United States. ECC has been in special consultative status with ECOSOC since 2021.

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## Right to remedy, reparation and truth

One of the most important impacts of casualty recording is also the hardest to measure – fulfilling victims’ rights to remedy and reparation. International law recognises that victims of gross violations of international human rights law and serious violations of international humanitarian law have a Right to Remedy,[[1]](#footnote-1) which is understood to entail a Right to Reparation. Various international guidelines and principles specify that reparation includes, inter alia, the right to verification of the facts, full public disclosure of the truth, and commemoration of the victims.[[2]](#footnote-2) These principles have been reiterated by the Inter-American Commission of Human Rights, and subsequently the Inter-American Court, in judgements which have made clear that reparation for unlawful killings must include full acknowledgement and disclosure of the facts and circumstances surrounding the violation.[[3]](#footnote-3)

The right to remedy and reparation is not limited to the victim’s family and representatives. It is also a collective public right of the affected society.[[4]](#footnote-4) In Resolution 9/11 and subsequent resolutions on the right to truth, the Human Rights Council recognised ‘the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families and society as a whole, to know the truth regarding such violations, to the fullest extent practicable’.[[5]](#footnote-5) States must do more than refrain from blocking access to the facts. They must also preserve relevant documents and archives, and ‘provide appropriate and effective mechanisms for society as a whole and, in particular, for relatives of the victims, to know the truth.’[[6]](#footnote-6)

The process of recording casualties, and the casualty records produced, directly fulfil the aforementioned components of the rights to remedy, reparation and truth. There are many examples of casualty recording initiatives which have fulfilled this function, a few of which are cited below. However, it should be noted that they are predominantly civil society-led endeavours and cannot absolve states of their direct responsibilities to provide remedy and reparation to victims.

The book ‘[Lost Lives’](https://cain.ulster.ac.uk/issues/violence/mckittrick.htm) is an example of casualty records as an enactment of the right to truth, and an aid to reconciliation. It chronologically documents the circumstances of every violent death resulting from the Northern Irish ‘Troubles’ over thirty years, memorialising over 3,700 named individuals. It was originally published in 1999, a year after the Good Friday Agreement, and was ‘[regarded as a monument to the dead and an act of historical recovery simply because it recorded all the deaths without judgement](https://www.bbc.co.uk/news/uk-northern-ireland-51480198)’. [For at least 14 years, a church in Dublin read the list of names continuously every Easter weekend](https://www.irishtimes.com/news/social-affairs/list-of-victims-who-died-in-northern-ireland-troubles-read-out-1.1767270) as an act of commemoration. [The Irish government and Northern Ireland Executive have discussed buying the rights to the book and making it freely available online as an all-island, cross-party initiative to deal with Northern Ireland’s legacy of violence](https://www.irishtimes.com/news/politics/government-considers-buying-rights-to-book-chronicling-3-700-deaths-in-troubles-1.4434340). [Victims and survivor groups have advocated for the book to be made freely available in schools, colleges and libraries](https://www.belfasttelegraph.co.uk/news/politics/lost-lives-authors-do-not-want-book-reprinted/39859151.html).

Lost Lives was subsequently made into an award-winning [feature length film of the same name](https://www.lostlivesthefilm.com/), released in late 2019. During its initial release in Belfast, screenings were sold out for five weeks.[[7]](#footnote-7) In post-screening Q+A sessions, audience members from all sides of the political spectrum spoke about their personal experiences of bereavement caused by the political violence. The film was discussed, and screened, at the national parliament in Dublin. The Irish minister of Foreign Affairs Simon Coveney introduced the film at the Cork Film Festival. [Lost Lives has won several international awards and been shown around the world as part of the official selection at film festivals including Hot Docs (Toronto), BFI London Film Festival, Cork Film Festival, CPH Dox (Copenhagen), Buenos Aires International Film Festival, Osaka Film Festival, and the Peloponnisos International Documentary Festival](https://www.lostlivesthefilm.com/). It has also been broadcast on television in the UK. The British Ambassador to Kosovo had approached the film team to arrange screenings in Kosovo and elsewhere in the Balkans, but these were postponed due to the Covid-19 outbreak.

The [Kosovo Memory Book](http://www.liberkujtimiikosoves.org/?page_id=29&lang=de) is a joint initiative of the [Humanitarian Law Center](http://www.hlc-rdc.org/?lang=de) Serbia and the [Humanitarian Law Centre Kosovo](https://hlc-kosovo.org/en). The book and online database (KMB Database) document the life stories and circumstances of death or disappearance of 13,535 victims of the conflict in Kosovo between 1 January 1998 and 31 December 2000. [Independent evaluations of the KMB Database](http://www.hlc-rdc.org/?p=28185&lang=de) conducted in 2015 concluded that the KMB Database appears to [document every, or almost every, casualty](http://www.kosovskaknjigapamcenja.org/wp-content/uploads/2015/02/Michael-_Spagat_Evaluation_of_the_Database_KMB_December_10_2014.pdf) of the conflict in Kosovo. The Kosovo Memory Book documents the victim’s name, date and place of birth, place of residence, date and location of death/disappearance. It is the result of years of research and is based on direct interviews with thousands of witnesses and family members, photographs, court documents, forensic reports, records of the armed forces, reports of non-governmental organizations and the media, war diaries and other related documents.

Like ‘Lost Lives’, the Kosovo Memory Book lists the deceased by objective criteria (in this case, alphabetically). They are not divided by political, religious, ethnic or military status. This combined recognition of casualties from all sides of the Kosovo conflict was a deliberate effort to create a shared societal understanding of the past, and combat ethno-nationalistic memory politics. This approach embodies the recommendations of the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, who has stated that ‘[in transitional contexts, memorialization processes must aim at building a democratic, pluralistic, inclusive and peaceful society, restoring dignity to victims and enabling society to regain trust and foster reconciliation](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/404/91/PDF/G2240491.pdf?OpenElement).’

Casualty records have also facilitated the administration of material reparation to survivors. For example, [lists totalling 13,003 individually identified victims](https://sierraleonetrc.org/index.php/view-the-final-report/download-table-of-contents/volume-two) of war crimes and gross human rights violations, including unlawful killings, compiled by the [Sierra Leone Truth and Reconciliation Commission](https://sierraleonetrc.org/) were later used to help [identify war victims](file:///C%3A//Users/rneta/Every%20Casualty%20Dropbox/Advocacy/OHCHR%20report/ICTJ-SierraLeone-Reparations-Report-2009-English.pdf) eligible for the national reparations programme. Similar ‘victim registries’ have been used to identify bereaved families eligible for financial compensation and reparations in other contexts, such as [the register of victims of terrorism created by the autonomous government of the Basque Country](https://www.euskadi.eus/o11aConsultaWar/victima). In his [report on domestic reparations programmes](https://www.ohchr.org/en/documents/thematic-reports/ahrc4245-promotion-truth-justice-reparation-and-guarantees-non), the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence has noted that such registries are ‘crucial in order to have realistic projections of the level of victimhood in States undergoing transitions. Adequate registries also help in estimating the cost of redressing the potential beneficiaries of the programme and in planning resource allocation. Registries could also facilitate reparation for victims in urgent need of attention, through urgent reparation programmes. They also constitute a key measure of acknowledgment, satisfaction and memory.’ The Rapporteur also acknowledges the important impact of civil society organisations, such as casualty recorders, for this work to be effective: ‘Building strong registries of victims requires reaching out to civil society organizations. They have relevant data about victimhood and violations that would be of utmost importance in any mapping exercise. They also have vital links to communities of victims that could help State authorities to build trust with victims and help them come forward.’

Effective exercise of the collective right to truth is also an important component of guarantees against recurrence. Whilst the impact of such work will always be difficult to quantify, a recent study by researchers at Humboldt University (Germany) found a [correlation between the installation of memorial plaques to individually named Holocaust victims and a statistically significant reduction in vote share for far-right political parties within that electoral district](https://osf.io/ywdnq/). The role and impact of memorialisation initiatives within transitional justice processes is considered at length in the [report on memorialization processes in the context of serious violations of human rights and international humanitarian law: the fifth pillar of transitional justice](https://www.ohchr.org/en/documents/thematic-reports/ahrc4545-memorialization-processes-context-serious-violations-human), by the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence.

## Right to freedom of religion and belief, and respect for family life

Casualty records, whether relating to situations of armed conflict or other gross human rights violations, can play an important role in upholding the right to freedom of religion and belief. This is especially important in societies where names have spiritual significance, and/or where the deceased’s mortal remains have not been recovered.

The Right to Freedom of Religion and Belief includes the right of family members to conduct final rites and dispose of the body of a loved one in accordance with their religious and cultural customs.[[8]](#footnote-8) This is reiterated in the Minnesota Protocol which states that once investigations have concluded, ‘human remains should be returned to family members, allowing them to dispose of the deceased according to their beliefs.’[[9]](#footnote-9) Casualty records have helped uphold this right by enabling the identification of human remains so they can be returned to surviving family members for appropriate disposal.

The IAC has specifically referred to the right to freedom of religion and belief in relation to states’ obligations concerning the victims of mass killings. In the case of *Rio Negro Massacres v. Guatemala* the Court found a violation of the right to freedom of conscience and religion of the survivors as they could not bury their relatives in a culturally appropriate manner*.[[10]](#footnote-10)* In the *Mapiripan Massacres* case, the IAC referred to the ‘lack of opportunity to bury their next of kin in accordance with their traditions, values or beliefs’[[11]](#footnote-11) as a factor contributing to the violation of the right to humane treatment of the next of kin of the victims.

In this context, the work of organisations like the [Fundación de Antropología Forense de Guatemala](http://www.fafg.org) (Guatemalan Forensic Anthropology Foundation, FAFG) has an important impact. FAFG gathers information on casualties and individuals who disappeared during the armed conflict which began in 1960. These records are used to locate and identify victims, so that their mortal remains can be returned to their family and [re-interred in a dignified and culturally appropriate manner in line with traditional beliefs](https://fafg.org/wp-content/uploads/2021/07/FAFG-Annual-Report-2020-EN.pdf). As of February 2023, FAFG has successfully [identified the remains of 3,709 victims](https://fafg.org/nuestro-impacto-2/).

In Canada, the [National Center for Truth and Reconciliation at the University of Manitoba](https://nctr.ca/) (NCTR), is [compiling casualty records, and identifying unmarked burial locations, of indigenous children who died while attending residential school](https://nctr.ca/memorial/)s. An important impact of this work has been enabling the affected communities to conduct traditional ceremonies to honour and remember the children who died. The NCTR has held ‘[a number of specific ceremonies to honour the children within this memorial site including a four-day ceremony in the summer of 2019 at a national gathering of elders. At this most recent national gathering of elders, the knowledge keepers clearly stated how important it was to return these names back to communities to allow additional ceremonies to occur. There is no one ceremony that can replace the many ceremonies that now need to happen in communities across Canada with these names now being known](https://nctr.ca/memorial/national-student-memorial/student-memorial-register-faq/).’

The NCTR has published the casualty records in the form of a [National Student Memorial Register Book](https://nctr.ca/memorial/national-student-memorial/memorial-book/) which is updated annually as new information becomes available. Community Elders and Knowledge Keepers of the National Gathering of Elders were involved in blessing the book before it was first published, and performing traditional ceremonies ‘[to help the children listed within this register find their way home](https://nctr.ca/memorial/national-student-memorial/memorial-book/).’ The memorial book has been made [available to communities ‘to assist and enable further ceremonies in traditional territories’ which the National Gathering of Elders directed must respect ‘all nations, customs and traditions … in honouring these children’](https://nctr.ca/memorial/national-student-memorial/memorial-book/). The NCTR operates a small grants programme to support such community-based commemorations.

As well as reuniting families with the remains of deceased relatives, casualty recording initiatives have helped reunite the living, separated by armed conflict. [Yad Vashem’s Central Database of Shoah Victims’ Names](https://www.yadvashem.org/archive/hall-of-names/database.html) is an ongoing online project to document Jewish victims of the Holocaust, and currently contains life stories of approximately four and a half million individually named victims. As well as commemorating victims, [the database has helped facilitate the reunion of hundreds of family members](https://www.yadvashem.org/remembrance/names-recovery-project/connections-and-discoveries.html) separated by the Holocaust.

## Fighting impunity and monitoring violations of international humanitarian law

Casualty recording initiatives have helped fight impunity and uphold access to justice in relation to war crimes and other gross human rights violations. For example, the [Syria Justice and Accountability Centre](https://syriaaccountability.org/) (SJAC) has established working relationships with war crimes units in Europe as well as the [Europol Analysis Project on Core International Crimes](https://www.europol.europa.eu/operations-services-and-innovation/europol-analysis-projects) and the United Nations [International, Independent and Impartial Mechanism](https://iiim.un.org/) on international crimes committed in Syria. SJAC regularly responds to inquiries in particular cases with concrete evidence from its casualty records. Through contacts it has established while documenting casualties and evidence of international crimes, SJAC has been able to connect witnesses and insiders with various war crimes units at courts in Europe. SJAC has used evidence from its casualty records to compile case files concerning specific suspects who have entered the jurisdiction of existing justice mechanisms, including those in Austria, France, the Netherlands and Sweden. SJAC has sent these case files to the relevant courts and investigators, facilitating several arrests[[12]](#footnote-12) including the [arrest in January 2023 of a man suspected of having been a senior security figure of ISIS](https://apnews.com/article/syria-government-netherlands-damascus-3dd1de152cecf263898c3a5704fbd8a5) in Syria.

[Ukraine Victims Memorial](https://www.victims.memorial/) (UVM) began documenting deaths across Ukraine following the escalation of Russian aggression in February 2022, and publishing this information on a constantly updated memorial website. They also provide information and evidence on specific cases, such as the 1 July 2022 attack on Serhiivka, to the [Clooney Foundation for Justice](https://cfj.org/project/the-docket/) in order to prepare cases for prosecution under universal jurisdiction. UVM has also provided casualty information to Human Rights Watch, for its reporting and assessment of war crimes.

Individual casualty records from the [Kosovo Memory Book Database](http://www.kosovomemorybook.org/?page_id=29&lang=de) (KMB Database) have provided evidence for war crimes trials at the International Criminal Tribunal for the former Yugoslavia and in national courts of the region. The [Humanitarian Law Centre](http://www.hlc-rdc.org/?lang=de) in Serbia and the Humanitarian Law Centre Kosovo have used the KMB Database to [help individual victims file legal complaints at the War Crimes Prosecutor’s Office in Serbia, and to represent or support more than 1,000 victims of war crimes and human rights violations in compensation proceedings](http://www.hlc-rdc.org/?cat=289&lang=de). Extensive details of [these cases are available on the HLC website](http://www.hlc-rdc.org/?cat=268&lang=de).

As of 31 December 2022, the Israeli human rights organisation [B’Tselem](https://www.btselem.org/) had compiled casualty records on all [11,743 individuals killed in Israel and the Occupied Palestinian Territories since 29 September 2000](https://statistics.btselem.org/en/all-fatalities/by-date-of-incident?section=overall&tab=overview) (the beginning of the second Intifada) as a result of the Israeli-Palestinian conflict. These casualty records have informed international investigations and commissions of inquiry into possible war crimes and human rights violations, including the [Report of the United Nations Fact-Finding Mission on the Gaza Conflict](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/158/66/PDF/G0915866.pdf?OpenElement) (2009) and the [Report of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict](https://www.ohchr.org/en/hr-bodies/hrc/co-i-gaza-conflict/report-co-i-gaza#report).[[13]](#footnote-13)

## Protection of civilians – rapid response and planning

When compiled and published promptly, casualty records have helped populations at risk to identify at mitigate specific threats. For example, [Insecurity Insight](http://www.insecurityinsight.org) records and examines threats facing people living and working in dangerous environments. It manages the [Security in Numbers Database](https://insecurityinsight.org/services/the-data-base) (SiND) which records violent incidents affecting humanitarian aid providers, including casualties. This data is then analysed and shared in order to generate insights relevant for aid workers, aid agencies and those concerned with the protection of health workers, educators, IDPs and refugees. **Insecurity Insight’s casualty data and analysis is used by aid agencies to support security risk assessments to better protect humanitarian workers. It is also used in** [training, podcasts and mobile apps which humanitarian workers can access directly](https://insecurityinsight.org/mobile-guides-and-podcasts) **for their own security.** Similarly, the [Aid Worker Security Database](https://aidworkersecurity.org/about), which compiles reports on major security incidents affecting aid workers, produces occasional ‘[Signal Alerts’](https://aidworkersecurity.org/signal-alert) - publications to inform the humanitarian sector of a statistically significant trend, change, or outlier detected in the security environment for aid operations.

Similarly, the [Civilian Impact Monitoring Project](https://www.civilianimpactmonitoring.org/) (CIMP) collects, analyses and disseminates comprehensive data on the civilian impact of armed violence in Yemen. CIMP is a service under the United Nations Protection Cluster for Yemen and, since going live on 1 January 2018, has reported in real-time on incidents of armed violence on civilians at national, governorate, district and sub-district levels. As of 17 February 2023, this includes details of [5,348 civilian fatalities](https://www.civilianimpactmonitoring.org/) (in addition to 9,564 civilian injuries). Of these, 1,097 fatalities were children and 611 were women.

CIMP uses its casualty and civilian harm data to produce [a variety of analytical reports, including daily flash reports on significant events that require rapid follow-up from protection partners](https://www.civilianimpactmonitoring.org/reports). CIMP also produces thematic, quarterly and annual reports which aim to strengthen understanding of how armed violence across Yemen affects communities over time to inform long-term protection planning and response, strengthen prevention and mitigation strategies and inform advocacy at both local, national and international level for increased protection of civilians caught in armed conflict.

CIMP’s casualty data and analysis supports protection responses by informing early warning and rapid victim assistance programmes by protection partners. For example, where casualty records reveal an increase in airstrikes in a particular region, protection partners can prioritise the supply of additional medical supplies to hospitals in this area. Casualty analysis is also used for long-term programme planning based on trend analysis and comprehension of developing threats to civilian communities. For example, records of significant numbers of casualties caused by explosive remnants of war have assisted protection actors in identifying priority areas for demining programmes.[[14]](#footnote-14)

## Protection of civilians - informing national and international responses

Casualty records have a direct impact on political and humanitarian responses to situations of armed conflict or gross human rights violations, by providing factual evidence to inform decision making. Data from independent casualty recording initiatives is regularly cited in national parliaments, international fora, and the news media. Information from casualty records, including disaggregated data on particular categories of victims, is used by human rights advocates to drive international action.

One such example is the use of information on casualties among healthcare and education personnel, compiled by organisations like [Insecurity Insight](http://www.insecurityinsight.org/). This data has been used by the [Safeguarding Health in Conflict Coalition](https://www.safeguardinghealth.org/) **and** the [Global Coalition to Protect Education from Attack](https://protectingeducation.org/) **to advocate internationally for preventive measures and improved accountability. This resulted in the successful** [adoption of the Safe Schools Declaration](https://ssd.protectingeducation.org/)**. (Note that the Safe Schools Declaration itself includes a** [commitment for states to collect detailed data on, inter alia, killings of education professionals and students](https://ssd.protectingeducation.org/implementation/collect-data/)**, reinforcing the importance of gathering such information.) Similarly, casualty information from the Aid Worker Security Database has been in international advocacy initiatives for better protection of humanitarian workers. It has been cited by** [OCHA](https://reliefweb.int/report/world/more-140-aid-workers-killed-2021-crises-soar-worldwide-enaresfrruzh)**, the** [European Commission](https://ec.europa.eu/commission/presscorner/detail/en/statement_20_1476)**,** [international media](https://www.thenewhumanitarian.org/feature/2022/08/18/World-Humanitarian-Day) **and in** [General Assembly resolutions](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F75%2F125&Language=E&DeviceType=Desktop&LangRequested=False)**.**

The potential impact of accurate casualty records on political and military decision making is also made evident by its absence. The failure to record civilian casualty data by members of the US-led coalition following the invasion of Iraq in 2003 was criticised by an [independent inquiry in the UK](https://webarchive.nationalarchives.gov.uk/ukgwa/20171123122743/http%3A/www.iraqinquiry.org.uk/the-report/) and a [research paper commissioned by the Department of Defense](https://www.rand.org/pubs/monographs/MG740.html) in the US. The US report noted in this respect that ‘[h]ad there been a more robust effort to collect accurate information on Iraqi civilians [deaths], military strategists and political leaders might have acted more determinedly to secure the civilian population prior to the carnage of 2006.’ The report reiterates that casualty data is necessary ‘in order to develop a better picture of what is happening to the civilian population and support the creation of more-effective strategies to protect it’.

Analysis of large sets of casualty records has led to identification of specific risks to different demographic groups, including children. Between 2016 and 2019, [multiple independent studies found that children were disproportionately likely to be killed by explosive weapons](https://aoav.org.uk/2021/the-impact-of-explosive-weapons-on-childrens-physical-health/). This finding increased support for global action to restrict the use of explosive weapons, and led directly to the development and publication of the first global [Paediatric Blast Injury Field Manual](https://www.imperial.ac.uk/media/imperial-college/research-centres-and-groups/centre-for-blast-injury-studies/PBIP-BlastInjuryManual2019_I_web.pdf). Without detailed casualty records, there would have been insufficient evidence to support the production of such material.

## Unlawful killings outside situations of armed conflict

Comprehensively recording potentially unlawful deaths also has benefits outside situations of armed conflict. Multiple initiatives have created and analysed such databases to identify sources of risk to particular communities and demographic groups, using this information to advocate for change. Two examples of this type of work are explored below: gender-based violence and deaths in the context of migration.

Casualty records dedicated to victims of gender-based and domestic violence exist worldwide. The [Native Women’s Association of Canada](https://www.nwac.ca/) (NWAC) has [recorded detailed individual life stories and circumstances of death of hundreds of indigenous women](https://safe-passage.ca/) who have been murdered or gone missing in Canada. This enabled researchers to identify and analyse common themes of racialised, sexualised violence against Aboriginal women and girls, [inform policy recommendations](https://nwac.ca/assets-knowledge-centre/NWAC_Voices-of-Our-Sisters-In-Spirit_2nd-Edition_March-2009.pdf) to improve safety, and [develop tailored training resources](https://safe-passage.ca/safe-passage-resource-hub/) for different professional sectors.

In the United Kingdom, the [Femicide Census](https://www.femicidecensus.org/) gathers comparable data on femicides in the United Kingdom since 2009, including details of demographic and social factors. By collating this information the project has identified patterns in such killings which can be used to identify and mitigate risk. In 2018, Femicide Census produced an [analytical report on the 1,425 women killed by men in the UK from 2009 – 2018](https://www.femicidecensus.org/wp-content/uploads/2020/11/Femicide-Census-10-year-report.pdf) which made detailed recommendations for government action.

The importance of such work is reflected in the 2015 [call of the Special Rapporteur on violence against women and girls, its causes and consequences for the creation of a “femicide watch” and/or observatories on gender related killings of women](https://www.ohchr.org/en/special-procedures/sr-violence-against-women/femicide-watch-initiative). Since 2016, the Special Rapporteur has called on different stakeholders—including states, National Human Rights Institutions, civil society, and academia—to submit data on gender-based killings and femicide to facilitate creation of an online global femicide database.

Migrants travelling without valid documentation are a population at significantly increased risk of violent death. Despite the known threats, [state efforts to document and identify persons who have died while migrating are often sporadic and incomplete](https://theintercept.com/2022/05/09/border-patrol-migrant-deaths-gao/). The [IOM Missing Migrants Project](https://missingmigrants.iom.int/) has recorded details of over 50,000 people who have died in the process of migration towards an international destination between 2014 and November 2022. This data has been used to help families learn the fate of missing relatives, identify the most dangerous regions and migratory routes, and to [highlight where states and intergovernmental organisations have failed to live up to existing international commitments](https://missingmigrants.iom.int/sites/g/files/tmzbdl601/files/publication/file/2022%2050k%20deaths.pdf). The IOM has used casualty data to [strengthen advocacy with states to uphold commitments for safe migration, revise policies which endanger life, and enact laws which address the impact on migrants, their families and communities](https://missingmigrants.iom.int/sites/g/files/tmzbdl601/files/publication/file/2022%2050k%20deaths.pdf).

## Recommendations

ECC makes the following recommendations to improve the effectiveness and impact of casualty recording worldwide.

The international community should:

1. Recognise casualty recording as a legal obligation of all states and an essential component of upholding and fulfilling fundamental human rights. To facilitate better understanding of the full extent of these obligations, the Human Rights Council should request the Office of the High Commissioner prepare a report on the international legal framework pertaining to casualty recording.
2. Collaborate to identify best practices and challenges in the practical implementation of casualty recording in different contexts, with the aim of developing and promoting standardised approaches which facilitate more effective data sharing and analysis. These approaches should include both open-source monitoring and direct investigation, recognising that different approaches are required in different contexts and the most appropriate method will depend on factors including the resources available, accessibility, and the security situation.
3. Recognise that state authorities must engage constructively in the casualty recording process and in responding to the records produced, but they are not impartial actors. The quantity and quality of casualty data compiled, and the analysis thereof, is enhanced by the involvement of multiple actors. Monopolisation of casualty recording, for example by military or national statistics agencies, reduces independent oversight and can lead to perceived or actual bias which undermines trust in the findings. The international community should encourage and facilitate the engagement of multiple independent actors in the casualty recording process, including from among civil society.
4. Ensure casualty recording is consistently embedded and adequately resourced in all international responses to situations of armed conflict or violence and other situations of gross human rights violations. This should include providing all necessary capacity building and technical assistance to affected states as required, as well as mandating independent bodies, such as commissions of inquiry, to record casualties.
5. Encourage and support the states concerned to work collaboratively, alongside independent parties, to establish joint casualty lists as soon as possible after the end of a conflict and ideally while the conflict is ongoing. This should include the establishment of joint inter-state or regional commissions to investigate and record casualties on all sides.
6. Recognise that compiling accurate and detailed casualty records is a long-term process, subject to ongoing revision, which can take decades. The international community must commit to supporting these efforts for as long as is required. Premature cessation of such activities must be avoided.

States should:

1. Prioritize low-cost, preventive measures at the outset of armed conflict to reduce the number of casualties who become unidentified. This should include measures such as distribution of digital body tags and grave markers, public awareness campaigns, and storing ante mortem DNA samples of high-risk populations (including military personnel).
2. Create or designate state agencies responsible for coordinating national casualty recording initiatives, and build the capacity of independent civil society-led initiatives. National casualty recording policies should promote and facilitate collaboration between state and civil society actors. Where possible, this should include the development of joint technical and methodological guidance to facilitate efficient sharing of information.
3. Report routinely and transparently on all casualties believed to have resulted from their military actions, and limit the use of official secret or national security restrictions as much as possible. States should also uphold the rights associated with the freedom to seek, receive and impart information concerning casualties.
4. Incorporate information about casualties into national educational curricula in post conflict settings. History textbooks and teaching should endeavour to provide a balanced representation of the past, acknowledging both the casualties and the crimes of all parties to armed conflict. The information should not be politically selective, and wherever possible, states should endeavour to collaborate on developing joint resources and curricula for teaching future generations about the past which facilitate reconciliation.
1. The right to remedy, sometimes incorporated within a wider right to judicial protection, is found in UDHR (Article 8), ICCPR (Article 2.3), ICPPED (Article 24), ACHR (Article 25), ArCHR (Articles 12 and 23), AHRD (Article 5), CDHRI (Article 19), ECHR (Article 13). [↑](#footnote-ref-1)
2. See for example General Assembly resolution 60/147, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,* A/RES/60/147 (16 December 2005); Economic and Social Council E/CN.4/Sub.2/1997/20/Rev.1*, Question of the impunity of perpetrators of human rights violations (civil and political) Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119* (2 October 1997); Updated Principles: Economic and Social Council, E/CN.4/2005/102/Add.1, *Report of the independent expert to update the Set of principles to combat impunity, Diane Orentlicher, Addendum, Updated Set of principles for the protection and promotion of human rights through action to combat impunity* (8 February 2005); The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), Office of the United Nations High Commissioner for Human Rights, New York/Geneva, 2017. [↑](#footnote-ref-2)
3. For example, see Commission on Human Rights, E/CN.4/2006/91*, Study on the right to the truth: Report of the Office of the United Nations High Commissioner for Human Rights*, (8 February 2006). [↑](#footnote-ref-3)
4. General Assembly resolution 40/34, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, A/RES/40/34 (29 November 1985), para. 1. [↑](#footnote-ref-4)
5. Human Rights Council resolution 9/11, *Right to the Truth*, A/HRC/RES/9/11 (18 September 2008); Human Rights Council resolution 12/12, *Right to the Truth,* A/HRC/RES/12/12 (12 October 2009). [↑](#footnote-ref-5)
6. Human Rights Council resolution 9/11, *Right to the Truth*, A/HRC/RES/9/11 (18 September 2008). [↑](#footnote-ref-6)
7. ECC interview with Lost Lives directors, 15 February 2023. [↑](#footnote-ref-7)
8. The right to freedom of religion and belief, also referred to as freedom of thought, conscience and religion, is found in UDHR (Article 18), ICCPR (Article 18.1), ACHPR (Article 8), ACHR (Article 12.1), ArCHR (Article 30), AHRD (Article 22), ECHR (Articles 9.1 and 9.2). [↑](#footnote-ref-8)
9. The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), Office of the United Nations High Commissioner for Human Rights, New York/Geneva, 2017, para. 37. [↑](#footnote-ref-9)
10. Inter-American Court of Human Rights, *Case of Rio Negro Massacres v. Guatemala,* Judgment of September 4, 2012, para. 155. [↑](#footnote-ref-10)
11. Inter-American Court of Human Rights, *Case of the Mapiripan Massacre v. Columbia*, Judgment of September 15, 2005 para. 140. [↑](#footnote-ref-11)
12. ECC interview with SJAC staff, 15 February 2023. [↑](#footnote-ref-12)
13. [Until the end of 2015, B’Tselem had routinely referred its casualty records directly to the Israeli judicial authorities to demand investigations](https://www.btselem.org/accountability/military_police_investigations_followup). However, from 2016 onwards, B’Tselem stopped referring cases due to its lack of confidence in the investigatory system. [↑](#footnote-ref-13)
14. ECC interview with CIMP staff, 14 February 2023. [↑](#footnote-ref-14)