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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Impact of casualty recording on the promotion and protection of human rights

Report of the United Nations High Commissioner for Human Rights*

Summary

> Pursuant to Human Rights Council resolution 50/11, the Office of the United Nations High Commissioner for Human Rights has prepared a comprehensive report on the impact of casualty recording on the promotion and protection of human rights. In the report, it describes casualty recording's use by Governments, the United Nations, civil society, humanitarian organizations and others, for insight and analysis into critical aspects of armed conflicts and situations of violence. Casualty recording has an impact on protection, compliance with international law, early warning, prevention, accountability, access to services and reparations, among others. Through its multiplicity of contexts, actors and approaches, casualty recording can become an integral part of responses to violence and conflict. The work should be further supported to assist in stopping or mitigating harm to civilians and victims to ensure that all casualties are identified, their fate and whereabouts documented, and their mortal remains handled respectfully and returned to their families according to their customs.

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I. Introduction

1. In its resolution 50/11, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a comprehensive report on the impact of casualty recording on the promotion and protection of human rights.

2. In preparing this report, OHCHR benefited from the collaboration and input of States, United Nations entities, including United Nations missions and field presences involved in casualty recording work, national human rights institutions, civil society organizations (particularly members of the Casualty Recorders Network, coordinated by Every Casualty Counts), academia and independent experts. More than 50 respondents who have been documenting casualties over many years, in various contexts and in challenging circumstances, submitted inputs.[1]

3. In examining the submissions, OHCHR sought to highlight examples that demonstrated the breadth and depth of uses to which casualty recording is put and the positive impact it has on the protection of human rights.[2] OHCHR received submissions from a range of entities employing a variety of approaches to recording casualties. To the extent that entities providing information for this report set out their methods, objectives and scope transparently, examples from their work were included in the report even when not fully reflecting OHCHR methodology.

4. Casualty recording is an important and effective means of delivering on a range of fundamental human rights. The examples included illustrate a variety of human rights impacts that casualty recording enables, whether for individual victims and families, or at the community level. Impacts are realized in the rights to life, health, education and an effective remedy, among others. Casualty recording can facilitate measures aiming at accessing food, protection of vulnerable populations, prevention, accountability and freedom of movement. It can also identify patterns of harm and shed light on behaviours that have the most adverse effect on human rights.

5. While casualty recording provides information about individuals, and permits individual case follow-up, it also serves as an evidence base to understand the broader situation and changing dynamics. Often conducted in real time and made publicly available, the information produced is used to inform decisions at multiple levels and by a range of actors, including local communities, civil society and humanitarian organizations, armed actors, authorities, the United Nations and the diplomatic community. The analysis and information is used, among other things, to guide efforts to protect civilians and ensure the enjoyment of their rights and to prevent, and in some cases address, violations of international humanitarian and human rights law.

6. Casualty recording efforts are not new. Within the United Nations, the longest-standing system was established by the United Nations Assistance Mission in Afghanistan (UNAMA) in 2007. Since then, United Nations casualty recording systems have operated in conflict and non-conflict situations, in country and remotely, including in Afghanistan, Iraq, Libya, Mali, Somalia, South Sudan, Ukraine, Yemen and the Occupied Palestinian Territory, among others. Building on its unique experience as the United Nations entity carrying out casualty recording, as well as the experience of other practitioners, in December 2019, OHCHR issued its guidance on casualty recording.[3] Casualty recording also contributes to the engagement of OHCHR with the Protection of Civilians Agenda of the Security Council and to its work as a custodian for the Sustainable Development Goal indicator on conflict-related deaths (16.1.2).

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[1] OHCHR, "Call for input: comprehensive report on 'importance of casualty recording for the promotion and protection of human rights'".

[2] Some 6 submissions were from States (Azerbaijan, Burundi, Croatia, El Salvador, Mexico and Qatar), 1 from the National Institute of Human Rights in Chile, 1 from the Ombudsperson for Children in Chile, 18 from United Nations entities and 25 from civil society organizations, academia or independent experts.

[3] OHCHR, "Guidance on casualty recording" (Geneva, 2019).

7.   Casualty recording is also carried out by a multitude of actors outside the United Nations. In this report, OHCHR acknowledges the breadth of casualty recording work carried out across the globe, which the text is only able to capture in part. OHCHR acknowledges and extends its gratitude.

II.   What is casualty recording?

8.   OHCHR defines casualty recording as the systematic collection and verification of information on individual deaths and, in some instances, also injuries, in situations of violence, including unrest and crisis, and of armed conflict.[4] Casualty recording does not necessarily aim to determine the lawfulness of deaths and injuries. However, information collected on individual cases, as well as aggregate analysis of casualties, may indicate that violations have occurred, including by pointing to the severity and scale of casualties. Casualty recording systems can be specific to certain locations, time periods, types of incidents and types of casualties. They typically operate over a period of time and aim to be comprehensive. According to the guidance on casualty recording, the information collected must show that the casualty falls within the scope of the system and must include unique information about each casualty, usually personally identifiable information.[5] Aggregate data and analysis that are made public should include the location, date and circumstances of deaths or injuries, the number of persons killed or injured, the cause of death, the actors to whom the death or injury is attributed and other information.[6] Each recording effort may vary in terms of specific modalities, scope, available resources and the intended use of the information to further human rights. The methodology applied by casualty recorders outside the United Nations may vary in some respects, also reflecting capacity and resources.

9.   In the experience of OHCHR, casualty recording is most effective when it:

       (a)   Is based on a transparent and robust methodology that ensures data are accurate and reliable and that users can identify potential weaknesses and limitations of the data;

       (b)   Is carried out consistently, systematically and without bias;

       (c)   Draws on multiple independent sources of information and assesses the credibility and reliability of every source;

       (d)   Has an internal quality control process to review information;

       (e)   Corroborates information with multiple sources and employs a "standard of proof" to assess verified information;[7]

       (f)   Is made public as soon as feasible;

       (g)   Links analysis about casualties and broader international human rights and humanitarian law issues.

10.   A consistent and transparent recording methodology is critical in producing reliable information and ensuring it is usable by others. It enables comparisons over time and across variables, such as subnational regions, cause of death and actor attribution. Stringent verification requirements typically result in casualty figures providing a minimum number, with the actual number of deaths or injuries likely to be higher. A robust methodology, when applied in contexts frequently characterized by distrust, misinformation or a combination of these, can result in independent casualty recording emerging as one of the few reliable sources of information.

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[4] Casualty recording should be distinguished from "casualty tracking", which is usually carried out within a military structure to inform tactics and behaviour and mitigate harm to civilians, see OHCHR, "Guidance on casualty recording", p. 9.

[5] Ibid.

[6] Ibid., p. 26.

[7] The standard of proof for casualty recording used by OHCHR is "reasonable grounds to believe". See OHCHR, "Guidance on casualty recording", p. 31.

III. Impact of casualty recording on human rights

11. A key attribute of casualty recording is that it provides victim-centred, fact-based information over time. In volatile contexts in which there are often competing narratives and diverging information about the situation and actors, casualty records gathered independently and based on solid methodology increase transparency by preventing or exposing disinformation, while providing accurate and objective information. Casualty recording can therefore serve as a basis for informed and effective decision-making and even as a point of convergence between actors.

12. Casualty recording assists decision makers, human rights defenders, humanitarian actors and others to devise appropriate responses to civilian harm during armed conflict and threats to people during violence. Its disaggregated information, for example by age, gender, weapon type or geographic location, facilitates multiple types and levels of analysis.

13. Casualty recording is effective at focusing the attention of the international community on the human cost of violence. It has identified groups and communities that are most affected or at risk; bringing to light levels of violence around specific events, such as elections, and indicating the risk of similar violence elsewhere or in the future. It sets out the differential effects across regions; demonstrates trends and patterns or highlights aspects of conflict dynamics otherwise unseen; triggers investigations for accountability and redress; and can reveal information about the behaviour of respective actors, including over time and across geographies. Reports that cite figures drawn from casualty records often generate significant media coverage and are picked up by international news agencies.

14. Casualty recording also contributes to measuring progress on Goal 16 of the Sustainable Development Goals on peace, justice and strong institutions. In particular, casualty records are an information source for indicators 16.1.2 on conflict-related deaths and 16.10.1 on killings and other attacks against human rights defenders, journalists and trade unionists, of which OHCHR is a custodian and on which annual figures are issued.

15. The examples that follow highlight the diverse impact casualty recording has on human rights. While they are organized into categories, many are relevant to more than one, and few fall exclusively or entirely under a single heading.[8]

A. Early warning, prevention and protection

16. The following examples illustrate how casualty recording fosters prevention and protection across contexts and at multiple levels. Identified spikes in casualties, for instance, have been used as an early warning "alarm signal" to trigger action to protect those affected and most at risk. Such action is primarily aimed at responding to emergency needs at the field level, having a positive effect on multiple human rights, in particular on the right to life.

17. In its submission, Croatia recalled that, after some of the most violent incidents at the outset of the war in 1991, high and increasing casualty figures helped to understand the level and the dynamics of violence, prompting the international community's political engagement to reduce the escalation of the conflict, eventually leading to the signing of the "Sarajevo Armistice".[9]

18. The casualty information of the Human Rights Division of the United Nations Mission in South Sudan (UNMISS), along with datasets on patrols by United Nations forces, provides the evidence base to identify real-time, early warning signs and critical hotspots, where an increase in United Nations patrols and temporary operating bases are needed.[10]

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[8] Not all the casualty recording initiatives described in the report are ongoing. Casualty recording work depends on several factors, which may change over time, including the context and the available resources.

[9] Also known as the "Vance plan" or the "Implementing Accord", the armistice of 2 January 1992 led to the deployment of the United Nations Protection Force.

[10] For specifics on the response of UNMISS to hotspots, see S/2022/689, paras. 56–59.

19.   The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) use analysis of casualties to similar effect, including to implement physical protection by United Nations forces deployment, open bases and deploy patrols to critical locations and in joint or unilateral operations against armed groups. In June 2022, for example, following an attack by armed elements in Ouanda Djallé, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic opened a temporary operating base, enabling it to increase patrols in the area and help ensure a safe environment for civilians.

20.   The casualty figures of the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) were used in press releases and public reports to sound the alarm on the situation in Sinjar following the attack in August 2014, which marked the beginning of the genocide of Yazidis by Da'esh.[11]

21.   The UNAMI Human Rights Office also recorded the deaths of hundreds of protesters and the injury of thousands during mass demonstrations in 2019. The Mission's follow-up work using the data to show harmful patterns of force led to a significant reduction, in subsequent demonstrations, in the use of live ammunition and tear-gas cannisters being fired directly at demonstrators and to an improvement in the overall efforts by security forces to exercise restraint. Longer term impacts included the creation by the Government of Iraq of a directorate of law enforcement forces, with a mandate for crowd control, and training and equipment (batons and body protection). No such force previously existed.

22.   The United Nations Assistance Mission in Somalia (UNSOM) applies its recording information to map actors, vulnerable individuals and at-risk groups as a means of predicting where an increase in different forms of violations and abuses, including conflict-related sexual violence, might occur. The information is also used to highlight trends of casualties in military operations, such as joint military offensives conducted by government forces and local clans, and trends related to the number, as well as the deadliness, of Al-Shabaab attacks that take place in response.

23.   Civil society organizations also use casualty recording to foster protection. Save the Children analysed comprehensive casualty records from multiple conflicts produced by a variety of States, United Nations entities and civil society organizations to identify the specific impact of explosive weapons on children. This led to the development of the first *Paediatric Blast Injury Field Manual*, based on the high number of casualties from mines and unexploded ordnance.[12] The *Manual* provides guidance to medical staff with little previous experience or training on the treatment of severely injured children in conflict settings.

24.   In another direct link to protection, the European Asylum Support Office used Iraq Body Count's casualty records to assess the security situation in Iraq in relation to the determination of international protection status.[13] Initiatives such as the Security in Numbers Database[14] and the Aid Worker Security Database,[15] which track security incidents affecting humanitarian work, help humanitarian responders be better informed about and prepared for precarious security contexts. For instance, they send alerts and provide data and analysis that inform the humanitarian sector of key events, statistically significant trends, changes or outliers detected in the security environment and provide information for security risk

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[11] The Independent International Commission of Inquiry on the Syrian Arab Republic found that Da'esh had committed the crime of genocide, as well as crimes against humanity and war crimes against the Yazidis. See the conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic entitled "'They came to destroy': ISIS crimes against Yazidis", available on the web page of OHCHR (www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation).

[12] Steve Bree and others, *Paediatric Blast Injury Field Manual* (London, Paediatric Blast Injury Partnership and Save the Children, 2019).

[13] European Asylum Support Office, "Country of origin information: Iraq security situation (supplement) – Iraq Body Count – civilian deaths 2012, 2017–2018" (2019).

[14] Insecurity Insight, "The SiND".

[15] Aid Worker Security Database, "About the data".

assessments.[16] Insecurity Insight's documentation on the number of health workers killed in Nigeria and South Sudan was instrumental in putting in place mitigation measures for health workers operating there, which in turn helped protect the right to health of the local population.

B. Compliance with international human rights and international humanitarian law

25.   Casualty recorders also collect information that indicates that violations and abuses of international human rights or humanitarian law may have taken place. In addition to disciplinary and accountability measures, such information can be used to foster compliance with international law, including by changing practices and behaviour and enhancing training to this end.

26.   In its submission, El Salvador described how its casualty tracking had led to human rights training of security forces. Developed through the National Academy of Public Security, the police curriculum now includes "human rights and applied law", while that of the military, in addition to international humanitarian law, includes permanent training on human rights and the use of force.

27.   In 2022, the MONUSCO Human Rights Division held a series of meetings with representatives of the national police and of the army to raise cases of alleged violations that emerged from casualty recording and to press for appropriate disciplinary and judicial measures. It also provided training to members of the police, army and civil society.

28.   Casualty recording fosters change in the behaviour of parties to armed conflict. For example, in Afghanistan, following the advocacy of UNAMA, which was based in part on its casualty recording and in response to allegations of civilian casualties caused by the International Security Assistance Force (ISAF), in 2008, the North Atlantic Treaty Organization created the ISAF Afghanistan Civilian Casualty Tracking Cell. UNAMA and the Civilian Tracking Cell worked together to clarify the circumstances of civilian deaths. Similar tracking cells were established in 2012 by the Afghan authorities.[17] In October 2017, the Government of Afghanistan endorsed a national policy on civilian casualty prevention and mitigation and its implementation plan. Also in 2017, the Office of the National Security Council created a database for tracking conflict-related civilian casualties.

29.   The human rights monitoring mission in Ukraine has been comprehensively recording civilian casualties and reporting them publicly since 2014. Its casualty records allow the international community to be fully and promptly informed about the scope and scale of the conflict's toll. Casualty records also prompt investigations, which enable the mission to document violations of international law.

30.   In 2022, OHCHR in Yemen documented incidents of conflict-related violence that resulted in civilian deaths and injuries. The information included causes of death (e.g. landmines and unexploded ordnance, air strikes and the use of explosive weapons during ground engagements) and attribution. Casualty recording analysis of the period of the truce, between April and October 2022, and until the end of 2022 showed that the suspension of air strikes by the Saudi-led coalition and the reduction in the use of explosive weapons resulted in significantly fewer civilian casualties. However, civilian casualties from sniper shootings by Houthi movement fighters did not decrease, and there was an increase in short-range drone attacks by them. Civilian casualties from landmines and unexploded ordnance persisted. Further investigation showed that many incidents amounted to violations of international humanitarian law and that the parties had failed to take all feasible precautions to minimize

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[16]   The Aid Worker Security Report has been cited by the Office for the Coordination of Humanitarian Affairs ("More than 140 aid workers killed in 2021 as crises soar worldwide", 12 August 2022), the European Commission ("Statement by the High Representative/Vice-President Josep Borrell and Commissioner for Crisis Management Janez Lenarčič on World Humanitarian Day 2020", 18 August 2020) and by the United Nations General Assembly (resolution 75/125).

[17]   UNAMA and OHCHR, *Afghanistan: Annual Report 2012 – Protection of Civilians in Armed Conflict* (Kabul, 2013).

civilian casualties. OHCHR regularly publishes its civilian casualty figures and engages with the parties to advocate for improved compliance with international obligations.

31.   In Haiti, United Nations casualty records indicated the death of at least 160 prisoners in 2022. This prompted investigations by OHCHR, which revealed that the deaths had been caused by conditions of detention, including the persistent insufficiency of food, water, medicines and sanitary installations, in part caused by gang violence blocking access to humanitarian aid. Based on this documentation, the United Nations country team, including OHCHR, and national and international stakeholders advocated for the country's prisons to receive supplies of food and medication to protect the inmates' right to life.

32.   In Iraq, UNAMI casualty data revealed that the March 2017 bombing of a building in the Al-Jadida area of Mosul by the United States-led coalition had killed more than 100 civilians. Subsequently, the coalition acknowledged that "an American airstrike played a role in the March 17 attack".[18] Lessons learned from that incident led to adjustments in procedures by United States-led forces with the aim of reducing civilian casualties during the fighting in Mosul.[19]

33.   In 2015 the Civilian Casualty Tracking, Analysis and Response Cell of the African Union Transition Mission in Somalia began operating and, in 2022, the Security Council requested that the Mission share the experience and lessons learned from its tracking operation with national authorities, to support the development of Somali civilian casualty monitoring, mitigation and prevention policies and mechanisms.[20]

34.   Civil society organizations are also engaged in bringing casualty recording to bear on further compliance with international human rights and humanitarian law. Among the many examples is the Third World Studies Centre of the University of the Philippines, which records and publicly disseminates information on drug-related killings by the country's security forces and advocates for compliance with international human rights law.[21]

C.   Accountability

35.   Casualty records assist States in fulfilling their obligation to investigate allegations of international human rights and humanitarian law violations and abuses by pointing to incidents in which a violation may have taken place. This may prompt further action and foster accountability.

36.   In South Sudan, in 2022, UNMISS recorded 42 civilians having been killed in Warrap State, primarily by extrajudicial execution, leading to priority engagement with authorities at the national and state levels to ensure that the executions were halted, to press for investigations and to see that the perpetrators were brought to justice.

37.   The independent international commission of inquiry on the protests in the Occupied Palestinian Territory used casualty data from several sources, including the United Nations, in its investigation on the use of force against the protestors in Gaza along the border with Israel.[22] The detailed, disaggregated records of the deceased, which included the victim's

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[18] International Committee of the Red Cross, "Iraq, the battle for Mosul" (citing Michael R. Gordon, "New ISIS tactic: gather Mosul's civilians, then lure an airstrike", *New York Times*, 30 March 2017). See Tara Copp, "US-led coalition adjusts tactics to counter Islamic State forcing civilians into targeted buildings", Stars and Stripes, 30 March 2017.

[19] Ibid.

[20] Security Council resolution 2628 (2022), para. 11.

[21] Periodic infographics show a rundown of drug-related killings disaggregated by age and sex (https://twitter.com/DahasPH). Their data have been used in the reports of the United States Department of State (United States, Department of State, *2021 Country Reports on Human Rights Practices: Philippines* (2021)), OHCHR (A/HRC/44/22, para. 19) and Human Rights Watch (Human Rights Watch, "Philippines events of 2022"), as well as various media outlets, raising awareness on the human cost of the war on drugs and the imperative to respect human rights.

[22] See the conference room paper containing the detailed findings of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, available on the web page of OHCHR (www.ohchr.org/en/hr-bodies/hrc/co-iopt/opt).

name, age, affiliation, status and the date, time and manner of death, were set out in the commission's public report and shared with international and national accountability mechanisms.

38.   Casualty recording has also been used in support of the accountability efforts of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD). Casualty recording by UNAMI, which documented the killing of several hundred people in Camp Speicher and in the Badush prison in June 2014, as well as incidents targeting ethnic and religious minorities, was used as a basis for investigations by UNITAD into these incidents.

39.   Furthermore, more than 70 per cent of United States internal inquiries into civilian casualties caused by air strikes in the Syrian Arab Republic and Iraq since 2014 have been based on casualty recording submitted by Airwars.[23]

40.   In other cases, casualty recording by civil society organizations contributed to the work of international and national commissions of inquiry, of international courts and the United Nations. In particular, the casualty records of the human rights organization B'Tselem were used by United Nations fact-finding missions and commissions of inquiry;[24] and Iraq Body Count's casualty records were used by the International Criminal Court,[25] the inquiry into Iraq by the United Kingdom of Great Britain and Northern Ireland in 2016[26] and by the UNAMI Human Rights Office.[27]

D.   Protection from explosive ordnance and weapons

41.   One of the most direct and positive impacts on the rights to life, health and freedom of movement is the use of casualty recording information in clearance operations of mines, explosive remnants of war and other unexploded ordnance. Recording the cause of deaths and injuries with information on the location, date, age and sex of the victim, among other information, provides critical information to those who are in a position to respond.

42.   In Yemen, OHCHR casualty records revealed that children, mostly boys, accounted for three quarters of all civilian casualties from mines and unexploded ordnance and identified the locations of incidents. The findings were used to remind the parties of their obligations under international law to record, mark and clear landmines in areas under their control and to take particular care to minimize the indiscriminate effects of landmines.

43.   In Somalia, UNSOM leveraged its casualty recording information to analyse the impact of improvised explosive devices used by Al-Shabaab.[28] It provided information and statistics on the type, use and location of improvised explosive device attacks and details on who was affected and when, and conducted a comparative analysis over time. In particular, the analysis led to a determination that such attacks had become a significant cause of disability, highlighting the need to prioritize and strengthen the implementation of the right to health and the rights of persons with disabilities in Somalia. This analysis also informed the work of the country's National Disability Agency, which expanded its research and advocacy capacity related to improvised explosive devices.

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[23] Combined Joint Task Force – Operation Inherent Resolve, Public Affairs Office, "Civilian casualty assessment", 10 March 2022.

[24] A/HRC/12/48, paras. 181, 185, 352, 353 and 357; and A/HRC/29/52, paras. 37, 69 and 70.

[25] The Office of the Prosecutor of the International Criminal Court used Iraq Body Count's figures to assess the total number of casualties during military operations from March to May 2003 to determine the gravity of the alleged war crimes (International Criminal Court, the response of the Office of the Prosecutor to communications received concerning Iraq, 9 February 2006, p. 6).

[26] United Kingdom, *Report of a Committee of Privy Counsellors: the Report of the Iraq Inquiry – Volume XII* (London, 2016), paras. 53, 103, 203, 220, 227, 238, 244–246 and 272.

[27] UNAMI Human Rights Office and OHCHR, *2010 Report on Human Rights in Iraq* (Baghdad, 2011), pp. iii, 3 and 10.

[28] UNSOM and OHCHR, "Shattering the foundation of peace, security and human rights in Somalia: the use of improvised explosive devices by Al-Shabaab – 1 January 2020–31 December 2021".

44.   The Mine Action Service and its partners in the mine action area of responsibility collect and use casualty figures on individuals affected by mines, improvised explosive devices and explosive remnants of war. The analysis of data on explosive ordnance casualties informs the prioritization of mine action activities (risk education, clearance and victim assistance), helps monitor progress against the Strategy of the United Nations on Mine Action and fosters advocacy with Member States in treaty-related forums for better implementation of the Convention on the Rights of Persons with Disabilities and of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.[29]

45.   In Afghanistan, Action on Armed Violence compiled and analysed casualty records produced by UNAMA, which indicated that, between 2016 and 2020, 37 per cent of all civilian fatalities from air strikes were children.

46.   Casualty data are also used to identify patterns of harm arising from explosive weapons in populated areas on different demographic groups,[30] while Action on Armed Violence uses casualty data to assess the effectiveness of the Arms Trade Treaty in reducing civilian casualties from explosive weapons.[31]

47.   Such information provided evidence to support advocacy from civil society organizations, the United Nations and States to improve protection for civilians from explosive weapons in populated areas, which culminated in the adoption of the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas.

E. Humanitarian response

48.   Casualty data provide an evidence base to support humanitarian needs analysis, response planning and programming in accordance with international human rights and humanitarian law. Such data allow the humanitarian community to deliver a better informed and prepared operation, with the aim of saving lives, ensuring safety and security, alleviating suffering and restoring the dignity of persons.

49.   In 2023, the Office for the Coordination of Humanitarian Affairs (OCHA) and humanitarian partners employed civilian casualty recording information provided by United Nations entities in its annual humanitarian needs overview and its humanitarian response plans in the Democratic Republic of the Congo, Somalia, the Syrian Arab Republic, Ukraine and Yemen. The casualty figures, disaggregated by location, gender and age, support response activities that focus on mitigating the risks of civilian casualties, for example those due to landmines and explosive remnants of war.

50.   In Somalia, the humanitarian country team adopted the guidance note on protection of civilians developed by the UNSOM Human Rights and Protection Group in 2022 and based on its casualty trend analysis. The note represents the first of its kind in Somalia for briefings and responses by humanitarian actors on the protection of civilians.

51.   In the Democratic Republic of the Congo, the Humanitarian Response Plan for 2023 and 2024 is largely based on casualty data and information provided by MONUSCO. Similarly in South Sudan, UNMISS provides casualty data to OCHA and the protection cluster to inform programming, including through the humanitarian needs overview.

52.   Civil society organizations also use casualty information to identify humanitarian needs and deliver targeted humanitarian assistance. For instance, the Omeria Community Development Organization, which operates in Puntland and south-west Somalia, used its

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[29] Mine Action Service, "Interactive dashboard of the UN Mine Action Strategy".

[30] United Nations Institute for Disarmament Research, "Gendered impacts of explosive weapons in populated areas", fact sheet.

[31] Jennifer Dathan, *Explosive Weapons and the Arms Trade Treaty: Assessing the Effectiveness of the Arms Trade Treaty on Reducing Civilian Harm from Conventional Explosive Weapons* (London, Action on Armed Violence, 2023).

casualty records to identify the survivors most in need, including widows, orphans and homeless children, and provided them with financial assistance.

F. Political engagement and advocacy

53. Casualty recording informs negotiations, advocacy and engagement to advance human rights across a range of situations, delivering the evidence base on the scope, scale and severity of the (civilian) harm being wrought.

54. In 2019, UNAMA reported that its casualty records had reached the stark milestone of 100,000 deaths.[32] OHCHR reported to the Human Rights Council in June 2022 that, according to its own analysis of data on civilian casualties, more than 300,000 civilians had died during the past 10 years of conflict in the Syrian Arab Republic.[33] In the Occupied Palestinian Territory, OHCHR shares its fatality figures with OCHA when violence or armed conflict escalate, for inclusion in humanitarian alerts, flash updates, situation reports and similar items. Senior United Nations officials, including the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, have used daily published casualty recording information from OHCHR and OCHA during periods of escalations of violence or armed conflict as a basis for engagement with both sides. An OCHA-produced "humanitarian snapshot" used OHCHR casualty information to visually depict the number of deaths in each family and each incident that occurred during the 2014 conflict.[34] Casualty information and graphics like these provide a striking sense of magnitude and extent of suffering, prompting action, advocacy and engagement from the local to international levels to induce needed change.

55. Within the United Nations, cross-pillar discussions aimed at reducing civilian harm regularly refer to casualty recording information in their deliberations. Annual reports by the Secretary-General on protection of civilians also rely on OHCHR casualty recording information. They keep attention focused on civilian casualties by providing an update on relevant situations, as well as information on civilian deaths across the world's conflicts. As the custodian for indicator 16.1.2 of the Sustainable Development Goals, OHCHR provides the substantive and analytical base for the Secretary-General's reporting and advocacy efforts across the United Nations by recording conflict-related deaths. In 2022, 16,988 civilian deaths were recorded across 12 armed conflicts. This figure represents a 53 per cent increase compared with 2021 and the first increase since the adoption in 2015 of the 2030 Agenda.[35]

56. The Office on Genocide Prevention and the Responsibility to Protect uses casualty records to present evidence-based arguments in its advocacy work on global atrocity prevention; the Special Adviser to the Secretary-General on the Prevention of Genocide often does so in public statements and to illustrate risk factors and indicators of atrocity crimes.[36]

57. Casualty information is used frequently at the informal experts group on protection of civilians,[37] a working-level forum of the Security Council to advance the Council's protection agenda. It also features in many country-specific reports, reports pursuant to Security Council resolution 2286 (2016) on attacks against, among others, health workers and in multiple analytical products.

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[32] UNAMA, "Afghanistan: 10,000 civilian casualties for sixth straight year", 22 February 2020.

[33] Statistical estimates were made possible thanks to the casualty recording work of a number of Syrian civil society organizations. See OHCHR, "UN Human Rights Office estimates more than 306,000 civilians were killed over 10 years in Syria conflict", 28 June 2022.

[34] "As of 24 August, at least 142 families had lost three or more family members in the same incident, for a total of 739 civilian fatalities" (OCHA, "Occupied Palestinian Territory: Gaza emergency humanitarian snapshot (as of 25 August 2014, 8:00 hrs)", 26 August 2014).

[35] The forthcoming reports of the Secretary-General on progress towards the Sustainable Development Goals (2023) and on the protection of civilians in armed conflict (2023).

[36] Office on Genocide Prevention and the Responsibility to Protect, "Framework of analysis for atrocity crimes: a tool for prevention" (New York, 2014).

[37] Security Council Report, "In hindsight: the informal expert group on the protection of civilians", 29 July 2016.

58.   Casualty recording is also effective when used over a longer horizon, as part of regular, periodic reporting. The weekly and monthly civilian casualty updates of the human rights monitoring mission in Ukraine reflect the scale of the ongoing violence, using data disaggregated by sex, age, geographical area and cause of death. They include statistics from the current week and the running total since 2014, as well as since the armed attack of the Russian Federation against Ukraine on 24 February 2022.

59.   UNSOM provides information to the monitoring and reporting mechanism on children and armed conflict. It also uses child casualty information in different coordination, awareness-raising and decision-making forums. The Security Council Working Group on Children and Armed Conflict uses information from the monitoring and reporting mechanism on children and armed conflict to reach conclusions on the occurrence of violations against children. The information is also collated in the annual report of the Secretary-General to the Security Council, and its annexes list perpetrators of grave violations against children, including killing and maiming.

60.   In 2022, MONUSCO shared its casualty data with States to provide context and inform discussions in conflict resolution and prevention forums, such as the Luanda and Addis Ababa summits. Prior to the 24 February 2022 armed attack, civilian casualty data from the human rights monitoring mission in Ukraine were frequently referred to in discussions around the implementation of the Minsk arrangements.

61.   The Missing Migrants Project of the International Organization for Migration records persons who die in the process of migration. The data collected by the International Organization for Migration serve multiple purposes, including highlighting situations in which duty bearers have failed to live up to international commitments, helping families learn about the fate of missing relatives and identifying the most dangerous regions and migratory routes.

62.   Casualty recording is often also used by civil society organizations in advocacy to show the human cost of conflicts. For example, the decision by the Parliament of the United Kingdom in 2013 to reject the Prime Minister's proposal to intervene militarily in the Syrian Arab Republic was reportedly influenced by the high civilian death toll in Iraq, highlighted by organizations such as Iraq Body Count, and subsequent acknowledgement of failings there.[38]

63.   Similarly, casualty recording by the Tigray War Project was used in advocacy for the establishment of the International Commission of Human Rights Experts on Ethiopia at the Human Rights Council. [39] The organization's casualty records also informed the parliamentary debate in the United Kingdom on the conflict in Ethiopia[40] and are regularly cited in international news media.

64.   Airwars reported that, following years of advocacy and engagement based in part on its findings on casualties in Iraq, Libya, Somalia, the Syrian Arab Republic and Yemen, the United States Department of Defense issued the Civilian Harm Mitigation and Response Action Plan in August 2022.[41] The Plan aims at mitigating and responding to civilian harm caused by operations of the United States military and includes several recommendations based on findings from casualty recording assessments.[42]

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[38] Submission by Iraq Body Count, p. 7.

[39] Submission by the Tigray War Project (Ghent University) and Every Casualty Counts, p. 2.

[40] United Kingdom, Parliament, "Conflict in Ethiopia: volume 722: debated on Wednesday 16 November 2022".

[41] United States, Department of Defense, "Civilian Harm Mitigation and Response Action Plan (CHMR-AP)", 25 August 2022.

[42] Airwars and others, "Civil society guidance for the Civilian Harm Mitigation and Response Action Plan (CHMRAP) – NGO recommendations: July 2022".

G. Reparation for harm suffered

65.   The examples below illustrate how civil society is able to support States in meeting their obligation to provide reparations to victims of violations of international law.[43]

66.   In Israel and Northern Ireland, as well as Kosovo,[44] casualty records were used by civil society to memorialize and commemorate the deceased. The book *Lost Lives*, for example, chronologically documents every violent death resulting from the Northern Ireland conflict from 1966 to 1999. It includes the name, date of death, location, profession, religion, age and marital status of more than 3,700 persons, together with a summary of the circumstances of their deaths.[45] According to the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, this book has had a broad impact, including on the Catholic and Protestant Churches of Ireland, and made it possible for both communities to share their suffering.[46]

67.   A similar initiative took place in Kosovo, where the Humanitarian Law Centres in Serbia and Kosovo published, in 2011, the *Kosovo Memory Book*.[47] The book lists the details of more than 13,000 killed, missing and disappeared persons from 1998 to 2000 in Kosovo, including the victim's name, date and place of birth, place of residence, and date and location of death or disappearance. Both books aim at creating a shared societal understanding of the past and promoting reconciliation, while countering disinformation and "ethno-nationalistic memory politics".[48] These two organizations have also used their casualty records to assist victims to file legal complaints at the War Crimes Prosecutor's Office in Serbia. To date, more than 1,000 victims have been assisted in compensation proceedings.

68.   The Yad Vashem's Central Database of Shoah Victims' Names contains life stories of 4.5 million individually named Jewish victims of the Holocaust, helping to commemorate victims and facilitate the reunion of hundreds of family members that it separated.[49]

69.   In Guatemala and Canada, casualty records are used to identify deceased and missing persons and to organize traditional commemoration ceremonies in support of the right of victims' families to manifest their religion or beliefs. The Forensic Anthropology Foundation of Guatemala gathers information on casualties and missing persons in the armed conflict, which began in 1960, and uses these records to locate and identify victims so that their mortal remains can be returned to their families and reinterred in a dignified and culturally appropriate manner in line with traditional beliefs. In Canada, the National Center for Truth and Reconciliation at the University of Manitoba compiles casualty records of Indigenous children who died while attending residential schools. These records enabled the affected communities to conduct traditional ceremonies to honour and remember each of those children.

70.   In Iraq and the Syrian Arab Republic, Airwars initiated a project aimed, inter alia, at recording and memorializing victims of conflict. Following years of engagement with Airwars, in 2020, the United States military released the precise location of 340 incidents, mostly caused by United States-led coalition air strikes, that had resulted in more than 1,000

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[43] The right to reparation includes compensation and satisfaction. Satisfaction encompasses, among other things, the verification of the facts and public disclosure of the truth; and assistance in the recovery, identification and reburial of the bodies, as well as commemorations and tributes to the victims (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, paras. 18 and 22).

[44] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

[45] David McKittrick and others, *Lost Lives – The Stories of the Men, Women and Children who Died as a Result of the Northern Ireland Trouble*, fourth edition (Edinburgh, Mainstream Publishing Company, 2007).

[46] A/HRC/45/45, para. 62.

[47] Humanitarian Law Centre and the Humanitarian Law Centre Kosovo, *The Kosovo Memory Book 1998–2000: Let People Remember People* (2011).

[48] Submission by Every Casualty Counts, p. 4.

[49] Yad Vashem, "The Central Database of Shoah Victims' Names".

civilian deaths in the conflict against Da'esh in Iraq and the Syrian Arab Republic between 2014 and 2020. Airwars created an online digital map of these incidents allowing Iraqis and Syrians to know the fate of their loved ones.[50] The decision by the United States military constitutes a transparency benchmark for other military actors.

71.   Casualty recording is also used to guide compensation. States use casualty records and "victim registration" tools, often with the help of civil society and the United Nations, to identify victims and facilitate access to compensation. In Mexico, for example, the national reparation scheme is enshrined in law[51] and obliges all government entities and authorities to provide aid, assistance or comprehensive reparation to victims of crime and human rights abuses from the violence resulting from the struggle against organized crime. By the end of 2022, more than 50,000 persons, including direct and indirect victims, had registered at the state and federal levels.

72.   Similarly, the registry of El Salvador contains 6,270 formally recognized victims from its internal armed conflict. The Government is carrying out a compensation programme mandated by the Inter-American Court of Human Rights for victims of the El Mozote massacres and has used its registry in part to support rehabilitation, satisfaction and guarantees of non-repetition.

H. Integration of a gender perspective into analysis and response

73.   Casualty records contain disaggregated, personally identifiable information on specific individuals. When used in statistical analysis, they can be used to identify discriminatory patterns and can inform gender-responsive interventions. For instance, the United Nations Institute for Disarmament Research highlights the gendered impacts of both landmines and cluster munitions based on casualty recording efforts by the Landmine and Cluster Munition Monitor.[52] The disaggregated data show that men form most of the fatalities and injuries of cluster munition and landmines, and women bear the brunt of the caregiving and financial responsibility due to predominant gender norms. This analysis informs victims' assistance programmes, which are part of the treaties' obligations.[53]

74.   In 2015, the Special Rapporteur on violence against women and girls initiated a call for all States to establish a "femicide watch", or observatory, on gender-related killings and violence against women and girls and to support prevention efforts by releasing figures on victims and their relations with perpetrators.[54] Both the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Office on Drugs and Crime have been recording the number of cases globally[55] and many international and national civil society organizations have been collating records on individual cases. The information is used, inter alia, to hold States to their due diligence obligations under international human rights law.

75.   In the United Kingdom, Femicide Census has been gathering data since 2009, including demographic and social factors and methods used, and their analysis is used to identify and mitigate risk.[56]

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[50] Airwars, "The credibles".

[51] General Law of Victims of 2013.

[52] United Nations Institute for Disarmament Research, "Gender and diversity in the Convention on Cluster Munitions (CCM)" (Geneva, 2022).

[53] Article 5 of the Convention on Cluster Munitions and article 6 (3) of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

[54] The Special Rapporteur has defined femicide, or the gender-related killing of women, "as the killing of women because of their sex and/or gender" (A/76/132, para. 18).

[55] United Nations Office on Drugs and Crime and UN-Women, "Gender-related killings of women and girls (femicide/feminicide): global estimates of gender-related killings of women and girls in the private sphere in 2021 – improving data to improve responses" (2022).

[56] In 2018, Femicide Census produced an analytical report on the 1,425 women killed by men in the United Kingdom from 2009 to 2018, which made detailed recommendations for government action (Femicide Census, *UK femicides 2009–2018* (2020).

I. Access to services and basic needs

76. The positive impact of casualty recording on economic, social and cultural rights is often realized in facilitating victims' access to services. In Azerbaijan, for example, the State's "law on martyrs and families" facilitates the retrieval of death certificates for conflict-related deaths. Securing certificates for those missing and presumed dead allows families to access pensions, education, health care, employment and vocational training, accommodation and preferential loans for construction, among other benefits.

77. In Ukraine, OHCHR civilian casualty records were instrumental in bringing about changes to the Law on the Status of War Veterans and Guarantees of Their Social Protection (as amended in 2018). Coverage of veteran benefits were expanded to include certain categories of civilians whose disabilities resulted from hostilities. The casualty records of the human rights monitoring mission in Ukraine provided an understanding of the scope of civilian casualties, which, in turn, provided the legislature with a more accurate estimation of the budgetary implications of the then-proposed law. Similarly, until the Taliban takeover in 2021, the civilian casualty information of UNAMA supported access to assistance programmes provided by civil society organizations.

78. In January 2022, OHCHR Haiti and the United Nations police established a joint civilian casualty recording system to document killings and injuries resulting from general violence, including gang violence. The information, along with that from other protection incidents, was used to create a dynamic map of violence hotspots. The tool helped identify a spike in killings and injuries in the Cité Soleil commune of Port-au-Prince in 2022, as well as deliberate restrictions by gangs on the population's access to basic needs, including emergency health care, food and water. The publication of these findings prompted discussion with and among the authorities, leading the Prime Minister to commit additional support to the police in assuring its obligations to protect the population.

IV. Conclusions

79. Casualty records are not just numbers. They represent human beings whose lives were torn apart by conflicts and violence.

80. The report shows the multiple human rights impacts of casualty recording, which can be immediate and concrete, such as in early warning, humanitarian response, and protection from military action and explosive remnants of war. Longer term impacts include improved compliance with international standards, increased political engagement, as well as accountability, reparations and access to services. Disaggregated casualty records also inform gender-responsive interventions. When implemented over a long period of time, casualty recording serves as a yardstick to measure change and to provide an indication of the severity and scale of conflicts and situations of violence. It serves as an entry point to engage with States and armed actors with the aim of mitigating harm. Casualty recording therefore plays a crucial role in protecting, respecting and fulfilling human rights; as well as in complying with international humanitarian law, as applicable.

81. Casualty recorders are human rights defenders who often work in very difficult circumstances. Their work requires access to information and a significant investment of resources to verify each individual casualty, usually in volatile contexts. It is therefore important that casualty recording initiatives, including by civil society, are supported politically and in terms of resources. Facilitated and secure access to areas in which casualties have occurred is critical.

82. Casualty recording should be initiated promptly after the start of violence, based on a solid, transparent methodology, and continued for as long as is necessary to create a comprehensive record of the dead (and injured).

83. The range of actors and approaches of casualty recording has emerged as one of its strengths, ensuring that multiple, independent perspectives and sources are incorporated. Experience has also shown that this diversity can create challenges for sharing and analysing effectively across actors and implementing solid methodologies, which risks reducing the

potential impact of such work. International collaboration to share and harmonize best practice, recognizing the various contexts, resources and objectives, should be strengthened to address this.

84. The effectiveness and impact of casualty recording work ultimately depends on cooperation with the armed and other actors causing harm and on the willingness of political leadership to engage and learn from such analysis.

V. Recommendations

85. **The High Commissioner recommends that States:**

(a) **Ensure that casualty recording systems and policies are in place and report publicly on all casualties believed to have resulted from hostilities or violence and their circumstances, including for reparations and accountability;**

(b) **Seek out and make maximum use of the disaggregated data and analysis provided by casualty recorders to inform decisions and policies to protect, respect and fulfil human rights, including for accountability, reparations and prevention of harm and violations;**

(c) **Support and facilitate the work of independent casualty recording entities, including by ensuring on-the-ground access and access to information;**

(d) **Bolster political, logistical and financial support for independent casualty recording work, whether carried out by the United Nations, civil society or national entities;**

(e) **Ensure use of casualty records to support the identification of missing persons.**

86. **The High Commissioner recommends that national human rights institutions and national statistical offices collaborate and develop the required modalities to report on indicator 16.1.2 of the Sustainable Development Goals on conflict-related deaths and related official statistics, leveraging the information on individual records and other data and analysis on the human rights impacts, in consultation with OHCHR.**

87. **The High Commissioner recommends that international, regional and State security forces and non-State armed groups**:

(a) **Ensure that casualty tracking systems are in place, and that data and analysis are used to mitigate harm during operations, review procedures and prompt further inquiry where appropriate;**

(b) **Establish the necessary channels for regular engagement with casualty recorders, in a safe and secure manner, to clarify the facts of incidents that resulted in civilian harm or violations.**

88. **The High Commissioner recommends that the Human Rights Council encourage its mechanisms to use available casualty recording data and analysis in order to contribute to the Council's assessments and deliberations.**

89. **The High Commissioner recommends that casualty recorders:**

(a) **Ensure transparency by publishing methods, aims and results, as well as disaggregated findings, in situations in which security and consent permit;**

(b) **Strengthen collaboration to consolidate casualty records for broader use, including by seeking consent from victims and their families, where needed, with a view to increasing coverage, sharing the information and maximizing its impact on human rights;**

     (c)   **Collaborate to further develop and implement internationally agreed definitions, principles and standards of casualty recording with a view to harmonizing methodology and best practices, while recognizing the diversity of contexts and resources.**[57]

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[57] Building upon the work of OHCHR, *Guidance on Casualty Recording*, and Every Casualty Counts, *Standards for Casualty Recording* (London, 2020).