

Security Council open debate on the Protection of Civilians and
Health Care in Armed Conflict,
25 May 2017

Group of Friends of the Protection of Civilians

Statement delivered by
H. E. Mr. Jürg Lauber, Permanent Representative of Switzerland

Mr. President,

I am pleased to take the floor on behalf of members of the Group of Friends on the Protection of Civilians in armed conflict Australia, Austria, Belgium, Brazil, Canada, France, Germany, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Switzerland, the United Kingdom and Uruguay. The Group of Friends thanks Uruguay for organizing today's open debate and the briefers for their statements.

Deliberate and indiscriminate attacks on civilians are widespread in many armed conflicts. A growing number of parties to armed conflicts openly disregard long-established rules of international humanitarian law, especially with regard to the conduct of hostilities and the protection of civilians. The despicable trend whereby medical facilities, personnel and their means of transport as well as the wounded and sick are deliberately targeted, so as to violently deprive civilian populations of vital services, has to be reversed. Access restrictions and assaults on humanitarian and medical workers impede the delivery of urgently needed assistance. The number of deaths of humanitarian and medical workers to date this year, one of the deadliest on record, should horrify us all. Therefore, it is with a sense of urgency that we must promote respect for IHL. As highlighted in the Secretary General's report, all States have an obligation to respect and ensure respect for IHL in all circumstances.

The unanimous adoption of Security Council resolution 2286, condemning attacks against medical units and personnel in armed conflict by this Council in May 2016, with a large number of co-sponsors, was an important signal: despite the numerous violations observed in recent years, international law is clear. The wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities must be respected and protected. This is an issue of great concern to the international community.

The Group of Friends acknowledges the Secretary General's recommendations on implementing resolution 2286 and urges States to implement them in accordance with their national legal framework. Member-States have the primary responsibility to ensure that proper legal, policy and operational frameworks are in place to ensure full implementation of international law. We call on other Member States to take action on the Secretary-General's recommendations which will allow for the full implementation of resolution 2286.

The Group of Friends condemns attacks against schools, which, as civilian objects, enjoy protection against direct attacks and the effects of such attacks under the Geneva Conventions and IHL. When schools and children are targeted, the future is attacked. In this regard, the Group of Friends takes note of the Safe Schools Declaration, currently endorsed by 64 countries, aiming at the protection and continuation of education in armed conflict.

The Group of Friends underlines the importance of deterring violations and promoting accountability. States must make greater efforts for systematic data collection, analysis and reporting on incidents including on civilian casualties; full, prompt, impartial, independent and effective investigations into alleged serious violations under international law; the prosecution of alleged serious violations; and the provision of assistance to victims. In this sense, we welcome the adoption by the General Assembly of resolution 71/248 creating the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The Mechanism is mandated to collect, consolidate, preserve and analyze evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files in order to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals. It is anticipated that the Mechanism will not share information in circumstances in which a trial may be held in absentia on the basis of universal jurisdiction.

In line with the principle of complementarity, we call on all States to ratify the Rome Statute of the International Criminal Court (ICC), to penalize the most serious crimes of concern to the international community as a whole and to enable the ICC to investigate such crimes should national justice systems not be able or willing genuinely to do so. Through such measures, we can deter future crimes by closing the impunity gap.

The report of the Secretary General on the protection of civilians rightly puts an emphasis on prevention. The prevention of armed conflict in the first place is the best way to protect civilians. However prevention also applies within the context of armed conflict: good practice which spares civilians from harm should be developed, implemented and shared, as identified in the Secretary General's report.

The report of the Secretary-General underlines the importance of finding comprehensive strategies to address forced displacement. We recall that two thirds of forcibly displaced persons are displaced within their own countries. Ensuring assistance and protection, but also the development of opportunities for displaced persons is crucial, especially when looking at the many protracted situations. A gender perspective is also a key component of effective protection. At the same time, preventing forced displacement in the first place becomes even more important, including by addressing the need to avoid civilian harm during hostilities in an urban environment, and to prevent the indiscriminate use of weapons, in particular in areas with concentrations of civilians.

Access remains a central challenge in conflicts around the world. For example, millions of civilians are on the brink of famine in Nigeria, Somalia, South Sudan and Yemen, and humanitarian access restrictions imposed by parties to conflict played a key role in this crisis. Greater respect for international humanitarian law and negotiations for the purposes of gaining humanitarian access may imply contacts with all parties to armed conflicts, including armed groups.

The Group of Friends takes note of the "Kigali Principles on Protection of Civilians", currently endorsed by 40 countries, aiming at reinforcing the protection of civilians by TCCs and PCCs in the framework of peacekeeping operations.

The Group of Friends calls on all current and future Security Council members to take timely and decisive action to prevent or end genocide, crimes against humanity or war crimes.

The Group of Friends would like to encourage States having not yet done so to consider acceding to the Additional Protocols to the Geneva Conventions of 1949, in particular the year of the fortieth anniversary of Additional Protocols I and II, and to engage constructively in the ongoing discussions in Geneva about ways and means to strengthen respect for International Humanitarian Law.
