



# Strategy on the protection of civilians in armed conflicts



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# Foreword

War spares no one: neither combatants nor civilians; neither men nor women; neither children nor adults. Today's conflicts are rarely fought on battlefields away from populated areas, but they are also fought in public spaces, in the streets and in the markets. Even schools and hospitals are not safe. Every year, hundreds of thousands of people die, are injured, and are forced to leave their home or even their country. Women, children and also men are victims of war crimes, including sexual violence. Every year, tens of thousands of children are recruited into armed forces and armed groups. Resignation is not a solution. We must continue to fight to reduce the atrocities of war and to preserve human dignity in its midst. Despite significant progress, this battle is far from won.

Protecting people from armed violence and war is a Swiss tradition. It was a Swiss national, Henry Dunant, who in the 19th century put forward the idea of codifying the law of war, which led to the signing of the First Geneva Convention in 1864. From this original text were born the modern rules of war, which are mainly contained in the four Geneva Conventions of 1949 and their additional protocols of 1977 and 2005.

In addition to this legal contribution, Switzerland has committed itself to providing assistance and protection to victims of conflicts – as state party to the Geneva Conventions, through its own humanitarian action or by supporting humanitarian organisations such as the ICRC, the Swiss Red Cross and a considerable number of Swiss and international organisations.

A state party to the Geneva Conventions, Switzerland is active in the field of protection – today more than ever. This commitment is consistent both with our values and our interests. Accepting war crimes as inevitable would run counter to our values. Furthermore, like the community of nations as a whole, Switzerland has much to gain from a world that respects the dignity of human beings, even during war, because such grave crimes threaten the peace, security and well-being of the world.

Switzerland's role is recognised by the international community, as demonstrated by the fact that it chairs the Group of Friends on the Protection of Civilians in New York. It is also the first country in the world to have developed, in 2009, a strategy on the protection of civilians in armed conflict. Four years later, it was important to revise this strategy to take better account of Switzerland's strengths and specificities. As a neutral country without a colonial past and as a depository state of the Geneva Conventions, Switzerland has a long humanitarian and peacebuilding tradition. It does not intervene abroad militarily, but it is able to contribute to peacekeeping missions. It has structures dedicated to respect for international law, human security, humanitarian aid, and military and civilian peacebuilding.

We must of course be realistic: Switzerland's influence is just one of many factors contributing to the protection of victims of armed conflicts. While there will always be war crimes, we can lessen their frequency through decisive and concerted action. It is a fight for human dignity.

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# Introduction

Protection of civilians involves all activities aimed at ensuring full respect for the rights of people who do not (or no longer) take part in hostilities. Special emphasis is placed on the civilian population, in accordance with both the letter and spirit of relevant laws. These rights are mainly enshrined in international humanitarian law (IHL). Human rights law, refugee law, international criminal law and specific national laws all provide additional layers of protection. The protection of civilians in armed conflict includes not only keeping civilians out of harm's way but also ensuring that they may continue to live in dignified conditions.

Protecting civilians involves not only responding to violations that have already occurred, but also preventing further violations and reducing the vulnerability of persons to be protected. This objective is pursued through a range of actions designed to prevent and limit violations, reduce the consequences of conflict and create a safer environment. Humanitarian aid complements and reinforces these actions.

Armed conflicts affect both individuals and the population as a whole. Risks can be very different from one country to another and from one region to another: in any given situation men and women, adults and children, the handicapped, the sick and healthcare personnel will all face different risks and therefore require different forms of protection. Those affected by armed conflict are generally the first to take steps to ensure their own protection and must be considered as actors in their own right. Today, despite legal safeguards, the majority of victims of armed conflict are civilians. This is the reason why protecting civilians in armed conflicts is absolutely fundamental and the reason why Switzerland is engaged in this area, in accordance with this strategy.

## Definition

The protection of civilians in armed conflict involves all activities aimed at ensuring full respect for the rights of people who do not (or no longer) take part in hostilities, in accordance with both the letter and spirit of relevant laws.

## Responsibility for protecting civilians

The primary responsibility for protecting civilians falls upon **states**, which are responsible for ensuring the protection of their own civilian population. When a state is no longer willing or able to fulfil its obligation to protect the civilian population, the international community has a subsidiary responsibility. International humanitarian law requires compliance from all states involved in an armed conflict and also stipulates that third states have an obligation to intervene to enforce compliance. The **other parties** to the armed conflict, in particular non-state armed groups, also have a responsibility to take steps to ensure that the civilian population is adequately protected.

Nowadays, the **international community** regularly includes the protection of civilians in peacekeeping mandates. Depending on the case, responsibility for carrying out these missions will fall upon the United Nations or regional organisations.

**International organisations and non-governmental organisations (NGOs)** also play a pivotal role. Three major organisations have a core protection mandate given to them by the international community: the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In addition, the United Nations Children's Fund (UNICEF) is mandated to advocate for the protection of children's rights. Likewise, the Office of the United Nations High Commissioner for Human Rights (OHCHR) is responsible for promoting and protecting all human rights.

## Difference between protection of civilians and responsibility to protect

The responsibility to protect is a political concept that applies to war crimes, crimes against humanity, genocide or ethnic cleansing. While the main responsibility to protect lies with the state and is primarily preventive in nature, the notion responsibility to protect also defines the extent of the international community's responsibility in cases where the government concerned is no longer willing or able to protect its civilian population. The Secretary-General of the United Nations writes, "I am concerned about the continuing and inaccurate conflation of the concepts of the protection of civilians and the responsibility to protect. While the two concepts share some common elements, particularly with regard to prevention and support to national authorities in discharging their responsibilities towards civilians, there are fundamental differences. First, the protection of civilians is a legal concept based on international humanitarian, human rights and refugee law, while the responsibility to protect is a political concept, set out in the 2005 World Summit Outcome (see General Assembly resolution 60/1). Second, there are important differences in their scope. The protection of civilians relates to violations of international humanitarian and human rights law in situations of armed conflict. The responsibility to protect is limited to violations that constitute war crimes or crimes against humanity or that would be considered acts of genocide or ethnic cleansing." (Report of the Secretary-General on the protection of civilians in armed conflict, 2012, S/2012/376, para. 21).

### **Basis for this strategy**

The protection of civilians in armed conflict is firmly rooted in Switzerland's humanitarian tradition. It is included in Swiss legislation and represents a core aspect of Swiss foreign policy:

- The Federal Constitution of the Swiss Confederation states that Switzerland is to promote respect for human rights and democracy as well as the peaceful co-existence of peoples.
- The promotion and defence of international law are an essential part of Swiss foreign policy, as stated in the Swiss Foreign Policy Strategy 2012-2015.
- Switzerland is both the Depositary State and High Contracting Party to the Geneva Conventions and their Additional Protocols. This dual capacity confers particular legitimacy on the Swiss Confederation in activities favouring compliance with international humanitarian law.

## **Vision**

Switzerland helps to improve the level of protection afforded to victims of armed conflict through the coherent use of instruments at its disposal. As a state, Switzerland works to achieve greater compliance with the international normative framework. It also pursues activities on behalf of persons to be protected and supports international peacekeeping missions.

## **Aims**

By adopting the present strategy, Switzerland pursues the following aims:

1. Achieve greater impact and commitment on behalf of victims of armed conflict.
2. Improve the actions of the international community aimed at protecting civilians by discussing relevant issues with its partners (states, international organisations and non-governmental organisations).
3. Encourage other states to become more active in the area of protection of civilians.

## **Scope of application**

This strategy applies to situations of armed conflict which expose civilian populations to certain risks and which fall under a specific legal framework.

This strategy may also apply to fragile contexts that may potentially lead to an armed conflict as well as to post-conflict situations where the after-effects of hostilities persist. In principle, this strategy does not apply to situations of violence, such as urban violence, clashes between criminal organisations, riots and isolated outbreaks of violence, unless there is a risk that these situations may escalate into an armed conflict.



# Axis 1 – Achieve greater compliance with the normative framework

Switzerland works to promote an environment that is conducive to compliance with the normative framework and greater awareness of international law; this may also require legal clarifications to be given.

In order to ensure that the law protects victims of armed conflicts, it is important that action be taken before conflicts arise. Examples of measures include the dissemination of information on international humanitarian law, adequate training of armed forces, the adoption of laws aimed at protecting emblems, or the act of punishing violations.

When conflicts arise, all of the parties involved are required to respect the law and ensure effective compliance. When allegations of violations are made, the parties to the conflict must see to it that investigations are carried out and that those who commit crimes are judged in order to avoid impunity.

## **Armed groups and international humanitarian law**

Non-state armed groups that are parties to an armed conflict have an obligation to protect civilians; in particular, they are bound by international humanitarian law. In practice, compliance varies markedly among armed groups and, for that matter, also among states. Certain groups systematically commit violations while others are much more respectful of the law than their adversaries. At any rate, it would be unrealistic to expect civilians to be protected without the direct or indirect action of these groups; the only way to achieve this result is through direct dialogue with them.

Based on past experiences, Switzerland is convinced that dialogue with these groups is possible. Such dialogue may be conducted by the state where these groups are active, within the framework of peace negotiations, but also through agreements to ensure respect for civilians. This was the case, for instance, in the Philippines and Sudan. Dialogue may also be conducted by a third state within the framework of a mediation process or by international, humanitarian, or non-governmental organisations. Under no circumstances may such dialogue be construed as conferring legitimacy to any group or to its methods.

Switzerland is a credible partner for work in this area. It is both the Depository State and High Contracting Party to the Geneva Conventions. Moreover, Switzerland has extensive experience in the area of humanitarian negotiations with armed groups. Specifically, Switzerland will continue to support initiatives designed to create a framework that encourages armed groups to respect the law and maintain humanitarian dialogue. Switzerland will also lend support to organisations that make tangible efforts to ensure that armed groups act within the confines of the law.

## **Area of activities 1**

### **Clarify or develop the normative framework if and where needed**

The Geneva Conventions of 1949 – the heart of international humanitarian law – have been universally ratified. Both human rights law and refugee law are extensively recognised. While the two complement one another, it is mainly human rights law that continues to apply in times of armed conflict.

While the normative framework for the protection of civilians is largely adequate, certain obligations are formulated in general terms and new practices and technologies create challenges that are not directly addressed in current legislation. In most cases, the response comes in the form of clarification or reaffirmation of existing obligations in certain areas. This is the case, for instance, of the initiative that gave rise to the “The Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict.” Such clarifications or reaffirmations are essential in ensuring compliance with the normative framework.

#### **Lines of action**

- Switzerland will launch and become involved in initiatives aimed at making the legal framework clearer and more accessible. It will provide sustained support and work to disseminate the results of these initiatives.
- Switzerland will support organisations that can propose developments or clarifications of the existing normative framework.

## **Area of activities 2**

### **Ensure greater understanding of the normative framework**

One of the obstacles preventing compliance with the normative framework by parties to armed conflicts is the lack of knowledge (or lack of suitable familiarity) with this framework on the part of those called upon to comply with it.

Familiarity with the normative framework must not only be theoretical, but also practical. Each actor involved in an armed conflict must have sufficient awareness of its obligations in order to comply with them. It is also important that information about the normative framework be disseminated within the population. The normative framework must also be included in national legislation and transposed into doctrine, operational procedures, training and the internal system of sanctions, so that the parties to the conflict are better able to comply.

#### **Lines of action**

- Switzerland will lend support to organisations that bring the normative framework to the attention of policymakers, armed forces, security forces, armed groups and private military and security companies (PMSCs), but also civil society. Switzerland will also support organisations that work to transpose law into doctrine, operational procedures and training of armed forces and security forces.
- Switzerland will implement and disseminate information on international humanitarian law on its own territory through the Interdepartmental Committee for International Humanitarian Law (ICIHL). The ICIHL will be responsible for ensuring the exchange of experiences and information on international humanitarian law within the Federal Administration and how it is implemented in Switzerland.
- Switzerland will work to achieve universal ratification of relevant international treaties and their transposition in national legislation.
- Switzerland will share with foreign armed forces its experiences in the transposition of legal principles into military doctrine and the training given to officers and troops.

## **Area of activities 3**

### **Ensure greater compliance with the normative framework and bring the alleged perpetrators of violations to justice**

The effective protection of civilians in an armed conflict depends on the extent to which the parties to the conflict are willing to uphold their obligations. Compliance is not guaranteed and many challenges persist.

The protection of civilians has become increasingly prominent in international debates, particularly within the UN, but also within regional organisations. Between 1999 and 2012, the UN Secretary-General published nine reports on this issue and the Security Council adopted numerous resolutions taking protection concerns into account. The challenges associated with the protection of civilians are discussed at the international level both in formal debates and within fora such as the New York-based "Group of Friends on the Protection of Civilians", which is chaired by Switzerland.

Whenever allegations of violations are made in relation to a given conflict, several instruments and mechanisms are applied to not only bring these violations to a halt but also to document them so that cases may be prosecuted later on; possible areas of action for Switzerland include interventions within various multilateral fora, the creation of commissions of inquiry, contacts with other states as well as sanctions. In some cases, Switzerland may also do advocacy work in favour of the protection of civilians within the context of its peace promotion activities.

Switzerland is also committed to the fight against impunity. It supports the International Criminal Court (ICC) and other international criminal tribunals. The action of these judicial institutions must be complemented by measures designed to satisfy the rights of victims to the truth, to reparation and to the non-recurrence of violations. Only in this manner can people truly come to terms with the past.

#### **Lines of action**

- Switzerland will pursue initiatives aimed at identifying ways to improve compliance and strengthen dialogue between states in the area of international humanitarian law.
- Where necessary, Switzerland will work with the states involved in an armed conflict or with multilateral institutions so that they may act in a manner that is compliant with the normative framework.
- Within the United Nations and regional organisations, Switzerland will support decisions that afford better protection to civilians and will seek to influence debates in this direction. Switzerland will contribute to thematic debates within the UN Security Council, particularly through the "Group of Friends on the Protection of Civilians", which it chairs.

- Switzerland will support the creation of commissions of inquiry seeking to uncover the facts, namely by placing experts at the disposal of such commissions. Switzerland will actively encourage efforts to fight against impunity. In situations where states are unwilling or unable to prosecute the perpetrators of serious violations of international law, Switzerland will support recourse to international criminal bodies such as the International Criminal Court (ICC).
- Switzerland will support general conditions that help to prevent violations and encourage compliance with the law, in particular by working with the authorities and other local actors to prevent abuses and facilitate a non-violent and equitable transition for civilian populations.
- Switzerland will launch and provide sustained support to initiatives in the area of humanitarian access, dialogue with armed groups, the phenomenon of child soldiers and dealing with the past.

### **Example: Initiative to achieve greater compliance with IHL**

Resolution 31IC/11/R1 on strengthening legal protection for victims of armed conflicts was adopted at the 31st International Conference of the Red Cross and Red Crescent. This resolution recognises the importance of improving and ensuring the efficacy of mechanisms used to monitor compliance with international humanitarian law, with the aim of affording greater legal protection to all victims of armed conflict. Unlike other branches of public international law such as human rights law, IHL lacks a veritable institutional structure or a functional mechanism to ensure compliance.

In its resolution, the 31st Conference also expressed “its appreciation to the government of Switzerland for its commitment to explore and identify concrete ways and means to strengthen the application of international humanitarian law and reinforce dialogue on international humanitarian law issues among States and other interested actors, in cooperation with the ICRC.” It also invited the ICRC to pursue its activities in cooperation with States and, if appropriate, other relevant actors, “to identify and propose a range of options and its recommendations to [...] enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law.”

In keeping with this resolution, Switzerland and the ICRC launched an initiative to help states become more regularly and systematically involved in important IHL concerns, particularly compliance. Switzerland and the ICRC intend to organise annual meetings with states to find specific ways to improve compliance with IHL. They also wish to present various options in preparation for the 32nd International Conference of the Red Cross and Red Crescent, which is scheduled to take place in 2015.



# Axis 2 – Consolidate actions taken in favour of persons to be protected

A two-pronged approach (bilateral, multilateral) at different levels (local, regional, international) is needed to improve the response on behalf of persons to be protected. Switzerland demonstrates its full commitment to this approach by using and combining the various instruments at its disposal. First of all, this approach takes the form of financial and technical support to humanitarian organisations involved in the protection of civilians. Secondly, Switzerland takes direct action either by pursuing advocacy work or by including the protection concerns in its own humanitarian and development programmes. This enables Switzerland to improve the efficacy of its actions to protect civilians through synergies between the various federal agencies and coordination of the various activities carried out by these agencies. Switzerland seeks to act in a different and complementary manner to organisations whose core mandate is to protect.

In order to achieve greater impact for persons to be protected, Switzerland seeks to protect the most vulnerable groups. Armed conflicts affect and threaten different categories people in different ways. In any given situation, men and women, adults and children, internally displaced persons (IDPs) and the resident population, prisoners, the sick, the disabled, or the elderly will all be affected differently, will face very different risks and will often have specific protection needs. The protective response must therefore be flexible in order to address the most pressing needs. Switzerland, in particular, has extensive experience in the protection of women, children and IDPs and will continue to pursue these activities. It also supports projects pertaining to prevention of recruitment of children by parties to a conflict and reintegration of those who have been demobilized. Switzerland is also committed, and remains particularly active, in areas where it has developed expertise, such as the fight against anti-personnel landmines and the promotion of humanitarian access.

## Efforts to achieve rapid and unhindered humanitarian access

Humanitarian access is an indispensable prerequisite for all humanitarian action. Rapid and unhindered humanitarian access is essential in the early stages of an operation, in the dispatching of goods and personnel where they are most needed, in the distribution of humanitarian supplies and in the provision of healthcare services. Full access also enables the populations affected to fully receive the benefits of the aid and services provided to them. In many situations of armed conflict, humanitarian access to the populations affected is a constant struggle. In modern armed conflicts, it is becoming increasingly difficult to secure and maintain humanitarian access to help and protect civilians.

In order to address this issue, Switzerland works in a concerted fashion at political, legal and operational levels to achieve humanitarian access. The importance of rapid and unhindered humanitarian access is regularly highlighted in UN debates as well as in bilateral discussions with the parties concerned. Moreover, Switzerland has worked with partner organisations to draft guidelines in an effort to secure and maintain humanitarian access (Handbook on the Normative Framework & Practitioners Manual on Humanitarian Access in Situations of Armed Conflict). These documents clarify and explain the normative framework and provide information and practical advice on humanitarian access to humanitarian aid workers on the ground.

## Area of activities 4

### **Reinforce the action of organisations working to protect people on the ground**

Switzerland supports and facilitates the action of organisations whose core mandate is to protect civilians. These organisations include, for instance, the ICRC and the Office of the United Nations High Commissioner for Refugees (UNHCR). Financial and technical support to these organisations can significantly contribute to the effective response in favour of persons in need of protection. Within the framework of the UN-sponsored cluster approach, Switzerland also supports protection efforts (in the broad sense). Finally, NGOs that are mainly involved in protecting civilians or whose activities include aspects of protection complete the list of partners that Switzerland may work with.

### **Lines of action**

- **Financial support:** Switzerland will provide financial and material support to international organisations that have received a mandate to protect civilians in armed conflict. It will also lend support to other partners whose activities may also include aspects of protection.
- **Technical support:** Switzerland will provide experts from the Swiss Humanitarian Aid Unit (SHA) and the Swiss Expert Pool for Civilian Peacebuilding (SEP) to organisations involved in protection.

## **Area of activities 5**

### **Reinforce the direct action by Switzerland in favour of persons to be protected**

Switzerland pursues advocacy work to draw the attention of local or national authorities, or even regional and international bodies, to the plight of persons to be protected. An international commitment is needed in order to establish humanitarian standards, policies and specific operations aimed at improving action on behalf of persons to be protected. Debates within the United Nations, such as within the Security Council, the General Assembly, the Human Rights Council and the Economic and Social Council (ECOSOC), are an illustration of this issue. Switzerland plays an active role in these bodies.

In addition, wherever they are present on the ground, Swiss government actors strive to include aspects of protection in their programmes and projects. In fragile contexts and situations of armed conflict, Switzerland adheres to the principle of “do no harm” and adopts methodologies and approaches well suited to fragile contexts and situations of conflict (e.g. conflict-sensitive management of programmes). Switzerland applies international principles of protection, such as those set forth in the Minimum Standards for Child Protection in Humanitarian Action.

### **Lines of action**

- Switzerland will maintain regular dialogue with other states, international organisations and non-governmental organisations on the issue of protection to improve action in favour of persons to be protected.
- Switzerland will coordinate its activities with other non-governmental organisations and donors, so that local and national authorities will give greater importance to specific protection-related concerns.
- Switzerland will contribute to the development of response policies and humanitarian standards. It will pay special attention to the wording of resolutions that have an impact on humanitarian activities, particularly within the framework of the United Nations.
- By including aspects of protection in its humanitarian and development programmes – and by encouraging its partners to follow suit – Switzerland will help to remedy the consequences of conflict for the persons affected.
- Switzerland will work with the UNHCR to accommodate groups of refugees as part of a new resettlement policy.

### **Example: Swiss humanitarian aid in South Sudan in 2012**

The experience of providing humanitarian aid in South Sudan enabled Switzerland to draw several lessons concerning the possibilities and limitations of Swiss protective action. It showed that Switzerland is able to act at several levels to improve its response in this area. In 2012, Swiss humanitarian aid activities were centred on four lines of action intended for persons to be protected, which correspond to the usual modes of implementation (areas of activities 4 and 5):

- 1) Financial support to organisations directly involved in affording protection (e.g. ICRC, UNHCR, OCHA) as well as targeted funding to UNICEF for the U.N.'s child protection sub-cluster.
- 2) Dispatching of protection experts from the Swiss Humanitarian Aid Unit (SHA) to partner organisations (e.g. Field Protection Officer for UNHCR/Upper Nile State).
- 3) Advocacy work, albeit modest, to highlight the importance for Switzerland of protection themes (e.g. humanitarian access) either at protection cluster meetings or at meetings of the UN's Humanitarian Country Team (HCT).

4) Including aspects of protection in Switzerland's direct action project to provide humanitarian aid in the state of Northern Bahr El Gazal (water).

Experience has shown that this multi-pronged approach is more effective in protecting civilians than a single-pronged approach limited to only one area of focus; by devoting attention to specific themes (e.g. humanitarian access, child protection), Switzerland was also able to improve the effectiveness of its response.

Other lessons learnt by Switzerland in view of its future commitment in South Sudan include the importance of continuing to provide targeted financial and/or technical support for protection; the need to better coordinate its advocacy work, particularly with federal agencies and other donors; as well as the need to strengthen aspects of protection in its direct action projects, particularly through the more systematic use of Conflict-Sensitive Programme Management (CSPM).

In South Sudan, Switzerland also encouraged the new authorities to ratify the Geneva Conventions, both directly and through humanitarian organisations involved in this area (area of activities 2). The Swiss Armed Forces also provided training to the Armed Forces of South Sudan in the area of international humanitarian law (area of activities 2).



# Axis 3 – Lend support to international peacekeeping missions

Switzerland contributes to international peacekeeping operations. Conducted by the UN and other regional organisations, such operations help to protect civilians in armed conflict. Apart from the intrinsic importance of protection, helping the population to feel safe is also essential to the success of these missions.

Increasingly, UN peacekeeping missions are mandated to protect civilians, especially within the framework of integrated missions. The wide range of different activities needed to fulfil a protection mandate range from creating a safer environment to protecting civilians from direct exposure to violence. The civilian members involved in these missions also have an important role to play, for instance, in investigating violations or lending support to political processes aimed at ending the conflict.

## **Area of activities 6**

### **Consolidate support given to peacekeeping operations**

For decades, Switzerland has supported and taken part in peacekeeping missions conducted by the UN, the European Union, NATO and other regional organisations. Hundreds of men and women have therefore been involved in military or civilian peace promotion efforts on four continents. In conflict zones, Switzerland focuses on dispatching contingents, small detachments and military observers as well as civilian and military specialists in such areas as policing, humanitarian demining, healthcare services and security sector reform. Switzerland has also established the objective of qualitatively and quantitatively improving its military peace promotion capacity.

Switzerland contributes substantially to the funding of UN peacekeeping operations. It supports various training centres around the world and maintains its own training centre where it shares its experiences.

### **Lines of action**

- Switzerland will provide civilian and military personnel to the peacekeeping operations, including humanitarian demining or military contingents.
- Switzerland will help to improve national and regional training capacities in the area of peacekeeping.

## **Area of activities 7**

### **Contribute even more actively to the elaboration of mandates and standards**

The members of a peacekeeping operation are unable to protect civilians unless they know what is expected from them and have undergone suitable training. It is therefore essential to ensure that soldiers, police officers and civilians involved in these missions have been properly trained.

### **Lines of action**

- Switzerland will use its influence to ensure that the needs of those to be protected are taken into account in peacekeeping operation doctrine.
- Switzerland will support the work of international mechanisms designed to ensure that protection of civilian concerns are more effectively taken into account in the training given to personnel involved in peacekeeping operations.

## **Example: Swiss multilateral action**

New York holds a special position when it comes to policymaking on the protection of civilians. The UN Security Council in particular has played an important role in influencing the normative and political framework by drafting resolutions, by issuing mandates to protect civilians in numerous peacekeeping operations and by authorising the use of force to protect civilians in some cases (areas of activities 6 and 7). The Permanent Mission of Switzerland to the UN is a key relay in Switzerland's strategy to protect civilians. Switzerland also chairs the Group of Friends on the Protection of Civilians (area of activities 3), an informal group of countries that have made this theme a priority. Through its chairmanship, Switzerland is able to contribute to shaping positions and conveying the views of its members to the UN and its bodies. The Mission's partners in these processes are the FDDCPS and the FDFA in Bern, as well as various embassies.

The Permanent Mission of Switzerland to the UN regularly organises meetings that bring together experts and representatives from the UN and other international organisations as well as from civil society. The mission also coordinates the drafting of statements of the Group of Friends during the UN Security Council's debates. By organising these regular meetings, Switzerland helps to bring new protection of civilian concerns to the agenda and raise awareness of the importance of including protection issues in the action of the international community. These meetings are also useful in enabling discussion of training standards and mandates for peacekeeping missions.

More broadly, many of the decisions concerning the action of agencies, funds and programmes in the area of protection are directly or indirectly reached in New York (area of activities 4).



# References

## Legislation

- Federal Constitution of the Swiss Confederation of 18 April 1999 (Cst, SR 101), Art. 54 and Art. 58.
- Swiss Criminal Code (SCC, SR 311.0), Art. 264 and following.
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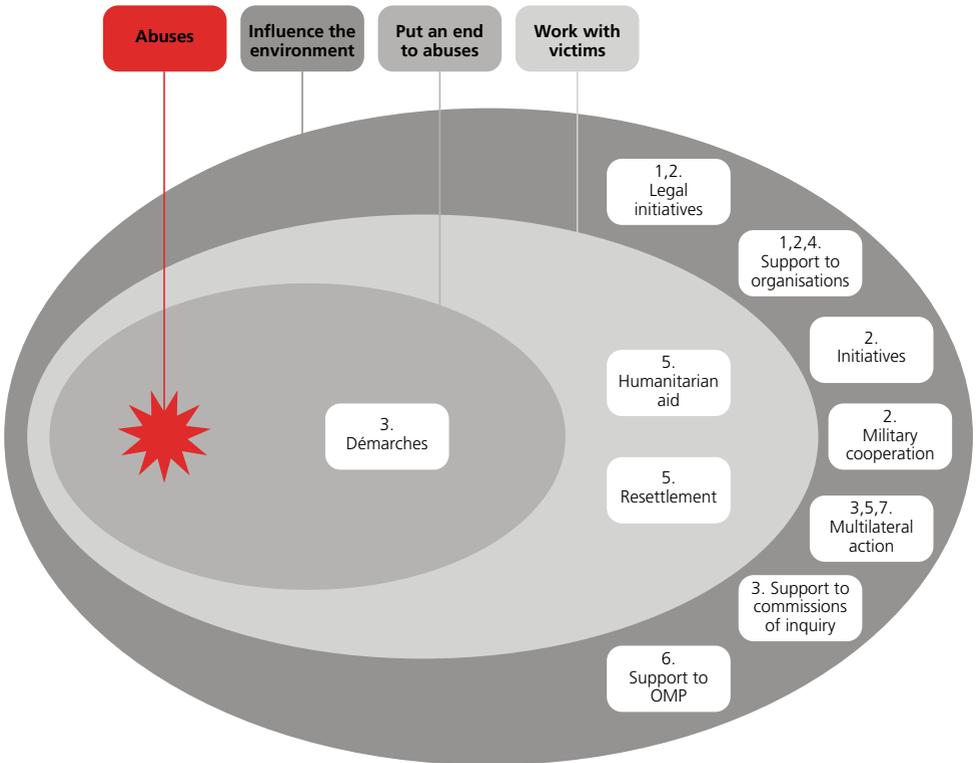
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- Federal Council Dispatch on International Cooperation for 2013-2016, 2012.

## Swiss cluster strategies

- The International combat against the illicit trade in and misuse of small arms and light weapons, Switzerland's strategy 2013 – 2016, 2013.
- Mine Action Strategy of the Swiss Confederation 2012 – 2015, 2012.
- Women, Peace and Security – National Action Plan to implement UN Security Council Resolution 1325 (2000), 2013.

# Swiss Protection of Civilians Action at a Glance

The “protection egg” is a graphical representation of the three levels of action to put an end to all forms of abuse: working with victims of violations and inducing lasting change in the environment to reduce the likelihood of recurrence (“Growing the Sheltering Tree – Protecting Rights Through Humanitarian Action”, by the Inter-Agency Standing Committee (IASC), 2002). Most of the activities pursued by Switzerland help to create an environment conducive to protection.



# APPENDIX – Overview of the range of actions and instruments available to Switzerland

## Initiatives

- Launch and become involved in initiatives aimed at making the legal framework clearer and more accessible.
- Pursue initiatives aimed at identifying ways to improve respect and strengthen dialogue between states on the subject of international humanitarian law.
- Launch and provide sustained support to initiatives relating to humanitarian access, dialogue with armed groups and coming to terms with the past.

## Steps/public communication

- Take steps to ensure that the parties involved in armed conflict as well as multi-lateral institutions act to encourage compliance with the normative framework.
- Work to achieve universal ratification of relevant international treaties as well as their transposition in national legislation.
- Support recourse to international criminal prosecution mechanisms such as the International Criminal Court (ICC).

## Dialogue

- Pursue regular dialogue on the issue of protection with parties to an armed conflict, other states, international organisations and non-governmental organisations, so as to improve actions taken on behalf of persons to be protected.
- Share with foreign armed forces the experiences that Switzerland has had with transposing legal principles into military doctrine and the training given to officers and troops.

## Negotiations/decision-making

- Support decisions taken by the United Nations System and regional organisations that afford better protection to civilians; seek to influence debate in this direction.
- Pay special attention to the wording of resolutions that will have an impact on humanitarian activities, particularly within the framework of the United Nations.

## **Financial support/availability of personnel**

- Provide financial and material support to international organisations that have received a mandate to protect civilians in armed conflicts. Also lend support to other partners whose activities may also include aspects of protection.
- Make experts from the Swiss Humanitarian Aid Unit (SHA) and the Swiss Expert Pool for Civilian Peacebuilding (SEP) available, either by deploying personnel or providing funding for new personnel to be hired.
- Make military or civilian personnel available for peacekeeping operations whose mandate includes the protection of civilians.

## **Integration**

- Include protection aspects in country strategies as well as in humanitarian or development programmes.



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