

Protection of Civilians in Armed Conflict: Global Risks, Trends and Priorities Advocacy Note May 2023

Aim of the Note: This note was developed by the <u>Global Protection Cluster</u> (GPC) and its multi-partner Advocacy Working Group ahead of the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict.¹ It is intended to reinforce the annual Report of the Secretary General on the protection of civilians in armed conflict and amplify the shared priorities of diverse protection partners. The note outlines key protection risks linked to the threat of physical violence that are affecting civilians globally based on analysis of data and trends by Protection Clusters, 90% of which operate in armed conflict situations.² It also provides recommendations to Member States to help reduce risks experienced by affected communities and effectively respond to protection of civilians' related priorities.

1. Overview of Key Risks Related to the Protection of Civilians

Protection risks across crisis contexts continue to escalate at a rapid pace, with the number of people in need of protection soaring from 113 million people in 2021 to 151 million in 2022 and 160 million people at the start of 2023. This represents a 42% jump in just two years³. This unprecedented and rapidly growing level of protection needs globally has been largely driven by the worsening situations in countries such as Afghanistan, Ukraine, Ethiopia, Sudan and Myanmar over the last two years as well as continued high levels of need in places such as Yemen, Syria and the Democratic Republic of Congo.

The main driver of protection risks globally continues to be armed conflict and violations and abuses of International Humanitarian Law (IHL) and International Human Rights Law (IHRL). In 2023, there continues to be a blatant disregard for these legal frameworks and perpetrators of violations and abuses are rarely held to account, thus encouraging a climate of impunity. Specific risks, including attacks on civilians and other unlawful killings and attacks on civilian infrastructure; abduction, kidnapping, forced disappearance, arbitrary or unlawful arrest and/or detention, and presence of mines and other explosive ordnance are reported by Protection Clusters as the most concerning protection risks in the final quarter of 2022 and continued into 2023.

¹ The GPC supports 31 Protection Clusters with the aim of reducing protection risks and strengthening the rights of communities experiencing humanitarian crises.

² Clusters monitor and report on 15 major protection risks. Of those 15 risks, 8 are directly associated with the Protection of Civilians, or in other words, the threat of physical violence. These include: Attacks on civilians and other unlawful killings and attacks on civilian infrastructure; Abduction, kidnapping, forced disappearance, arbitrary or unlawful arrest and/or detention; Forced recruitment and association of children in armed forces and groups; Theft, extortion, forced eviction or destruction of personal property; Presence of mines and other explosive ordnance; Torture or inhuman, cruel, degrading treatment.

³ The number of people in need of protection is published in each country's Humanitarian Needs Overview (HNO) and Humanitarian Response Plan (HRP). Data from the 31 Protection Clusters is consolidated by the GPC through its information management system and trends are analysed from one year to the other.

In the first quarter of 2023:⁴

- 100% of Protection Cluster operations reported gender-based violence as a risk in their context, with 85% describing the risk of GBV as high or very high. Protection Clusters collect data on the full range of GBV risks, including intimate partner violence, forced marriage, and conflict-related sexual violence (CRSV), all of which increase during conflict and crisis.
- Attacks on civilians or civilian infrastructure were occurring in 92% of Protection Cluster operations. 65% described the risk as high or very high. Particularly affected contexts include Cameroon, Ukraine, South Sudan and Sudan alongside Myanmar, Afghanistan, Ethiopia, DRC, Mali, and others.
- 92% of Protection Cluster operations highlighted abduction, forced disappearance, arbitrary arrest and/or detention as a major concern. 62% described the risk as high or very high. South Sudan and Sudan reported the highest levels of such risks, while other impacted countries included Afghanistan, CAR, Haiti, Mali, Somalia, Syria, and others.
- The presence of mines and other explosive ordnance is a risk reported across 85% of operations. 54% described the risk as high or very high. The level of risk was highest in Ukraine while Burkina Faso, Colombia, Ethiopia, Mozambique, Myanmar, South Sudan, Syria, and Yemen, amongst others, all report high levels.

The continued high levels of targeted and indiscriminate attacks on civilians and civilian infrastructure widely documented throughout 2022 and into the first months of 2023 are resulting in high levels of civilian casualties, including loss of life and untold human suffering. This is linked to the direct lack of physical protection that often prevails amidst situations of armed conflict as well as the related lack of access to essential services, justice and accountability and the limiting of human dignity. Armed conflict also represents a key factor driving, exacerbating and prolonging forced displacement in many contexts. Affected communities are forced to flee from attacks carried out by both state and non-state actors, subsequently experiencing pronounced protection risks while on the move and in displacement sites. Many of those displaced face very real barriers to return, including ongoing insecurity, the presence of mines and lack of essential services.

Access constraints are having enormous impacts on the ability of communities to keep themselves safe and the intentional denial of access represents a serious violation of IHL. Unfortunately, access to protection and essential services, both for conflict-affected and displaced communities across Protection Cluster contexts remains extremely limited and often on the decline. This trend is starkly evident in contexts from Afghanistan to Myanmar, with 31% of Protection Clusters reporting a worsening ability for affected populations to reach protection services in the first quarter of 2023.⁵ In addition, the ability of protection actors to reach those in need continues to be one of the largest operational challenges. In Burkina Faso, 23 provinces out of 45 are not accessible and around 1 million people live in armed groupscontrolled areas, often unable to access the basics for survival while also unable to flee in search of safety.

Across crises, analysis also shows there is a strong correlation between 'attacks on civilians' and protection risks of 'abductions' as well as 'gender-based violence' and 'the denial of resources'. This highlights the interlinked nature of such risks, and the related need to ensure an integrated approach, including ensuring

⁴ Protection Clusters monitor the severity of protection risks across operations on a quarterly basis. The severity assessment done by Protection Clusters is informed by the collective Protection Analysis Updates produced at country level and measured on a scale of 1 to 5: very low, low, medium, high, very high. The monitoring is done across 15 protection risks defined by Protection Clusters and Areas of Responsibility.

⁵ Please see the GPC's Global Protection Update, March 2023, available <u>here</u>.

protection risks that are not necessarily directly linked with physical violence, such as gender-based violence, trafficking in persons, forced displacement and restrictions to freedom of movement, are included in comprehensive response plans.

Protection risks are almost always compounded by multiple factors, making it critical to address root causes of these risks whenever possible and ensure that protection is central to any response. These risks continue to differentially impact diverse population groups and communities, reflecting barriers and intersecting vulnerabilities, including for women, persons with disabilities, children, minority groups, older persons, and child or female-headed households.

2. In Focus: Conflict-Driven Hunger and Related Protection Risks

In the first quarter of 2023, in contexts of armed conflict there are increasing numbers of people in need of protection in areas affected by food insecurity, compared to last year. Conflict continues to be the main driver of food crises, with WFP reporting in 2023 that 70% of people experiencing hunger globally living in areas affected by war and violence.⁶ This trend underlines how armed conflict has both direct and indirect impacts on food security, including: direct attacks and the disruptive impact of conflict on vital infrastructure, including infrastructure used for agricultural purposes and objects indispensable to the survival of the civilian population, such as markets and roads used to transport food; the far reaching impacts of insecurity on communities as it limits the ability of people to move freely, to farm, to trade and to access markets; and the massive implications of forced displacement, as people flee their homes, their livelihoods and their fields, to seek safety in a camp or host community where their access to adequate food is jeopardized.

Trends around high levels of food insecurity and elevated numbers of Internally Displaced Persons (IDPs) are evident across Protection Clusters, as are high levels of food insecurity and elevated levels of bureaucratic and administrative impediments, indicating potential linkages with restrictions on the delivery of aid and increased constraints on accessing needed resources and services for affected populations. As outlined in the March 2023 <u>Global Protection Update</u>, theft, extortion, eviction or destruction of personal property, including livestock and livelihood is a risk across all operations, with 38% reporting the risk as high or very high. Throughout the Sahel and particularly in Burkina Faso, Niger, Mali and Chad, attacks on villages, destruction of livelihoods, and theft of livestock have been the modus operandi of non-state armed groups, with direct implications for food security of conflict-affected communities.

This is a pernicious cycle: protection risks linked with conflict and violence are driving and aggravating food insecurity, and food insecurity in turn deepening protection risks, all with important gendered dimensions. As households try to cope with conflict-related risks, many are forced to increasingly rely on 'negative coping mechanisms', including child labour, early and forced marriage, family separation, banditry or extortion, trafficking and the use of dangerous smuggling routes to ensure some food is on the table. Importantly, the complex challenges which contribute to food insecurity, including income insecurity and rising commodity prices alongside conflict and violence, are not only impacting women and girls disproportionately but also amplifying GBV-related risks, particularly for those experiencing

⁶ Please see the WFP website <u>here</u>; Global Network Against Food Crises, May 2023, '2023 Global Report on Food Crises', available <u>here</u>.

intersectional vulnerabilities.⁷ In fragile and conflict-affected areas impacted by increasing pressure on access to food, water and other essentials, food insecurity and its repercussions, including displacement, are also heightening inter-communal tensions, including incidents of violence against women and girls, and threatening social cohesion.

Ultimately, conflict-driven hunger must be seen as a protection crisis by all actors to ensure the drivers of protection risks, underlying root causes and rights of affected communities are at the center of any response.

Country examples

South Sudan: Across IDP sites in Juba and Bentiu only 17% and 40% of households, respectively, recorded an acceptable food consumption score. In the Greater Pibor Administrative Area, intercommunal violence has destroyed critical infrastructure, including boreholes (often the only source of water), schools, markets, and shelters. These developments have negatively impacted livelihoods and result in sustained high levels of household vulnerability. In addition, high rates of attacks against humanitarian infrastructure and personnel further inhibits the provision of assistance to communities in need. The contamination with explosive ordinances in Central and Eastern Equatoria states has also blocked access to key agricultural land, critical infrastructure, and service delivery, including along return routes.

Myanmar: The multi-dimensional humanitarian crisis is now affecting the whole country, posing grave protection risks for civilians, limiting access to services and deepening food insecurity, with pernicious, compounding effects between these elements. In particular, the military regime's targeted and indiscriminate attacks against civilians and civilian infrastructure are driving growing levels of displacement and hunger while conflict and insecurity have driven the collapse of the economy and fast rising commodity prices. Internal displacement increased by 326% (from 328,000 IDPs to a total of 1.8 million IDPs) since the coup in February of 2021, with many IDPs and other conflict-affected populations unable to access life-saving assistance, including emergency food aid. There are also a growing number of incidents in which homes, entire villages and farms are looted and then set on fire, with direct impacts on food security.⁸ A total of 60,000 civilian properties are estimated to have been burnt or destroyed since February 2021.⁹

3. Priority Areas for Action by Member States

While conflict-driven hunger and access to essential services form the focus of this year's Open Debate, it is critical to recognise that these are not stand-alone issues but instead intrinsically linked to a range of Protection of Civilians' related risks that demand a scaled up, comprehensive response to support the survival, safety and rights for those caught up in armed conflict and violence. We echo the recommendations put forward in the Report of the Secretary General and urge Member States to take the following actions:

⁷ CARE, November 2022, 'Gender-Based Violence and Food Security: What we know and why food security is the answer', available <u>here</u>; GBV AoR, April 2022, available <u>here</u>.

⁸ OHCHR, Statement by UN High Commissioner for Human Rights on Myanmar, March 2023, available here.

⁹ OCHA, Myanmar Humanitarian Update No. 28, 6 April 2023, available <u>here</u>.

3.1 Preventing and responding to all violations of IHL and IHRL.

- Urge parties to the conflict to immediately stop all ongoing violations of IHL and violations and abuses of IHRL and ensure that protection of civilians is central to all conduct of hostilities.
- Continue to call out violations and condemn equally all violations committed by parties to the conflict.
- Continue to call for and provide technical support in the development of national policy frameworks that aim to strengthen the protection of civilians through evidence-based policies and practices.
- Support relevant accountability mechanisms at national and international levels, so that adequate and timely monitoring, documentation, investigation and prosecution of violations and abuses can take place. The inclusion of specific expertise is needed to ensure that age, gender, disability, or other specific characteristics are taken into consideration and that accountability mechanisms include a survivor-centered approach that does not retraumatize or bring additional harm to civilians who have experienced violations.

3.2 The protection of affected populations must underpin all humanitarian action, necessitating an integrated response that places protection at the center.

- Invest in preventive diplomacy, conflict mediation and peacebuilding and uphold their obligation to adopt legal and normative frameworks that protect civilians in conflict, including those which ensure women and women-led/women's rights organizations meaningfully participate in all elements of Protection of Civilians.
- Increase their investment in prevention and response programming, including child protection, GBV as well as integrated multi-sector programming across humanitarian response efforts and along the nexus, reflecting the inter-linked and compounding effects of protection risks. At the same time, Member States must demand that all humanitarian actors and senior UN leadership uphold agreements that protection be implemented as an overarching aim of all humanitarian response.
- Hold the humanitarian leadership to account to ensure that multidimensional risks are considered and responded to, including investing in prevention approaches, and addressing the root causes of armed conflict, including gender inequality. Affected populations must not be seen as a homogenous group, but as populations who have diverse protection risks and needs.
- Mobilise to find political solutions and engage in bilateral action where protection threats and risks, such as forced return, camp closure and involuntary evacuations, cannot be adequately addressed at country level.

3.3. Affected communities must be able to access basic services, including protection.

- Recognise the roles of protection actors and support local efforts in strengthening access to protection.
- Mobilise support to both advocate for the ability of civilians to be able to move freely to access life-saving services and to ensure humanitarian partners can continue to deliver services.
- In areas of heightened insecurity and threat, work with affected communities, humanitarian actors and other relevant stakeholders to support negotiating at both the local and the international level for critical humanitarian pauses and corridors.
- Continue to support monitoring and reporting on the denial of access in conflict affected areas and take needed action to support accountability for such violations.

3.4 Scaled-up action to address conflict driven hunger is needed now.

- Take further joined-up action, including through strengthened reporting, advocacy, and accountability, to stop the starving of civilians as a method of warfare and help break the vicious cycle between armed conflict and food insecurity, as committed to in Resolution 2417 (2018).
- Scale up support for safe and unimpeded access of humanitarian personnel to civilians in armed conflicts and act against the unlawful denial of such access and depriving civilians of objects indispensable to their survival, as committed to with Resolution 2573 (2021) and Resolution 2417 (2018).

3.5 Community-level protection must be supported.

- Ensure conflict-affected people themselves are supported to identify the priority risks and related impacts they are facing and that related response strategies are responsive and further enabling the leadership of affected communities.
- Ensure that in their words and deeds, they are championing the leadership role of communitybased and national protection actors and taking steps to ensure these actors can receive responsive, flexible and longer-term funding that enables rapid response along with continued trust building and long-term relationships that are vital for community leadership, and enhanced impact.