

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

Submission by Action on Armed Violence and Every Casualty Counts

12 February 2023

Action on Armed Violence (AOAV) seeks to reduce the impact of armed violence through monitoring and research of the causes and consequences of weapon-based violence around the world. We have a specific focus on the impact of explosive weapons.

In addition to monitoring harm, we have investigated numerous case studies of explosive weapon harm, including the long-term harm from explosive weapons in Sri Lanka, Lebanon and Syria, air strikes by NATO forces, improvised explosive device attacks by jihadist terrorists and the wide area harm of explosive weapons in Ukraine, Jordan and Israel, amongst others.

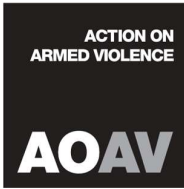
Our work is regularly disseminated at national and international fora, both political and technical.. Our work is widely cited in the media and we are a regular commentator on armed violence internationally. AOAV's casualty data has informed and been cited in the [report of the Secretary General on the protection of civilians in armed conflict since 2012](#). AOAV also collaborates closely with many civil society organisations as part of the International Network on Explosive Weapons ([INEW](#)).

AOAV's [database of explosive violence incidents](#) documents civilian and combatant casualties since October 2010, compiled from English-language media sources. As of February 2023, the database contains over 39,000 explosive violence incidents reported from 119 countries, and details of over 300,000 casualties. Details of our methodology are available at <http://www.explosiveviolencedata.com/about>. Our data is verified and cross-checked by an independent assessor on a regular basis.

This submission to the OHCHR study on the impact of casualty recording on human rights provides evidence of impact in two areas: protection of civilians and investigations into unlawful deaths. For further information on these issues, or additional examples of the impact of AOAV's work, please contact Iain Overton, ioverton@aoav.org.uk.

[Impact on protection of civilians](#)

AOAV uses the casualty data it records as an evidence base for advocacy to reduce harm from explosive weapons. Due to the length of time AOAV has been recording casualties and the breadth



of conflicts covered, we are able to demonstrate the scale and human impact of particular weapons and military strategies.

In 2014, AOAV published a report on state-led casualty recording practices, [Counting the Cost](#). The report contained analysis and recommendations to help states and international organisations establish a common way to systematically record civilian casualties, in response to the recommendations of the 2013 Report of the Secretary-General on the protection of civilians in armed conflict ([S/2013/689](#)).

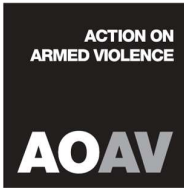
AOAV's casualty data and analysis has helped highlight the impact of anti-personnel landmines and [improvised explosive devices](#), encouraging international [action](#) on these issues. AOAV has produced [four expert papers on IEDs](#) as part of a two-year study commissioned by the United Nations Mine Action Service (UNMAS), with the support of the French government. More recently, AOAV's data has been instrumental in the campaign to prevent the use of explosive weapons in populated areas. AOAV's [analysis](#) of a decade's worth of casualty records found that when explosive weapons are used in populated areas, 90 per cent of casualties are civilians. This finding was cited repeatedly in humanitarian fora, by [states](#) as well as civil society and UN actors, as crucial evidence to support an international declaration to protect civilians from the use of explosive weapons in populated areas. The Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas was adopted in November 2022.

AOAV's casualty data also plays a role in monitoring and implementation, as demonstrated by our forthcoming report, [Explosive Weapons and the Arms Trade Treaty](#), assessing the effectiveness of the Arms Trade Treaty (ATT) on reducing civilian casualties from explosive weapons. The report analyses the harms caused by explosive weapons in the hands of state actors, either directly or through the provision of those arms to perpetrators of explosive violence. The report was [presented](#) at a side event during the Working Group Meetings and 1st CSP9 Informal Preparatory Meeting, on 16 February 2023.

The structure of AOAV's casualty records also enables us to identify the impact of particular weapons on specific demographic groups, such as children. In Afghanistan, for example, AOAV compiled and analysed casualty records produced by the United Nations Assistance Mission in Afghanistan to reveal that [37 per cent of all civilian fatalities from airstrikes in the past five years were children](#), and the majority were caused by international forces. AOAV was also able to [compile and analyse data on civilian casualties caused by British military forces](#) in Afghanistan, including [data on child casualties specifically](#), and use this to advocate for improved measures to protect civilians.

[Impact on combating impunity and investigating unlawful killings](#)

AOAV has helped uphold the right to life, including states' procedural obligations to investigate possible violations of the right to life, through its analysis of casualty data. Using casualty records,



including details from British military reports, AOAV identified a number of possible unlawful killings and war crimes by UK Special Forces in Afghanistan in 2010/11. In many cases, internal investigations into these incidents had been weak or non-existent, in violation of the state's obligations under Article 2 of the European Convention on Human Rights. AOAV published its findings in July 2022, in the report [Killing in the Shadows](#). Two weeks after the publication of this report, the [Ministry of Defence announced that it was proposing a judge-led independent review into the handling of the investigations](#). A [senior judge was appointed to lead the review](#) by the Defence Secretary in December 2022.

Recommendations

Casualty recording through consistent and wide-ranging media monitoring can provide vital 'big data' insights into the causes of harm to civilians, impacts of particular weapons, and patterns of IHL or human rights violations. This evidence base has been, and will continue to be, fundamental to international efforts to reduce the human harm caused by armed conflict.

For this type of casualty recording to be conducted, it is essential that independent news media and humanitarian organisations are able to access and report from conflict-affected areas. The international community should ensure that adequate attention and support is given to protecting media access and journalists at all times.

State transparency about military actions is also vital for compiling accurate data on casualties and the causes of harm to particular segments of the population. States should limit the use of official secret or national security restrictions as much as possible, and uphold the rights associated with the freedom to seek, receive and impart information. States should report routinely and publicly on all casualties believed to have resulted from their military interventions. This transparency enables disaggregated analysis of military actions which can identify and reduce causes of unintended harm, such as the killing of children.

The quantity and quality of data compiled, and the analysis thereof, is enhanced by the involvement of multiple actors. Monopolisation of casualty recording and analysis, for example by the military or national statistics agencies, reduces independent oversight and can lead to perceived or actual bias which undermines trust in the findings. States and the international community should enable and facilitate the involvement of a range of actors in the gathering and analysis of casualty records. Internationally agreed standards and principles should be developed to enable casualty data to be shared and interpreted effectively across multiple actors.