



Protecting Civilians in Urban Areas: Consultations on Political Declaration on the Use of Explosive Weapons in Populated Areas

**Statement by Human Rights Watch on Section 4 of the Operative Commitments
Delivered by Bonnie Docherty**

March 5, 2021

Thank you, Ambassador.

Human Rights Watch will focus its comments on three paragraphs of Section 4 that should be strengthened to help the declaration better protect civilians from the humanitarian consequences of the use of explosive weapons in populated areas.

First, the commitment in paragraph 4.2 to collect and share data should be expanded to encompass a wider range of data. The commitment should apply to information related to the use of *all* explosive weapons in populated areas, rather than just those with wide area effects. In addition, states should gather information on not only the effects of explosive weapons but also their operational use, including types of weapons used, the intended targets, and the circumstances of use. While we welcome the addition of a commitment to make data publicly available, the caveat “where possible” should be removed. Comprehensive and transparent data collection and dissemination can lead to the design of more effective protections for civilians.

Second, paragraph 4.4 on victim assistance still requires significant improvements. It commits states merely to “make every effort” to provide assistance, rather than to “ensure” that victims receive adequate support to address the harm they have suffered. The paragraph should enumerate specific forms of assistance, ranging from meeting basic needs to providing medical care, rehabilitation, psychosocial support, and measures to promote socioeconomic inclusion. It should show sensitivity to the age and gender of victims, in addition to taking into account the rights of persons with disabilities.

Third, paragraph 4.6 should establish a stronger mechanism to review and promote the political declaration. While we appreciate that the new draft calls for regular, rather than periodic, meetings, states should commit to meeting on an annual basis. The paragraph should state that the purpose of those meetings is to review the humanitarian consequences of the use of explosive weapons in populated areas and assess the implementation and universalization of this declaration, rather than to improve compliance with international humanitarian law. The

paragraph should specify that these meetings are open to international and civil society organizations in order to draw on their expertise and ensure transparency of the process.

We also recommend restoring the deleted paragraph on providing access for humanitarian relief and amending paragraph 4.7 to seek the declaration's implementation as well as adoption. We elaborate on these and more specific recommendations in our written submission, which is available online.

Thank you.