Humanity In War

Under the Global Initiative to Galvanize Political Commitment to International Humanitarian Law (Global IHL Initiative), **Ghana, Luxembourg, Mexico, Switzerland and the International Committee of the Red Cross (ICRC)** are pleased to present the:	在"激励对国际人道法做出政治承诺的全球倡议"（简称"国际人道法全球倡议"）下，**加纳、卢森堡、墨西哥、瑞士和红十字国际委员会**荣幸呈上：
WORKSTREAM 6	工作领域 6
THIRD STATE CONSULTATION ON UPHOLDING INTERNATIONAL HUMANITARIAN LAW IN THE USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES DURING ARMED CONFLICTS	武装冲突期间使用信息和通信技术时维护国际人道法第三轮国家咨商

For government representatives specializing in IHL, cybersecurity or military cyber operations in capitals, as well as representatives from permanent missions in Geneva	邀请来自各国首都、专门从事国际人道法、网络安全或军事网络行动工作的政府代表，以及各国常驻日内瓦代表团的代表参会
MONDAY 16 FEBRUARY 2026	星期一，2026 年 2 月 16 日
10:00–14:00 (UTC+1)	10:00–14:00 (UTC+1)
FORMAT: IN PERSON (GENEVA) AND ONLINE (ZOOM)	会议形式：会议形式：线下（日内瓦）和线上（ZOOM 网络会议）

Background

背景

The growing use of information and communication technologies (ICTs) during armed conflicts raises significant humanitarian and legal questions. While it is generally accepted that international humanitarian law (IHL) imposes limits on the use of ICTs in armed conflicts, the specific characteristics of the ICT environment give rise to complex questions regarding the implementation of IHL. States have recognized the need to continue discussing these questions.	信息和通信技术（以下简称"信通技术"）在武装冲突期间的使用日益增多，这带来了重大的人道和法律问题。虽然国际人道法对武装冲突中信通技术的使用施加限制已获得普遍接受，但是信通技术环境的特性引发了实施层面的复杂国际人道法问题。各国已经认识到，有必要就这些问题持续进行讨论。
The ICT workstream of the Global IHL Initiative builds on the global discussions on the use of ICTs and the progress achieved to date, including reports of the United Nations Open-ended Working Group on Security of and in the Use of Information and Communications Technologies and of the Group of Governmental Experts on Advancing Responsible State Behaviour in Cyberspace in the Context of International Security, national and common positions on cyber and international law, and Resolution 2 of the 34th International Conference of the Red Cross and Red Crescent, entitled "Protecting civilians and other protected persons and objects against the potential human cost of ICT activities during armed conflict". It complements the ongoing multilateral discussions, including the forthcoming Global Mechanism on developments in the field of ICTs in the context of international security and advancing responsible State behaviour in the use of ICTs. This workstream is part of an ongoing effort to develop a shared understanding of the limits that IHL	本工作领域的基础是有关使用信通技术的全球讨论以及目前已取得的进展，包括：联合国信通技术安全及使用问题不限成员名额工作组以及从国际安全角度促进网络空间负责任国家行为政府专家组的报告；有关网络和国际法的国家立场和共同立场；以及第 34 届红十字与红新月国际大会通过的第 2 号决议，标题为"在武装冲突期间保护平民和其他受保护人员及物体免受信息和通信技术活动的潜在人类代价之影响"。本工作领域补充了当前正在进行的多边讨论，包括即将设立的从国际安全角度看信通领域发展和推进信通技术使用方面负责任国家行为的全球机制。本工作领域属于一项持续性努力，促进各方就国际人道法在武装冲突中对信通技术活动的限制达成共识，从而保护平民居民免受伤害。

imposes on ICT activities during armed conflicts, with a view to safeguarding civilians from harm.	
The first and second state consultations of the ICT workstream, held on 15 May and 24 November 2025 respectively, recognized the significant human consequences that the use of ICTs during armed conflicts may generate and underscored the imperative to protect people and safeguard human dignity. They reaffirmed that IHL remains the core legal framework for protecting civilians and other protected persons and objects from the dangers arising from the use of ICTs in both international and non-international armed conflicts.	本工作领域的前两轮国家咨商分别于 2025 年 5 月 15 日和 2025 年 11 月 24 日召开，认识到武装冲突期间使用信通技术可能带来严重的人道后果，并强调了保护民众和维护人类尊严的迫切性。咨商重申，在国际性和非国际性武装冲突中，国际人道法始终是保护平民和其他受保护人员及物体免受信通技术使用所产生危害的核心法律框架。
Across both consultations, participants examined the humanitarian and legal implications of the use of ICTs in armed conflicts and explored practical measures to ensure compliance with IHL and strengthen the protection of civilians in this context.	在两轮咨商中，参与方审视了武装冲突中信通技术的使用所带来的人道和法律后果，并探讨了在此背景下确保遵守国际人道法并加强平民保护的务实措施。
The third consultation will build on these discussions and the key observations emerging from them, with a view to further advancing a shared understanding of how to uphold IHL in the use of ICTs during armed conflicts, with a view to safeguarding civilian populations from harm.	第三轮咨商将基于上述讨论及所得关键意见，旨在就武装冲突期间使用信通技术时如何维护国际人道法，进一步推动凝聚共识，以保护平民居民免受伤害。
# Objectives	# 目标
This consultation aims to:	本轮咨商的目标如下：
• **Consolidate emerging understandings** on how IHL principles and rules protect civilians and other protected persons and objects from the dangers arising from ICT activities in armed conflicts. While states broadly reaffirmed the need to uphold and strengthen such protections, some issues require further discussion in order to foster a shared understanding. The key observations prepared by the co-chairs and the ICRC in line with the objective of the workstream to safeguard civilian populations from harm in the digital age are intended as a basis to guide discussion, invite further inputs, and help assess practical pathways to build a shared understanding of the limits IHL places on the use of ICTs during armed conflicts.	• **巩固正在形成的共识**，即国际人道法原则和规则如何在武装冲突中保护平民和其他受保护人员及物体免受信通技术活动所带来的危害。虽然各国普遍重申有必要维护并加强此类保护，但是若干问题仍然需要进一步讨论以构建共识。联席主席国和红十字国际委员会根据本工作领域保护平民居民在数字时代免受伤害的目标所共同编写的关键意见，旨在引导讨论、征询进一步意见并协助评估切实可行的路径，从而就国际人道法对武装冲突期间使用信通技术所施加的限制构建共识。

• **Gather national perspectives and practice** on legal, operational and policy measures taken or considered to ensure compliance with IHL in the use of ICTs during armed conflicts, including through legislation, military practice, IHL dissemination, engagement with the technology sector and measures to prevent and suppress IHL violations.	• 汇集国家立场和国家实践，了解为确保武装冲突期间使用信通技术时遵守国际人道法，各国已经采取或考虑采取的法律、行动和政策措施，包括立法、军事实践、国际人道法传播、与技术部门的沟通协作以及预防并制止违反国际人道法行为的措施。
• **Identify areas for further reflection and engagement**, in anticipation of preparing draft recommendations for consideration by states, and ultimately for inclusion in the broader outcome of the Global IHL Initiative.	• 明确需要进一步思考和沟通的领域，预备编写建议草案供各国审议，并最终将其纳入国际人道法全球倡议的整体成果。

# Next steps	# 后续工作步骤
Following the three rounds of consultations, the co-chairing states and the ICRC will formulate concrete recommendations, which will be presented to all states for further discussion:	在完成三轮咨商后，各联席主席国与红十字国际委员会将制定具体建议，呈交各国以供进一步讨论：
• On **1 April 2026**, the first versions of the recommendations for all workstreams will be sent to all Permanent Missions in Geneva and published on the <u>Humanity in War</u> website.	• 2026 年 4 月 1 日，各工作领域第一版建议将发送至所有常驻日内瓦代表团，并发布于"<u>战争中的人道</u>"网站。
• The **fourth round of consultations** will be held between **4 and 6 May 2026**, in a **hybrid format**. During this round, all states will be invited to share comments on the first versions of the recommendations for each workstream, which will be discussed sequentially.	• 第四轮咨商将于 2026 年 5 月 4 日至 6 日期间以线上线下混合形式召开。该轮咨商期间将依次对各工作领域建议进行讨论，我们将邀请所有国家就每一工作领域的第一版建议提出意见。
• On **1 June 2026**, the second versions of the recommendations for all workstreams will be sent to all states and published on the <u>Humanity in War</u> website.	• 2026 年 6 月 1 日，各工作领域第二版建议将发送至所有国家，并发布于"<u>战争中的人道</u>"网站。
• The **fifth round of consultations** will be held between **22 and 26 June 2026**, in a **hybrid format**. All states will be invited to provide final comments on the recommendations. Following this round, the co-chairing States and the ICRC will finalize the recommendations for each workstream, which will be presented to all states in the second part of 2026.	• 第五轮咨商将于 2026 年 6 月 22 日至 26 日期间以线上线下混合形式召开。我们将邀请所有国家对建议文件提出最终意见。在该轮咨商结束后，联席主席国与红十字国际委员会将最终确定每一工作领域的建议，将于 2026 年下半年呈交所有国家。

Participants	参与方
• The consultation will be held in a hybrid format with participation in person and online.	• 咨商将以线上线下混合形式召开，开放现场参会和线上参会渠道。
• The consultation is open to all states that are interested. There is a strong preference for capital-based government representatives specializing in IHL, cybersecurity or military cyber operations, and for representatives from permanent missions in Geneva.	• 咨商欢迎所有感兴趣的国家参会，尤其欢迎来自各国首都、专门从事国际人道法、网络安全或军事网络行动工作的政府代表，以及各国常驻日内瓦代表团的代表参会。
• Other representatives with specific expertise in the subject matter (e.g. members of international organizations, civil society, academia as well as representatives from the technology sector) will also participate upon invitation.	• 就会议主题事项具备专业知识的其他代表（如国际组织、民间社会和学术界人士）也将应邀参会。
• Please register no later than Friday, 13 February 2026, using the registration link.	• 请至迟于 2026 年 2 月 13 日（星期五）通过注册链接完成会议注册。
Procedure	程序事项
• The working languages will be **Arabic, Chinese, English, French, Russian and Spanish**, with simultaneous interpretation.	• 会议工作语言为**阿拉伯文、中文、英文、法文、俄文和西班牙文**，会议提供同声传译。
• We ask states to kindly limit their statements to **four minutes** to ensure sufficient time for all participants to take the floor. At the end of each session, and after all participating entities that wish to contribute have done so, states and other participants will be given an opportunity to discuss ideas proposed by others.	• 请各国将发言时间限制在**四分钟**内，确保所有参与方都有足够时间发言。在会议每个部分结束时，待有意发言的所有参与方发言完毕后，各国及其他参与方将有机会就他方提出的观点进行讨论。
• When preparing their statements, participants are kindly invited to take into account the **key observations by the workstream co-chairs and the ICRC towards upholding IHL in the use of ICTs during armed conflicts** and the **guiding questions** provided in the agenda below. The workstream's **background paper** is also available for reference, to help frame the scope of the discussion.	• 在准备发言内容时，请各参与方对以下会议议程中**本工作领域联席主席国和红十字国际委员会有关武装冲突期间使用信通技术时维护国际人道法的关键意见**和**引导性问题**进行考虑。也可参考本工作领域**背景文件**，这将有助于确定讨论框架。
• Given the technical challenges of hybrid meetings, we encourage delegations who are	• 鉴于线上线下混合会议存在的技术限制，我们鼓励线下参会的代表团进行现

in the room to make their statements in person and in all cases to give their full attention to delegations speaking online.	场发言，并务必在一切情况下认真听取线上代表团的发言。
• The **inclusive, constructive, non-politicized and solution-oriented** nature of the discussions will be maintained throughout the consultation. While participants are encouraged to refer to their state's domestic practice during the consultations, they are asked to kindly refrain from discussing specific contexts or the practice of other states.	• 咨商全程的讨论将始终保持**包容性、建设性、非政治化，并以解决方案为导向**。鼓励各参与方在咨商会议中提及其本国国内实践，但请避免讨论具体国家和地区或其他国家的实践。
• To facilitate interpretation, we invite participants to share a copy of their statements by Friday, 13 February 2026, via email at ihlinitiative@icrc.org, with "ICT workstream third consultation" in the subject line. We also encourage participants to send their full written statements by email after the meeting. **Unless confidentiality is explicitly requested, these statements will be published on the Humanity in War website.**	• 为协助会议口译，请各参与方于 2026 年 2 月 13 日星期五前将发言稿通过邮件分享至 ihlinitiative@icrc.org，邮件标题栏请注明"信通技术工作领域第三轮咨商"。我们也鼓励各参与方会后通过电子邮件提交完整的书面发言稿。**除非明确提出保密请求，上述发言稿均将通过"战争中的人道"网站公开发布。**
• The consultation will be recorded, but the recording will not be made public.	• 咨商会议将进行录像，但录像不会公开。
Agenda	**会议议程**
Upholding International Humanitarian Law in the Use of Information and Communication Technologies During Armed Conflicts	**武装冲突期间使用信息和通信技术时维护国际人道法**
(ICT Workstream)	**（信通技术工作领域）**
Third Round of Consultations	**第三轮咨商**
10:00–14:00, 16 February 2026	2026 年 2 月 16 日，10:00–14:00
ICRC Humanitarium, 17 avenue de la Paix, 1202 Geneva	红十字国际委员会人道中心（17 avenue de la Paix, 1202 Geneva）
* Depending on the number of statements given, all times set out below are subject to change.	*以下所有时间安排将依据发言数量进行调整。

Registration and coffee / Login and connection	9:30–10:00		现场注册和茶叙/线上登录和接入会议	9:30–10:00	
Opening of the meeting and introduction	10:00–10:10		**会议开幕、情况概述**	10:00–10:10	
Session 1: Key observations by the workstream co-chairs and the ICRC towards upholding IHL in the use of ICTs during armed conflicts	10:10–12:00		**第1部分：本工作领域联席主席国和红十字国际委员会有关武装冲突期间使用信通技术时维护国际人道法的关键意见**	10:10–12:00	
Key observations Recognizing the human cost of ICT activities during armed conflict and the damage and disruption they can inflict on societies, and underscoring the imperative of protecting civilian populations and preserving human dignity, it is essential to uphold and reinforce respect for IHL in the use of ICTs during armed conflict. States and parties to armed conflict will take practical measures, individually and collectively, to mitigate risks to civilian populations and to help ensure that ICT activities conducted in the context of armed conflict remain consistent with the protections afforded by IHL. **Protection of civilian populations, civilians and civilian objects against the dangers arising from ICT activities during armed conflicts** In the conduct of ICT activities associated with an armed conflict, compliance is required at all times with IHL, including the principles of humanity, military necessity, distinction, proportionality and precautions. ICT operations expected to cause death or injury to persons, or to result in damage or destruction of objects, including by disabling them, amount to attacks under IHL, and must be conducted in accordance with all IHL rules and principles on the conduct of hostilities, including the prohibitions of direct attacks against civilians and civilian objects, indiscriminate attacks and disproportionate attacks, and the obligation to take all feasible precautions to avoid or at least minimize incidental civilian harm. The principle that a party to an armed conflict may only resort to those means and methods of warfare that are necessary to weaken the military forces			关键意见 认识到武装冲突期间信通技术活动带来的人道代价及其对社会造成的破坏和干扰，并强调保护平民居民和维护人类尊严的迫切性，必须在武装冲突期间使用信通技术时维护并强化对国际人道法的尊重。各国及武装冲突各方将以单独和集体方式采取切实可行的措施，减轻对平民居民的风险并协助确保武装冲突中的信通技术活动始终遵循国际人道法所确立的保护规定。 **保护平民居民、平民和民用物体免受武装冲突期间信通技术活动的危害** 在开展与武装冲突相关的信通技术活动时，任何时刻都必须遵守国际人道法，包括人道原则、军事必要原则、区分原则、比例原则和预防措施原则。 预期将造成人员伤亡或物体损毁（包括使其无法正常运作）的信通技术行动，依据国际人道法构成"攻击"，此类行动必须遵守国际人道法有关敌对行动的所有规则和原则，包括：禁止直接攻击平民和民用物体，禁止不分皂白、不成比例的攻击，以及采取一切可行预防措施以避免或至少尽量减少附带平民伤害的义务。 武装冲突一方仅可使用为削弱敌方军队所必要之作战手段和方法的原则，在军事行动中经常注意不损害平民居民、平民和民用物体的义务，以及保护财产免受扣押和毁坏的规则，均为免于信通技术活动的危害提供了额外的保护。 **数据保护** 数据在世界数字化进程中占据核心位置，也对基本民用服务的运行至关重要。武装冲突期间对数据的处理方式可能会影响民众的生命和尊		

of the enemy, the obligation to take constant care to spare the civilian population, civilians and civilian objects in the conduct of military operations, and the rules protecting property from seizure and destruction, offer additional protections against the dangers arising from ICT activities.

Protection of data

Data lie at the heart of the digitalization of the world and is central to the functioning of essential civilian services. The way data is handled during armed conflict may affect people's lives and dignity. Under IHL, data is protected by:

- the principles and rules governing the conduct of hostilities, including distinction which requires that military operations be directly only against data that qualifies as a military objective and prohibits attacks that affect civilian and military data without distinction, as well as the principles and rules of proportionality and precautions,
- the principle that a party to an armed conflict may only resort to those means and methods of warfare that are necessary to weaken the military forces of the enemy,
- the obligation to take constant care to spare the civilian population, civilians and civilian objects in the conduct of military operations, and
- the rules protecting property from pillage, seizure and destruction.

Information-gathering activities per se are not prohibited under IHL, including when they involve accessing data.

Civilian ICT infrastructure used for military purposes

States and parties to armed conflict need to be aware of and minimize the risk of civilian harm arising from the

严。依据国际人道法，数据受到以下保护：

- 规制敌对行动的原则和规则，包括区分原则（规定仅能针对构成军事目标的数据发动军事行动并禁止不加区分地影响民用和军事数据的攻击），以及比例原则及规则和预防措施原则及规则，
- 武装冲突一方仅可使用为削弱敌方军队所必要之作战手段和方法的原则，
- 在军事行动中经常注意不损害平民居民、平民和民用物体的义务，和
- 保护财产免遭抢劫、扣押和毁坏的规则。

信息收集活动本身，包括其涉及访问数据的情形，并不受到国际人道法的禁止。

民用信通技术基础设施用于军事用途

各国和武装冲突各方需要了解并尽量减轻武装冲突期间民用信通技术基础设施用于军事用途所带来的平民伤害风险。

当此类使用行为导致民用信通技术基础设施整体或其部分构成军事目标时，针对此类军事目标的任何攻击仍须遵守禁止不分皂白、不成比例之攻击的规定，并履行采取一切可行预防措施的义务。

对此类行动进行合法性评估时，必需考虑平民和民用物体遭受的所有可预见的、直接和间接附带影响，包括信通技术基础设施民用用途受到的影响。需要采取一切可行预防措施，避免伤害或损害依赖于信通技术基础设施的平民居民和基本民用服务。选择作战手段和方法时，必须采取一切可行预防措施，以期避免，并无论如何，减少平民生命附带受损失、平民受伤害和民用物体受损害的情况，这包括：将目标设定为仅影响用于军事用途（而非民用用途）的信通技术基础设施的组成部分或功能。

各国和武装冲突各方必须尽可能采取一切必要预防措施保护其控制下的平民居民和民用物体免受军事行

military use of civilian ICT infrastructure during armed conflicts.

Where such use turns civilian ICT infrastructure, or parts thereof, into military objectives, any attack against such a military objective remains subject to the prohibitions on indiscriminate and disproportionate attacks and the obligation to take all feasible precautions.

In assessing the lawfulness of such operations, all foreseeable direct and indirect incidental effects on civilians and civilian objects, including the civilian uses of the ICT infrastructure, must be taken into account. All feasible precautions need to be taken to spare civilian populations and essential civilian services that rely on ICT infrastructure. All feasible precautions must be taken in the choice of means and methods of warfare with a view to avoiding, and in any event minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects. This includes aiming to affect only the components or functions of ICT infrastructure used for military purposes and not those serving civilian purposes.

States and parties to armed conflict must, to the maximum extent feasible, take all necessary precautions to protect the civilian population and civilian objects under their control from the dangers arising from military operations. This includes, wherever feasible, physically or technically separating the components of ICT infrastructure used for military purposes from those serving civilian functions.

Civilian involvement in ICT activities during armed conflicts

Civilians, including hackers and technology company employees, must respect IHL when acting in the context of and associated with an armed conflict.

States must ensure respect for IHL by civilians whose ICT activities during armed conflict are attributable to them, make IHL known to civilians over which they exercise authority, including

动的危害，这包括：在可行的情况下，将用于军事用途的信通技术基础设施组成部分与用于民事用途的组成部分进行物理或技术上的隔离。

武装冲突期间平民参与信通技术活动

包括黑客和科技公司员工在内的平民，在武装冲突背景下及与之相关的活动中行事时，均须遵守国际人道法。

各国必须确保武装冲突期间开展信通技术活动且其行为可归因于该国的平民尊重国际人道法，向其管辖下的平民（包括黑客和科技公司员工）传播国际人道法，并采取必要措施向他们告知在武装冲突背景下开展信通技术活动的法律和实践风险。各国必须恪尽职守，预防平民通过信通技术活动或借助此类活动实施违反国际人道法的行为，并必须在出现此类违反行为时予以制止。各国不得鼓励、帮助或协助平民违反国际人道法，包括通过信通技术活动。

各国和武装冲突各方应尽可能避免将平民卷入构成直接参加敌对行动的信通技术行动之中，从而保护平民免受军事行动带来的危害。然而，当确有平民构成此种参加行为时，他们应尽可能被纳入武装部队。不得允许儿童参加敌对行动。

武装冲突中科技公司的产品和服务

科技公司提供了一系列平民居民、政府和人道组织所依赖的民用信通技术产品和服务（包括在武装冲突期间），此类民用物体以及提供此类信通技术服务的平民员工受到国际人道法的保护。

科技公司应认识到，向武装冲突各方提供信通技术产品和服务时，会同时涉及法律和实践层面的双重风险。它们应了解、评估并采取措施尽量减轻对平民和民用物体的伤害风险。相关风险考量应涵盖此类公司的员工和财产，与相关基础设施或服务物理距离近、进行数字连接或对其具有依赖性的平民和民用物体。此项工作包括：尽可能将用于支持军事行动的服务和产品与用于

hackers and technology company employees, and take necessary measures to inform them of the legal and practical risks of conducting ICT activities in the context of an armed conflict. States must exercise due diligence to prevent violations of IHL committed by civilians through or facilitated by ICT activities, and must suppress such violations if they occur. They must not encourage, aid or assist civilians to violate IHL, including through ICT activities.

States and parties to armed conflict should avoid, to the extent feasible, involving civilians in ICT operations amounting to direct participation in hostilities, so as to protect them against the dangers resulting from military operations. Where such participation nevertheless occurs, those civilians should, to the extent feasible, be integrated into the armed forces. Children must not be allowed to take part in hostilities.

Technology companies' products and services in armed conflicts

Technology companies provide a range of civilian ICT products and services on which civilian populations, governments and humanitarian organizations rely, including during armed conflicts, and such civilian objects, as well as the civilian employees providing these ICT services, are protected under IHL.

Technology companies should be mindful that providing ICT products and services to parties to armed conflict carries both legal and practical risks. They should understand, assess and take measures to minimize the risks of harm to civilians and civilian objects, whether as staff in or property of these companies, or due to their physical proximity, digital connection to, or dependence on the relevant infrastructure or services. This includes, to the extent feasible, physically or technically separating their services and products used to support military operations from those used for civilian purposes.

Technology companies are expected to take measures to prevent their

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民用用途的服务和产品进行物理或技术上的隔离。

科技公司应采取措施，预防其人员参与或合谋实施违反国际人道法的行为，包括通过向武装冲突各方提供信通技术产品或服务的方式，并应在出现此类行为时采取适当措施。

供讨论的引导性问题

3. 贵国对上述关键意见有何看法？是否存在需要进一步讨论的问题？

4. 是否还存在其他要素或保障措施应纳入考量，从而更好地确保在武装冲突期间保护平民和其他受保护人员和物体免受信通技术活动的危害？

会间休息	12:00－12:30
第 2 部分：本工作领域联席主席国和红十字国际委员会有关武装冲突期间使用信通技术时维护国际人道法的关键意见（续） **关键意见** **保护医疗服务、人道活动和其他受特别保护的人员、物体和活动** 依据国际人道法，医务人员、医疗队和医务运输工具以及人道工作者和人道物体，无论何时均须受到尊重和保护，包括免受信通技术活动的影响。武装冲突期间的信通技术活动不得对医疗服务和人道行动（包括其数据、信通技术和通讯系统）的开展造成不当干扰。必须依据国际人道法尊重医疗和人道数据的保密性。此种保护对于医疗服务部门和中立人道组织在工作中维系信任而言至关重要。各国和武装冲突各方还必须采取可行措施，防止医疗服务和人道行动受到危害，包括由第三方（例如行为不可归因于武装冲突一方的网络罪犯和其他非	12:30－13:55

personnel from engaging in or becoming complicit in violations of IHL, including through the provision of ICT products or services to parties to armed conflict, and to take appropriate measures should any such acts occur. *Guiding questions for discussion* 1. Do you have any comments on the above key observations? Are there any issues that require further discussion? 2. Are there other elements or safeguards that should be considered to better ensure the protection of civilians and other protected persons and objects against the dangers arising from ICT activities during armed conflict?		国家行为体）通过信通技术活动带来的危害。 与现实世界相同，在数字环境中，国际人道法赋予医疗服务和人道行动的特别保护必须易于识别和辨识，以确保此种保护得到尊重。当前正在开发的"数字标志"是示明此种保护的一种手段。鼓励各国和其他利益相关方与红十字国际委员会持续开展协作，探索实施该标志的法律、技术和外交途径。 平民居民赖以生存的物体、含有危险力量的工程与装置、文化财产和民防享有的特别保护必须受到尊重，包括在武装冲突期间开展信通技术行动时也应如此，这包括：维系其运行不可或缺的数据和信通技术基础设施。 国际人道法禁止性暴力以及在敌对行动中征募和使用儿童兵，包括通过信通技术活动实施、煽动或促成此类行为的情况。
Break	12:00 – 12:30	**违反国际人道法的信息传播活动** 各国必须避免并采取一切可行措施预防使用信通技术开展违反国际人道法的信息传播活动，这包括传播以下内容的信息：煽动或鼓励实施违反国际人道法的行为，将被剥夺自由之人暴露于侮辱或公众好奇心之下，或以在平民居民中散布恐怖为主要目的。各国和武装冲突各方不应传播将敌方非人化的信息，或进行针对平民居民的仇恨宣传，包括通过信通技术的方式。
Session 2: Key observations by the workstream co-chairs and the ICRC towards upholding IHL in the use of ICTs during armed conflicts (cont'd)	12:30 – 13:55	
Key observations **Protecting medical services, humanitarian activities and other specifically protected persons, objects and activities** Medical personnel, units and transports, as well as humanitarian personnel and objects, must be respected and protected at all times, in accordance with IHL, including against the effects of ICT activities. ICT activities during armed conflicts must not unduly disrupt the functioning of medical services and humanitarian activities, including their data, ICT and communication systems. The confidentiality of medical and humanitarian data must be respected as required by IHL. This protection is critical to preserve trust in the work of medical services and impartial humanitarian organizations. States and parties to armed conflict must also take		必须保护医疗服务和人道行动免受武装冲突期间利用信通技术实施的、旨在阻碍其工作的虚假信息的影响，因为此类行为构成不当干预，且有违尊重和保护医务人员和人道工作者、医疗活动和人道行动的义务。 **确保遵守国际人道法的措施** 各国必须在国家层面采取措施以确保武装冲突期间信通技术的使用遵守国际人道法，这包括：向武装部队和公众（尤其是可能参与信通技术活动的人群）传播国际人道法知识，并将国际人道法原则和规则及其在信通技术活动领域的适用，视情融入国内立法、军事条令、行动

feasible measures to prevent medical services and humanitarian activities from being harmed, including through ICT activities by third parties such as cyber criminals and other non-state actors not attributable to a party to an armed conflict.

In the digital environment, as in the physical world, it is important that the specific protection afforded under IHL to medical services and humanitarian activities be clearly identifiable and visible, so that this protection can be respected. One means of signalling this protection is a "digital emblem", currently under development. States and other relevant stakeholders are encouraged to continue engaging with the ICRC to explore legal, technical and diplomatic avenues for its implementation.

The specific protection accorded to objects indispensable to the survival of the civilian population, works and installations containing dangerous forces, cultural property and civil defence must be respected, including when conducting ICT operations during armed conflicts. This includes both their data and the ICT infrastructure indispensable to their functioning.

IHL prohibits sexual violence and the recruitment and use of children in hostilities, including when such acts are committed through, encouraged or facilitated by ICT activities.

Information spread in violation of IHL

States must refrain from, and take all feasible measures to prevent, the use of ICTs to spread information in violation of IHL. This includes spreading information that incites or encourages IHL violations, exposes persons deprived of liberty to insults or public curiosity, or has the primary purpose to spread terror among the civilian population. States and parties to armed conflict should not spread information that dehumanizes the adversary or propagates hatred against civilian populations, including through ICTs.

Medical services and humanitarian activities must be protected from ICT-enabled disinformation aimed at

程序、交战规则和培训。必要时应向负责信通技术活动的军事单位和指挥部提供专门的法律意见。依据各国的国际法义务，在研究、发展、取得或采用作为新的武器、作战手段或方法而应用的信通技术能力时，必须判断其部署是否会在部分或所有情形下受到国际法禁止。

将性别敏感和年龄敏感的方法融入国内框架，有助于促进履行国际人道法义务，包括应对信通技术相关风险。

为保护平民和其他受保护人员免受违反国际人道法的信息传播活动影响，与包括技术部门在内的相关参与方进行沟通接触，有助于确保遵守适用的法律。这包括鼓励科技公司采取能够减轻以下风险的保障措施和实践做法：网络平台或其他信通技术服务被用于煽动、鼓励或协助实施违反国际人道法的行为，或被用于对平民和民用物体造成其他形式的损害。

每个国家都必须采用一切必要的立法、监管和其他措施，包括在适用时进行刑事制裁，以预防并制止受其管辖或控制的人员实施的，或在其管辖或控制的领土上通过信通技术活动或由此类活动协助实施的违反国际人道法行为。

各国通过形成并公开分享其关于国际法（包括国际人道法）如何适用于信通技术使用的观点和立场，并就如何尽量减少信通技术活动对平民的伤害风险交流经验教训和良好实践，可进一步提高透明度、建立信任和增进共识。在可行情况下，将着力支持双边、区域和全球层面的能力建设，以增强国家忠实实施国际人道法并将其适用于信通技术活动的能力。

供讨论的引导性问题

1. 贵国对上述关键意见有何看法？是否存在需要进一步讨论的问题？
2. 是否还存在其他要素或保障措施应纳入考量，从而更好地确保在武装冲突期间保护平民和其他受保护人员和物体免受信通技术活动的危害？

| | | 总结发言 | 13:55– 14:00 |

obstructing their work during armed conflicts, as such acts are unduly interfering and incompatible with the obligation to respect and protect medical and humanitarian personnel and their activities.

Measures to ensure compliance with IHL

States must adopt national measures to ensure compliance with IHL in the use of ICTs during armed conflict. This includes disseminating IHL knowledge within armed forces and among the wider population, particularly those who may be involved in ICT activities, and integrating IHL principles and rules and their application to ICT activities into national legislation, military doctrine, operational procedures, rules of engagement and training as appropriate. Dedicated legal advice should be available to military units and commands responsible for ICT activities when necessary. In accordance with states' obligations under international law, in the study, development, acquisition or adoption of ICT capabilities that function as a new weapon, means or method of warfare, determination must be made whether their employment would, in some or all circumstances, be prohibited by international law.

Integrating gender- and age-sensitive approaches into national frameworks contributes to fulfilling IHL obligations, including for addressing ICT-related risks.

To protect civilians and other protected persons from the spread of information in violation of IHL, engagement with relevant actors, including the technology sector, can help ensure compliance with applicable law. This includes encouraging technology companies to adopt safeguards and practices that reduce the risk of online platforms or other ICT services being used to incite, encourage or facilitate violations of IHL, or to otherwise harm civilians and civilian objects.

It is essential for each state to adopt all necessary legislative, regulatory and other measures, including, where appropriate, criminal sanctions, to

prevent and suppress IHL violations committed through or facilitated by ICT activities by persons or on territory under its jurisdiction or control. Transparency, trust-building and shared understandings can be further enhanced through the development and public sharing of national views and positions on how international law, including IHL, applies to the use of ICTs, and through the exchange of lessons learned and good practices to minimize the risk of ICT activities harming civilians. Where possible, efforts will be made to support capacity-building at the bilateral, regional and global levels to strengthen states' capacity to faithfully implement and apply IHL to ICT activities. _Guiding questions for discussion_ 1. Do you have any comments on the above key observations? Are there any issues that requires further discussion? 2. Are there other elements or safeguards that should be considered to better ensure the protection of civilians and other protected persons and objects against the dangers arising from ICT activities during armed conflict?		
Concluding remarks	13:55–14:00	