

## Statement of Canada

### Workstream 5 - Achieving Meaningful Protection for Hospitals in Armed Conflict 3<sup>rd</sup> Round of Consultations - First Session Statement

For Canada, it is of the utmost importance that all precautions are taken to minimize harm to the civilian population, alongside full respect for all other principles of international humanitarian law (IHL), including distinction, proportionality, and military necessity. From our perspective, minimizing indirect harm to hospitals is achieved through the disciplined application of IHL, in particular the principle of precaution, which requires parties to a conflict to take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.

This approach is reflected in Canadian Armed Forces (CAF) doctrine, which identifies hospitals and medical units as specially protected objects, reinforces that protection is the default position, and emphasizes that any loss of protection is exceptional and tightly constrained by law. This is further demonstrated in the CAF Soldiers Handbook, which provides CAF members with a clear and concise summary of LOAC applicable in land warfare, which states that stricter rules apply to certain objects of particular humanitarian significance, including hospitals. The CAF Soldiers Handbook also reinforces the specialized rules that apply to military medical establishments.

At the individual soldier level, training operationalizes precaution by requiring soldiers to:

1. Verify objectives and question assumptions, particularly in circumstances where protected medical facilities could be affected. For example, Commanders, planners and staff officers are required to take all “feasible” steps to verify that potential targets are legitimate targets. Consideration must be paid to the honest judgement of responsible commanders, based on the information reasonably available to them at the relevant time, taking fully into account the urgent and difficult circumstances under which such judgements are usually made
2. Treat allegations of misuse with caution, and seeking clarification through the chain of command;
3. Escalate decisions where doubt exists;
4. Cancel or suspend an attack, if it becomes apparent that it would be unlawful.

Canada also emphasizes that when planning an attack, there must be consideration of the foreseeable effects of military operations on civilians and protected objects, including indirect impacts on hospitals. When circumstances permit, there is the

possibility of employing other precautionary measures such as the evacuation of patients and civilian objects under their control from the vicinity of legitimate targets and the issuing of advanced warnings. Collectively, these efforts translate the principle of precaution into concrete actions to support the continued functioning and protection of hospitals.

Canada considers that strengthening protection for hospitals, including against indirect harm, is best achieved by reinforcing understanding and implementation of existing treaty obligations and customary international law. In this vein, IHL training is not confined to initial enlistment. The CAF is committed to ensuring that education on IHL obligations is sustained and reinforced throughout each member's career. This emphasis on the protection of civilians in armed conflict is also integrated across the Department of National Defence, Department of Justice, and Global Affairs Canada.

### **Second Session Statement**

For Canada, ensuring accountability for IHL violations is essential, not only to uphold the law, but also to deter future abuses, support victims, and preserve the integrity of the international legal framework.

Canada maintains a comprehensive and coherent framework, both domestically and internationally, that promotes accountability for failures to respect IHL including the rules protecting medical facilities. Violations of international criminal law and IHL are explicitly addressed in Canadian domestic law through instruments such as the *Crimes Against Humanity and War Crimes Act*, the *Geneva Conventions Act* and the *National Defence Act*. Through universal jurisdiction, Canada ensures that perpetrators of the most serious international crimes cannot find safe haven and may be investigated and prosecuted when present in Canada with the full force of Canadian law.

Beyond our national mechanisms, Canada consistently advocates for accountability at the international level. We are steadfast supporters of the international justice architecture, including the International Court of Justice and the International Criminal Court, and we work actively with other states to reinforce the global norms and institutions that safeguard respect for IHL.