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OF THE RED CROSS AND RED CRESCENT**

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**4-year action plan for the implementation of international  
humanitarian law**  
(Resolution 2 of the 31st International Conference of the Red Cross and Red  
Crescent)

**Progress report**

**Document prepared by  
the International Committee of the Red Cross**

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## Executive summary

This progress report was compiled pursuant to Resolution 2 of the 31st International Conference of the Red Cross and Red Crescent (International Conference), held in 2011. Resolution 2 includes a 4-year Action Plan for Implementing International Humanitarian Law (Action Plan) and urges all members of the International Conference to implement the actions set out under the Action Plan's five objectives. This report contains information on action taken and progress achieved by States and National Red Cross and Red Crescent Societies (National Societies) since January 2012 on implementing the Action Plan, and provides an overview of the main related initiatives and activities of the International Committee of the Red Cross (ICRC). It draws on the responses to a follow-up questionnaire sent to States and National Societies in April 2015, as well as other sources. It provides an overview of the action undertaken and a snapshot of specific measures and initiatives for achieving the Action Plan's five objectives.

The information contained in this report attests to the significant incentive provided by the Action Plan to take action to enhance implementation of and respect for international humanitarian law (IHL). The Action Plan served as a guide for many national authorities, national IHL committees – where such bodies existed – and National Societies, with positive results. Over the period covered, States' participation in IHL treaties and other relevant instruments increased considerably, and many legislative, administrative and practical IHL implementation measures were either adopted or developed in the areas targeted by the Action Plan. Initiatives also included (but were not limited to) the establishment of special thematic taskforces and interministerial working groups to assess the alignment of domestic law with the respective IHL requirements; the coordination of more IHL training and education initiatives involving, *inter alia*, military and police forces, judges, civil servants and journalists; and the development of tools providing guidance. States also attended or co-hosted with the ICRC at least 23 regional IHL meetings in which the Action Plan's objectives were discussed; agreed on a new international instrument – the Arms Trade Treaty; and facilitated or sponsored the adoption of thematic resolutions and declarations in multilateral settings.

National Societies, in their capacity as auxiliary to the public authorities in the humanitarian field, assisted their governments in these efforts, where relevant with support from the International Federation. They provided advice on IHL-related issues, expanded the delivery of IHL training to varied audiences, including their own staff members and volunteers, and organized public outreach activities on IHL issues and humanitarian principles for the public at large. They produced articles, magazines, handbooks and field guides; further developed their assistance activities; and provided support for health care and rehabilitation services for people with disabilities. The ICRC supported these and States' own endeavours through bilateral dialogue and expert consultations and by convening thematic expert workshops and conducting or supporting training events. It delivered statements to international and regional organizations on issues linked to the Action Plan's objectives. It also advised States on implementing IHL domestically, facilitated peer exchanges, and collected, compiled and shared information on IHL-related laws and case law.

The constant efforts by all members of the International Conference have resulted, as of the end of August 2015, in **121 States becoming party to 26 IHL treaties** and other relevant instruments **through 244 acts of accession/ratification**,<sup>1</sup> in **57 States enacting 123 domestic laws or regulations** and in the **preparation of numerous draft laws**. Progress was also made on arms transfers (Objective 5) with the adoption and entry into force in December 2014 of the Arms Trade

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<sup>1</sup> The list of treaties and accessions, ratifications, acceptances, and approvals taken into consideration is available on the ICRC database on treaties and States party to such treaties, at <https://www.icrc.org/dih>

Treaty. This was achieved, *inter alia*, through strong advocacy by the International Red Cross and Red Crescent Movement (Movement) and concerted efforts by various relevant stakeholders.

## 1) Introduction

Since the original Geneva Convention<sup>2</sup> was adopted in 1864, IHL has evolved into a complex and steadily developing body of international law. Its conventions, protocols and customary rules encompass a large range of subjects, from the protection of the wounded and sick, health personnel, civilians, civilian objects, prisoners of war and cultural property to the restriction or prohibition of specific types of weapons and methods of warfare. All parties to a conflict are bound by applicable IHL, including armed groups involved in non-international armed conflicts.

For the protections afforded by IHL to be effective in times of armed conflict, it is important that States adhere to the treaties that make up the body of IHL. States Parties must then comply with their obligations under these instruments.<sup>3</sup> States are also bound by customary international humanitarian law (CIHL).

Thus, the duty to implement IHL rests first and foremost with States. Their responsibility to comply with their commitments under IHL is set forth prominently in Article 1 common to the four Geneva Conventions, which requires States Parties to “respect and to ensure respect” for the Conventions and Protocol in all circumstances. “Respecting and ensuring respect” entails taking any action required to give effect to the legal protections contained in the IHL instruments to which they are party, including adopting a legal framework, systems and structures that ensure that: national authorities, international organizations, the armed forces and other weapon-bearers, and the public at large understand and respect the rules and principles that apply to them; the relevant domestic legislative and practical measures are taken; applicable IHL norms are complied with during armed conflicts; and violations of this body of law are prevented – and when they occur the perpetrators are punished in conformity with IHL.

The task States face in this area is formidable. This has prompted an increasing number of them to recognize the usefulness of creating a group of experts – often called a national IHL committee – to coordinate activities related to IHL. In many cases this expert group acts as an interministerial and multidisciplinary advisory body on all IHL-related issues for political and military authorities and decision-makers. Since January 2012, 9<sup>4</sup> such bodies have been formed or reactivated, bringing their total around the world to 107 as of August 2015. Other States have taken steps toward creating such a body. The Action Plan and pledges submitted at the 31st International Conference relating to the objectives set out therein guided and inspired the work of many national IHL committees over the period under review. Their efforts were often instrumental in the adoption of measures and initiatives for achieving the Action Plan’s objectives.

Promoting knowledge and implementation of and compliance with IHL is also a primary objective of the Movement. In their capacity as auxiliary to the public authorities in the humanitarian field and through their multifaceted activities, National Societies play an important role, in conjunction with their governments, to ensure respect for IHL in their respective countries. Their contribution toward enhancing knowledge of this body of law through their programmes in the field of IHL promotion, education and awareness-raising is noteworthy. National Societies are also generally

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<sup>2</sup> Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, 22 August 1864.

<sup>3</sup> See the Vienna Convention on the law of treaties.

<sup>4</sup> In Kuwait (2015), the Syrian Arab Republic (2015), Bahrain (2014), Bangladesh (2014), Iraq (2014), Slovenia (2014), Liberia (2013), Qatar (2012) and Sierra Leone (2012).

involved in the work of national IHL committees (by the committee being established within the National Society or by the National Society chairing it, running its secretariat, or participating as a full member or observer), thereby contributing directly to the development of specific IHL implementation measures.

The ICRC – in fulfilling the tasks incumbent upon it under the Geneva Conventions and under its mandate, as defined in its Statutes and the Movement’s Statutes, to “work for the faithful application of international humanitarian law applicable in armed conflicts” and “for the understanding and dissemination of knowledge of international humanitarian law,” and “to prepare any development thereof” – devotes significant effort to promoting IHL knowledge and implementation and supporting compliance with its rules, when and where they apply. Related activities, including those provided through its Advisory Service on IHL, aim to: support States’ participation in IHL treaties and provide legal and technical support for the adoption of measures and mechanisms to give effect to treaty provisions domestically; ensure that proposals to develop the law at international and regional levels enhance protection for people affected by armed conflict and do not undermine existing IHL norms; and foster compliance with IHL during armed conflicts and ensure that the applicable law in such contexts is correctly understood.

The Action Plan annexed to Resolution 2 of the 31st International Conference sets out important objectives in areas that are key for enhancing the protection in armed conflict and containing the humanitarian consequences of such situations. Information collected to compile this report attests to the important efforts made over the past four years by all members of the International Conference with a view to making the legal protections afforded by IHL a reality and mitigating the suffering caused by such situations.

## **2) Background**

This progress report has been compiled pursuant to Resolution 2 of the 31st International Conference, which includes an Action Plan and urges all members of the International Conference to implement the actions set out under the objectives defined by therein. The objectives are: (1) enhanced access by civilian populations to humanitarian assistance in armed conflicts; (2) to enhance the specific protection afforded to certain categories of persons, in particular children, women and persons with disabilities; (3) enhanced protection of journalists and the role of the media with regard to IHL; (4) to improve incorporation and repression of serious violations of IHL; and (5) arms transfers. They include specific calls to action for States, National Societies, the ICRC and the International Federation.

The report contains information on action taken to implement the Action Plan and progress achieved by States and National Societies since January 2012, and provides an overview of the main related initiatives and activities of the ICRC. It draws on the responses to a follow-up questionnaire sent to States and National Societies on 30 April 2015, as well as other available sources and information provided by the ICRC and the International Federation. By August 2015, 78 responses to the aforementioned questionnaire were recorded: 50 from National Societies and 28 from States party to the Geneva Conventions. The answers provided are a unique account of the activities implemented by the Members of the International Conference in their follow-up to the resolutions adopted at the 31st International Conference.

Other sources consulted include: official notifications by States of their ratification/accession to IHL treaties; the [ICRC Database on National Implementation of IHL](#); the [Biannual updates on national implementation of IHL and relevant case law](#) published by the ICRC in the *International*

*Review of the Red Cross*; progress reports on national IHL implementation produced by the ICRC in cooperation with intergovernmental organizations covering specific regions (e.g. the Americas, Eastern Europe and Central Asia, and Arabic-speaking countries); ICRC annual reports and reports by the UN secretary-general on topics related to the objectives of the Action Plan.

Following the structure of the Action Plan, this report assesses the achievement of the Action Plan's five objectives and related sub-themes one by one. It also specifies the pledges submitted by members of the 31st International Conference under the sub-themes of the Action Plan's objectives, without, however, reporting on their degree of implementation. In addition, it includes some references to initiatives by international and regional organizations related to their own specific mandates, such as the adoption of specific resolutions, the production of thematic reports and other actions relevant to implementing the Action Plan.

The steps taken over the past four years and/or reported by States and the members of the Movement in achieving the Action Plan's five objectives were numerous and diverse. This report does not set out to be exhaustive and describe all the important work accomplished during the reporting period. Its aim is limited to providing an overview of the nature of the action undertaken and a snapshot of specific initiatives for achieving the Action Plan's five objectives. It illustrates the activities and measures adopted by the different members of the International Conference by way of examples that stand for many other similar ones and that are either indicative of trends identified or constitute best practices that can serve as models for future endeavours.

For more detailed information on the specific implementation measures and initiatives, please refer to the ICRC Database on National Implementation of IHL and the websites of the ICRC and International Conference.

### **3) Implementation of the Action Plan**

#### **Objective 1: Enhanced access by civilian populations to humanitarian assistance in armed conflicts**

*This section outlines the steps taken by States, National Societies and the ICRC to ensure respect for and protection of humanitarian personnel and objects and to provide safe, rapid and unimpeded passage of impartial humanitarian relief for civilian populations.*

5 different pledges addressing humanitarian access were submitted at the 31st International Conference. 4 of them were signed by at least 1 State and 2 were signed or co-signed by at least 1 National Society.<sup>5</sup>

#### **Measures taken by States to achieve this objective**

South Sudan and Palestine became party to the four 1949 Geneva Conventions, bringing the total number of States Parties as of August 2015 to 196. Palestine, the Philippines and South Sudan became party to Additional Protocol I, and Palestine and South Sudan became party to Additional Protocol II of 1977, bringing the total number of States Parties to 174 and 168, respectively. Thirteen States became party to Protocol III of 2005 additional to the Geneva Conventions and

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<sup>5</sup> A total of 8 States and 6 National Societies signed these pledges.

relating to the adoption of an additional distinctive emblem – the red crystal – bringing the total number of States Parties to 72.

At the national level, many States adopted legal, practical and administrative measures, often supported by their National Societies, as part of their effort to enhance access to humanitarian assistance by the civilian population in armed conflict, prevent arbitrary obstruction and remove administrative barriers to the rapid delivery of such assistance.

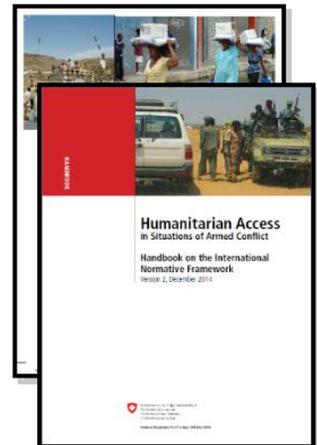
Austria inserted a number of provisions for the protection of civilians and humanitarian personnel into the sections of its criminal code on “war crimes directed against persons,” “war crimes directed against international missions and emblems” and “war crimes for using of prohibited methods of warfare.” The amendments entered into force in January 2015.

Belgium advocated strongly at the international level, including in relation to Syria, in favour of respect for IHL and humanitarian principles. Domestically, Belgium established a task force bringing together all relevant ministries and agencies, including the humanitarian aid office, to raise awareness among diplomats and the military of the need to respect these principles and keep humanitarian assistance distinct from other agendas. Colombia<sup>6</sup> adopted legislation and administrative measures to facilitate the provision of assistance to victims of the armed conflict. In 2013, Switzerland revised its *Strategy on the protection of civilians in armed conflicts* to improve the coherence and effectiveness of its measures.

The adoption of domestic measures to ensure respect for the red cross/crescent/crystal emblems is fundamental to the provision of health care, to facilitating access to such care during armed conflict and to the humanitarian activities of the Movement. 16 States adopted domestic legislation related to the use of the protected emblems. For example, in 2013, the Philippines adopted An Act Defining the Use and Protection of the Red Cross, Red Crescent, and Red Crystal Emblems, Providing Penalties for Violations Thereof and for Other Purposes. It provides for penalties for the misuse of the red cross/crescent/crystal emblems and list those who are authorized to use the emblem. Some States and National Societies reported having conducted negotiations or having held workshops to put an end to the misuse of the protected emblems in their country.

States Members of regional and international organizations promoted the production of reports and adoption of resolutions on topics related to access to and delivery of humanitarian assistance. Norway, supported by other States, facilitated the negotiation and adoption by the UN General Assembly of three resolutions on the topic of “global health and foreign policy” that address the safety of health personnel and facilities. Other UN General

In December 2014, Switzerland published the second version of *Humanitarian Access in Situations of Armed Conflict: Handbook on the International Normative Framework*, to which the ICRC contributed. The handbook has an accompanying *Practitioners’ Manual*. Training modules based on these two publications are also offered to humanitarian institutions.



<sup>6</sup> Between 2012 and 2015, Colombia adopted several legislative and administrative measures expanding the scope of and developing a 2011 law (*Ley 1448 de 2011. Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones*).

Assembly resolutions adopted on an yearly basis relating to humanitarian access and assistance include those on “the safety and security of humanitarian personnel and protection of United Nations personnel”<sup>7</sup> and on the “strengthening of the coordination of emergency humanitarian assistance of the United Nations.”<sup>8</sup> Several States, including Switzerland, produced guidelines designed to increase humanitarian actors’ understanding of the normative framework regulating humanitarian access and assistance and related aspects in situations of armed conflict and provide practitioners with practical guidance.

#### Measures taken by members of the Movement to achieve this objective

Many **National Societies** undertook training activities for their staff and volunteers, in particular on the Fundamental Principles.<sup>9</sup> National Societies also organized public awareness-raising activities on the Fundamental Principles.<sup>10</sup> National Societies working in situations of armed conflict, such as the Syrian Arab Red Crescent, provided first aid services. In 2013, the Belgian Red Cross (French-speaking section) published a guide entitled *Humanitarian Law in Practice*. The guide is directed at staff of Belgian humanitarian organizations working in situations of armed conflict or generalized violence. It outlines the relevant legal framework protecting humanitarian workers and recommends behaviour to adopt to ensure their safety. The Kiribati Red Cross Society, with support from the ICRC and Australian Red Cross, developed and launched [A guide for parliamentarians and government in the Republic of Kiribati to the International Red Cross and Red Crescent Movement](#),<sup>11</sup> aimed at familiarizing parliamentarians with the Movement and its work in the humanitarian field.

The **ICRC** continued to establish and maintain a constructive dialogue with all weapon-bearers and State and non-State parties to armed conflicts in order to remind them of their obligations under IHL on respecting and facilitating the access of impartial humanitarian assistance and providing the necessary security guarantees for ICRC staff. It also provided legal advice and support to States’ authorities, often within the framework of national IHL committees, for the adoption of legislation aimed at facilitating humanitarian access and operations, and reminded them of their obligations under IHL.

As part of the Health Care in Danger project launched in 2011, the ICRC engaged in a broad consultation of all actors concerned. It organized 11 workshops on Health Care in Danger that were either specifically directed at national authorities, National Societies and weapon-bearers or in which they participated. One workshop, co-hosted with the Australian government, was directed at the armed forces. Following that workshop, in 2014, the ICRC released a report on [Promoting military operational practice that ensures safe access to and delivery of health care](#). In June 2015, following a two-year consultation process and considering that all weapon-bearers can facilitate or hinder humanitarian action, the ICRC published [Safeguarding the provision of health care: Operational practices and relevant international humanitarian law concerning armed groups](#) along with a practical tool. Another expert workshop, organized jointly by the ICRC, the Belgian Interministerial Commission for Humanitarian Law and the Belgian Red Cross and held in Brussels in January 2014, assessed domestic normative frameworks for protecting the provision of health

<sup>7</sup> Among others: UNGA resolution A/RES/67/85, 21 March 2013; UNGA resolution A/RES/68/101, 18 February 2014; and UNGA resolution A/69/406, 29 September 2014.

<sup>8</sup> Among others: UNGA resolution A/RES/68/101, 12 February 2014; UNGA resolution A/RES/68/102, 12 February 2014; and UNGA resolution A/RES/69/135, 19 January 2015.

<sup>9</sup> For example, the National Societies of: Azerbaijan, Canada, Indonesia, Morocco, New Zealand, Australia, the United Kingdom, Colombia, Germany, Lesotho, Myanmar, Norway, Portugal, Monaco, Turkey, Denmark and Ukraine.

<sup>10</sup> For example, the National Societies of: Morocco, Guinea, Afghanistan, the Netherlands, the Philippines and Poland.

<sup>11</sup> Kiribati Red Cross Society, *A Guide for Parliamentarians and Government in the Republic of Kiribati to the International Red Cross and Red Crescent Movement*, 2014.

care. To facilitate the work of the participants, the ICRC had previously carried out 33 country studies to identify best practices. This process led to the publication of a report on the workshop entitled [Domestic normative frameworks for the protection of health care](#)<sup>12</sup> and of [The implementation of rules protecting the provision of health care in armed conflicts and other emergencies: A guidance tool](#).<sup>13</sup>

In June 2014 the ICRC published a [Q&A and lexicon on humanitarian access](#), which addresses operational and legal issues and underlines in broad terms the IHL rules on humanitarian access in situations of international and non-international armed conflict (including occupation).

**Objective 2: To enhance the specific protection afforded to certain categories of persons, in particular children, women and persons with disabilities**

*This section underlines the steps taken by States, National Societies and the ICRC in their efforts to provide, safeguard and strengthen protections for victims of armed conflict, in particular children, women and people with disabilities.*

**Objective 2.1: To enhance the protection of children in armed conflict**

14 different pledges on the protection of children were submitted at the 31st International Conference. 9 of them were signed by at least 1 State and 9 were signed or co-signed by at least 1 National Society. 5 – of which 2 were signed by at least 1 State and 3 were signed or co-signed by at least 1 National Society<sup>14</sup> – specifically addressed protecting children from illegal recruitment or involvement in hostilities and/or becoming party to the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. 1 pledge signed by a National Society referred to the establishment of vocational training programmes to offer children viable alternatives to voluntary recruitment, and 1 pledge signed by a State referred to setting up specific identification and registration systems for particularly vulnerable children.

Measures taken by States to achieve this objective

16 States became party to the [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#), bringing the total number of States Parties to 159.

Many States reported having domestic legislation prohibiting the recruitment of children into their armed forces. In many cases, children were defined as people under 18 years old. Several States adopted such legislation since January 2012, either through specific standalone laws or by incorporating a relevant offense into their legislation on international crimes (e.g. Austria and Ecuador). In 2012, Argentina adopted a ministerial resolution that bans weapons training for students of military schools aged between 13 and 17.

**In 2013 and 2014, Syria, Chad, Qatar and Oman adopted specific domestic laws prohibiting child involvement in armed conflict or recruitment into armed forces or armed groups.**

<sup>12</sup> ICRC, “Domestic Normative Frameworks for the Protection of Health Care, Report of the Brussels Workshop, 29-31 January 2014”.

<sup>13</sup> ICRC, XIX, “The Implementation of Rules Protecting the Provision of Health Care in Armed Conflicts and other Emergencies: A Guidance Tool”, March 2015.

<sup>14</sup> A total of 3 States and 2 National Societies submitted these pledges.

In 2014, the [Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict](#) (also referred to as the Lucens Guidelines) were adopted under the leadership of Norway, Argentina, Austria, the Netherlands, Portugal and Switzerland. These guidelines suggest practical measures that can be taken by parties to the conflict to bring about a shift in behaviour that could reduce the military use of schools and universities in situations of armed conflict. In this context, it is of interest to note that as of August 2015, 49 States had committed to implementing the aforementioned Guidelines by endorsing the [Safe Schools Declaration](#) (as part of the Oslo Conference on Safe Schools: Protecting Education from Attack convened by the Norwegian Ministry of Foreign Affairs in May 2015).

France and Colombia, among other States, have implemented measures on rehabilitating children affected by armed conflict and/or preventing them from joining armed groups. For example, as part of Operation Barkhane in Mali, the French armed forces signed an agreement with the Malian authorities, the ICRC and UNICEF stating that all children found by the Barkhane forces would be entrusted to UNICEF so the children can participate in rehabilitation programmes. Colombia undertook to prevent the recruitment of children by armed groups by intervening in particularly vulnerable sectors of the society.

Registration of children at birth also helps prevent them from being unlawfully recruited. Many States indicated that they have a birth registry. Some States recently implemented such measures. For example, in 2014 Mexico incorporated into its Constitution the right of every child to be registered immediately after birth. Accordingly the Mexican authorities must issue the first copy of the birth certificate free of charge.

States are also taking measures through multilateral organizations. For instance, Malaysia is currently the chair of the [UN Security Council Working Group on Children in Armed Conflict](#), whose mandate is to review reports on violations committed against children affected by armed conflict, review progress in the development and implementation of the national action plans on children and armed conflict and consider other relevant information presented to it.

#### Measures taken by members of the Movement to achieve this objective

To enhance the protection of children in armed conflict, **National Societies**<sup>15</sup> conducted activities to raise awareness and/or educate national authorities, weapon-bearers and the general public about this issue. Some National Societies<sup>16</sup> conducted prevention and assistance activities with children in refugee camps, such as providing psychosocial assistance health care services and educational support and creating child-friendly spaces. Volunteers from the Ukrainian Red Cross Society were actively involved in evacuating children from the conflict zone in eastern Ukraine in 2013 and 2014. Others, such as the Colombian Red Cross and Honduran Red Cross, implemented projects that created alternatives for children to prevent them from joining armed groups and taking part in criminal activities. For example, through the Creando Oportunidades project, the Honduran Red Cross developed vocational training courses that give people in particularly vulnerable segments of society the skills to find a job or start a business.

The **ICRC** maintained continual dialogue with all parties to armed conflicts, including armed groups, to remind them of their obligations under IHL and of the prohibition against recruiting children and to persuade them not to recruit and use children in the conduct of hostilities. The

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<sup>15</sup> Such as the National Societies of: Afghanistan, Belgium, the Czech Republic, the Netherlands, Poland, Portugal, Montenegro, Azerbaijan, New Zealand, Uzbekistan, the United Kingdom, Denmark and Ukraine.

<sup>16</sup> Such as the National Societies of: Burkina Faso, Namibia, Syria and Turkey.

prohibition against recruiting children and armed forces or armed groups using them was addressed in most of the regional IHL conferences organized or co-hosted by the ICRC. These conferences were attended by government representatives, ambassadors, diplomats and members of civil society. A session on “Recruitment and other association of children with armed forces or armed groups” was held during the [14th Bruges Colloquium](#), an event directed at representatives and civil servants of European Union bodies. The topic was also addressed in a number of statements delivered by the ICRC to the UN General Assembly and Human Rights Council.

In March 2013, the ICRC Advisory Service published [Model legislative provisions on the recruitment or use of children in armed conflict](#), intended as guidance for government authorities on how to draft legislation prohibiting the recruitment or use of children in armed conflict. It provides references to the many sources of international law that create obligations on States in this area. Also in 2013, the ICRC published the brochure [Children associated with armed forces or armed groups](#), which discusses how to prevent children from getting involved with armed forces or armed groups and, for those who do get involved, how to protect them and help them rebuild their lives when they return to their families and communities.



### ***Objective 2.2: To enhance the protection of women in armed conflict***

11 pledges on the protection of women were submitted at the 31st International Conference.<sup>17</sup> 2 of them were signed by at least 1 State and 7 were signed or co-signed by at least 1 National Society. 7 specifically addressed the issue of gender based or sexual violence – of which 3 signed by at least 1 State and 6 signed or co-signed by at least 1 National Society.

#### Measures taken by States to achieve this objective

**States, often with the support of National Societies**, adopted legal, practical and administrative measures to prevent and suppress sexual violence and provide assistance and reparation to the victims. Some States, including Colombia in 2014 and Croatia in 2015, adopted specific domestic laws addressing the rights of victims of armed-conflict-related sexual violence. In 2015, Bosnia and Herzegovina amended its criminal code to bring the definition of rape committed as a crime against humanity or as a war crime against civilians into line with international standards.

In June 2014, **Colombia** adopted a law that takes a multifaceted approach to providing victims of sexual violence with judicial remedies and other measures, such as reparation and access to health care). It also expanded the definition of sexual violence against people considered protected under IHL.

Some States and National Societies provided specific training sessions for their armed forces on the prohibition against sexual violence, or addressed the issue as part of their broader regular IHL training programmes and sessions. Other measures reported include the adoption of disciplinary

<sup>17</sup> A total of 5 States and 9 National Societies submitted these pledges.

measures for sexual and other gender-based violence against women and decisions and regulations ensuring women's participation in decision-making during peace processes.

South Africa, through the international school of the Department of International Relations and Cooperation, specifically endeavoured to increase women's participation in post-conflict reconstruction and development. Since 2013, the international school has been concentrating on developing the conflict resolution, negotiation and mediation skills of senior African women diplomats and government officials. In June 2014, the Foreign & Commonwealth Office of the United Kingdom published the [International Protocol on the documentation and investigation of sexual violence in conflict](#) following the Global Summit to End Sexual Violence in Conflict. The Protocol's main purpose is to promote accountability for crimes of sexual violence under international law.

#### Measures taken by members of the Movement to achieve this objective

Many **National Societies**<sup>18</sup> conducted outreach, awareness raising activities and IHL training on issues related to sexual violence, gender-based violence or the specific protections for women. These training sessions were directed either at weapon-bearers, national authorities or the general public. Some National Societies, including the National Societies of Azerbaijan, Australia, New Zealand and Belgium, also conducted training in schools and universities. Several National Societies<sup>19</sup> reported having adapted their assistance activities in the field to a gender-based approach or having offered

The **Afghan Red Crescent Society** created a gender department whose activities include addressing the specific vulnerabilities of women and girls.

The **Lesotho Red Cross Society** provided training, especially on gender-based violence, to the police forces and mentioned that its staff members and volunteers have been trained using the International Federation's gender-based violence module.

specific services to women who were victims of sexual violence. The Swedish Red Cross provides rehabilitation services for victims of torture and people traumatized by war, including victims of sexual violence and other forms of gender-based violence, at six treatment centres in Sweden. National Societies also implemented several other initiatives in collaboration with national authorities and other organizations.<sup>20</sup>

Based on the four-year commitment it adopted in 2013, the **ICRC** has endeavoured to improve its delivery of an effective, impartial and comprehensive humanitarian response to victims of sexual violence, while at the same time expanding its activities aimed at preventing sexual violence. Related efforts focused on expanding specific programmes to more countries to better meet the needs of victims of sexual violence, reinforcing its activities aimed at preventing sexual violence, strengthening its relations with the rest of the Movement, and developing training courses and modules for ICRC staff on gender analysis and sexual violence.

<sup>18</sup>Such as the National Societies of: Uzbekistan, Australia, Burkina Faso, Belgium, the Czech Republic, the Republic of Korea, Lesotho, the Netherlands, the Philippines, Syria and Poland.

<sup>19</sup>Such as the National Societies of Afghanistan, Canada, France, Colombia, the United Kingdom, Ukraine and Germany.

<sup>20</sup>Some of the National Societies' activities over this period and studies undertaken will be shared in a presentation to be given at the 32nd International Conference.

The ICRC also conducted a review of existing legislative and other mechanisms for responding to sexual violence in armed conflict. It focused on three areas – remedies, legislation, and institutions – and its purpose was to identify opportunities for enhancing the protection of victims.

The ICRC and the European Union Institute for Security Studies (EUISS) co-organized a colloquium in September 2013 and produced a report on *Women & war: Women & armed conflicts and the issue of sexual violence*. Topics discussed included the protection of women in armed conflicts, sexual violence in armed conflicts, and the role of women in peace-building processes.



The Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs of the Government of Nepal and the ICRC co-organized in May 2014 the first thematic regional conference in the South Asia region, on the occasion of the 5th South Asia Regional Conference on IHL, addressing sexual violence in armed conflict, post-conflict situations, transitional justice and IHL. It gathered senior government officials, members of Parliament, members of the armed forces and police, academics and ICRC experts from Afghanistan, Bangladesh, Bhutan, Iran, Nepal, Maldives, Pakistan and Sri Lanka.

The ICRC furthermore produced several publications, including a [Q&A on sexual violence in armed conflict](#), and a technical factsheet on the “[prevention and criminal repression of rape and other forms of sexual violence during armed conflicts](#)”. Sexual violence was furthermore specifically discussed at six regional IHL conferences organized or co-hosted by the ICRC for government authorities and attended by representatives of civil society.<sup>21</sup> The topic was also regularly addressed in its confidential dialogue with weapon-bearers, security forces and national and local authorities in order to encourage them to take further measures, including enacting appropriate laws, to

prevent sexual violence. The ICRC also delivered statements on the issue before the UN General Assembly, Security Council and Human Rights Council.

***Objective 2.3: To enhance the protection of persons with disabilities during armed conflicts***

3 different pledges were submitted at the 31st International Conference – 1 of which was signed by a State and 2 of which were signed by at least 1 National Society – that recognized the necessity of taking into account the specific needs of people with disabilities in the planning, delivery and monitoring of humanitarian assistance, and of consulting with them, their families and local organizations at all relevant stages, and of developing specific procedures for armed forces on protecting people with disabilities in situations of armed conflict and other humanitarian emergencies.<sup>22</sup>

<sup>21</sup> Including the regional IHL conference for Asia, South-East Asian and the Pacific, and the Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law, both held in 2015

<sup>22</sup> A total of 1 State and 3 National Societies submitted these pledges.

### Measures taken by States to achieve this objective

48 States became party to the Convention on the Rights of Persons with Disabilities and 22 States became party to its Optional Protocol.

States, including Argentina, Colombia, Mexico and Portugal reported having established special taskforces or interministerial working groups with a view to assessing the alignment of domestic legislation and public institutions and facilities with their obligations under the Convention, and/or having developed or adopted specific implementation measures to better respond to the specific needs of people with disabilities in the context of armed conflicts or humanitarian action.

**Argentina** is currently in the process of drafting a specific protocol for the armed forces addressing the needs of people with disabilities in the context of armed conflicts or humanitarian action.

The appointment by the UN Human Rights Council in December 2014 of a [Special Rapporteur on the rights of persons with disabilities](#) is also worth noting.

### Measures taken by members of the Movement to achieve this objective

Some **National Societies** reported providing support for victims of landmines (e.g. medical care, rehabilitation, legal counsel) and/or carrying out prevention activities to reduce the risks related to landmines.<sup>23</sup> A number of National Societies also offer or provide support for health care and rehabilitation services for people with disabilities.<sup>24</sup> For example, the Canadian Red Cross Society created mobile clinics that deploy as part of its emergency response unit in order to access victims who are unable to reach health facilities due to either economic or physical disadvantages. Also, the New Zealand Red Cross is working on disability-related issues with the refugee population, in coordination with NGOs and government agencies. Some National Societies indicated that they conduct training activities and support local staff in clinics.<sup>25</sup> The distribution of wheelchairs and other devices for physical disabilities was undertaken by National Societies.<sup>26</sup> A reference to the special protection for people with disabilities and to humanitarian assistance for victims of certain weapons is also included in training sessions offered by National Societies to weapon-bearers.<sup>27</sup> The German Red Cross is working on guidelines to ensuring that the needs and vulnerabilities of people with disabilities are better taken into consideration in its national and international programmes. The Norwegian Red Cross is also mobilizing actors to adopt a strategy on the issue of people with disabilities at the Council of Delegates in 2015.

The **ICRC** continued to provide direct assistance to persons injured in armed conflicts and other situations of violence. Its [Physical Rehabilitation Programme](#) (PRP) and [Special Fund for the Disabled](#) (SFD) have helped increase access to and enhance the quality and sustainability of physical rehabilitation services for all people with disabilities, regardless of the cause of their impairment. Overall, it has provided support to 172 physical rehabilitation centres in almost 50 contexts, helping some 280,000 people per year. Moreover, the SFD is ensuring post-conflict support for 115 physical rehabilitation centres in low-income countries.

<sup>23</sup> Such as the National Societies of: Azerbaijan, Colombia and Myanmar.

<sup>24</sup> Such as the National Societies of: Portugal, Australia, Syria and Uzbekistan.

<sup>25</sup> Such as the National Societies of: Australia and Burkina Faso.

<sup>26</sup> Such as the National Societies of: Afghanistan, Canada, Syria and Ukraine.

<sup>27</sup> Such as the National Societies of: the United Kingdom and Belgium.

More recently, the PRP and the SFD have also undertaken to assist people with disabilities with their social and economic reintegration, including through vocational training and a microeconomic initiative. Hence in 2015, as part of its efforts to ensure access for people with disabilities to the specific medical care and attention, physical rehabilitation, and socio-economic inclusion measures required by their condition, the ICRC expanded its funding requirements for the entire physical rehabilitation programme through a Special Mine Action and Disability Appeal. Moreover, increasing the response for the rehabilitation of people with disabilities is a priority objective of the ICRC's Institutional Strategy 2015-2018. In 2015 the ICRC adopted its first-ever framework on this issue under which it commits, in particular, to reinforcing its efforts in the areas of accessibility and employability. In accordance with its objective of establishing a more global and comprehensive approach to respond to the needs of people with disabilities, the ICRC co-hosted in May 2015, along with Human Rights Watch, a briefing event on [Persons with Disabilities in Emergencies](#). The discussions called for greater awareness and inclusion of people with disabilities in the planning and delivery of responses to humanitarian crises. The ICRC also established regular contact with the Special Rapporteur on the rights of persons with disabilities. Furthermore, as part of the work to update the Commentaries on the Geneva Conventions, which date back to 1952, the ICRC intends to emphasize that the provisions of IHL on the sick and wounded do afford protection to people with disabilities. The ICRC also organizes sporting events for people with disabilities, such as the upcoming cricket tournament for people with physical disabilities in Dhaka, Bangladesh, which will host teams from Bangladesh, England, India, Pakistan and Afghanistan.

### **Objective 3: Enhanced protection of journalists and the role of the media with regard to international humanitarian law**

*This section underlines the steps taken by States, National Societies and the ICRC to ensure the protection of journalists as well as media equipment and installations.*

9 different pledges relating to this objective were submitted at the 31st International Conference by States and National Societies.<sup>28</sup> 6 of them were signed by at least 1 State and 5 were signed or co-signed by at least 1 National Society. 7 addressed raising awareness of IHL among media professionals, 2 addressed security training to prepare journalists for missions in conflict zones, 2 addressed the integration of a specific component on the protection of journalists into the IHL training provided to members of the armed forces, and 1 addressed the suppression of IHL violations against media professionals.

#### Measures taken by States to achieve this objective

Several **States,<sup>29</sup> often in collaboration with National Societies,** reported having trained their military forces on the rights and responsibilities under IHL of journalists, other media professionals and associated personnel. For example, in October 2012, Belgium organized a one-day training course for its military forces on “the protection of journalists in situations of armed conflict.”

Many States<sup>30</sup> provided training to journalists on IHL and on security in the field. For example, the Romanian Ministry of National Defence organized, on an annual basis, specific training sessions for journalists working in conflict zones. Chile conducted periodic training sessions on IHL at its

<sup>28</sup> A total of 5 States and 5 National Societies signed these pledges.

<sup>29</sup> Including: Belgium, the Czech Republic, France, Madagascar, and Mexico.

<sup>30</sup> Including: Belgium, the Czech Republic, France, Germany, Portugal, Romania, the Netherlands, and the United Kingdom.

air force and armed forces academies for journalists working in armed conflict zones. The United Kingdom Foreign and Commonwealth Office and Ministry of Defence worked with the British Red Cross on disseminating IHL to journalists, and supported efforts to promote a handbook and field guide on IHL for media professionals produced by the British Red Cross. Some States also adopted legislation aiming at protecting journalists. For example, in 2015 Honduras adopted a law for the Protection of Human Rights Defenders, Journalists, Mass Communications Specialists and Legal Practitioners, and Ecuador included punishment for IHL violations against journalists in its criminal code of 2014.

In May 2015 the UN Security Council, under the chairmanship of Lithuania, held an open debate on the topic of protection of journalists and unanimously adopted [Resolution 2222 \(2015\)](#).<sup>31</sup> It was co-sponsored by many States.<sup>32</sup>

#### Measures taken by members of the Movement to achieve this objective

Many **National Societies** conducted training sessions with journalists<sup>33</sup> or with journalism students<sup>34</sup> on IHL, security or first aid. Some National Societies also organized training sessions with members of the armed forces on the protection of journalists during armed conflict<sup>35</sup> and others conducted outreach and awareness-raising activities.<sup>36</sup> In June 2015, the Australian Red Cross produced a special edition of its *International Humanitarian Law Magazine* entitled “Pen and Sword: Journalism and IHL,” which includes information and articles on IHL, recent statistics and first-hand accounts from journalists working in conflict zones. The magazine was launched at events around Australia to raise awareness of the rights and responsibilities of journalists working in armed conflict zones. The British Red Cross is also developing a handbook and a field guide on the protection and responsibilities of media professionals under IHL (to be published in 2015). Some National Societies reported having supported and advised armed forces on the incorporation of a specific section on the protection of journalists in armed conflict into their respective military manuals.

**ICRC** field delegations regularly provided IHL training to journalists (about 100 training sessions per year on average) either alone or in cooperation with other organizations, including media safety organizations, to help them in their coverage of events and to increase their knowledge about their own protection. These training sessions also provided information on the mandate and work of the ICRC and the Movement and promoted informed reporting by media professionals on key IHL rules. By the end of 2015, the ICRC will have produced a training tool on IHL for media professionals. The training modules it contains are primarily designed to be administered by experienced ICRC staff or National Societies, in one- or two-day workshops for journalists who cover, or may cover in the future, armed conflicts at the local, regional or international level. It is also aimed at professors and lecturers in journalism faculties who teach IHL or war reporting

<sup>31</sup> Resolution 2222 (2015), Adopted by the Security Council at its 7450th meeting, on 27 May 2015, S/RES/2222 (2015).

<sup>32</sup> Albania, Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chad, Chile, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Palau, Poland, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

<sup>33</sup> Such as the National Societies of: Azerbaijan, Uzbekistan, Afghanistan, the USA, Australia, Syria, Burkina Faso, Spain, Belgium, France, Myanmar, Norway, Sweden, Finland, Ukraine and Indonesia.

<sup>34</sup> Such as the National Societies of: Australia, Belgium and France.

<sup>35</sup> For example the Belgian Red Cross.

<sup>36</sup> Such as the National Societies of: the Republic of Korea, the Netherlands, Belgium, the Philippines, Poland, Montenegro and Sweden.

courses. The ICRC also provided support for first aid training for media professionals, and continued to help protect journalists on dangerous assignments by operating a dedicated hotline that aims to take prompt and effective action, whenever possible, when journalists or their crews are arrested, captured, detained, reported missing, wounded or killed in areas where the ICRC operates. While the average number of hotline requests was 15 every year over the reporting period, many more journalists have benefitted from services provided by the ICRC.

In 2012, the ICRC was involved in the drafting of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, which refers to the aforementioned ICRC hotline. At various events on media safety, the ICRC also presented its activities linked to the hotline, promoted IHL rules protecting journalists and called for better respect of those rules rather than developing new ones. The events included a 2014 regional symposium in Doha organized by Al Jazeera on the occasion of the UN-proclaimed international day to end impunity for crimes against journalists, and the Council of Europe Roundtable on Safety of Journalists.

#### **Objective 4: To improve the incorporation and repression of serious violations of international humanitarian law**

*This section underlines the steps taken by States, National Societies and the ICRC to ensure the incorporation of serious IHL violations into domestic law and judicial procedure, to make the content of IHL accessible to parties to armed conflicts and legal professionals and provide them with appropriate training, and to ensure the protection of witnesses and access to justice for victims and their families.*

10 different pledges addressing the suppression of IHL violations were submitted at the 31st International Conference, all 10 of which were signed by at least 1 State and 1 of which was co-signed by a National Society.<sup>37</sup> 5 of these pledges referred to the International Criminal Court (ICC). 4 – all signed by at least 1 State<sup>38</sup> – specifically promoted becoming party to the amendments adopted at the [Kampala Review Conference of the Rome Statute of the ICC](#).<sup>39</sup> 2 pledges signed by at least 1 State addressed the issue of missing persons.

#### Measures taken by States to achieve this objective

As of August 2015, 120 States contributed to suppressing IHL violations by becoming party to 24 IHL treaties and other relevant instruments through 241 acts of ratification/accession<sup>40</sup> In particular, Palestine and South Sudan became party to the 1949 Geneva Conventions and their 1977 Additional Protocols, and the Philippines ratified the Additional Protocol I. They thus

<sup>37</sup> A total of 31 States and 1 National Society signed these pledges.

<sup>38</sup> A total of 4 States signed these pledges.

<sup>39</sup> [http://www.icc-cpi.int/en\\_menus/asp/reviewconference/Pages/review%20conference.aspx](http://www.icc-cpi.int/en_menus/asp/reviewconference/Pages/review%20conference.aspx)

<sup>40</sup>These instruments are: the Geneva Conventions and their Additional Protocols, including the Declaration provided for in Article 90 of Additional Protocol I; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the International Convention for the Protection of All Persons from Enforced Disappearance; the Rome Statute of the International Criminal Court; the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols; the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction; the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, including its Amendment to Article 1 and its Protocols, including the Amended Protocol II; the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; the Convention on Cluster Munitions; and the Arms Trade Treaty.

accepted the legal regimes provided for by these instruments for repressing grave breaches and other serious violations of their rules. Côte d'Ivoire, Guatemala and Palestine became party to the Statute of the ICC, bringing the total number of States Parties to 123.

States also assessed the alignment of existing criminal law with their obligations under IHL and set up working groups to draw up laws to criminalize war crimes and other international crimes. 14 new laws were enacted or amended to repress war crimes and/or provide for universal jurisdiction for such crimes. In States with a common-law approach, sanctions for serious IHL violations were mainly incorporated into a Geneva Conventions Act and/or an ICC Statute Implementation Act.<sup>41</sup> For example, in 2012 South Africa adopted The Geneva Conventions Act, which makes grave breaches of the Geneva Conventions and their Additional Protocols criminal offences. Failure to comply with other provisions of these instruments is also criminalized. These crimes were incorporated into existing penal codes or laws adopted specifically for this purpose in States following a code-based system.<sup>42</sup> Other States continued to work on the development of or amendments to their penal legislation.<sup>43</sup>

In January 2014, Ecuador's national assembly adopted a new criminal code, which establishes crimes, judicial procedure and the execution of sentences under the Ecuadorian criminal legal system. The code includes crimes related to serious violations of IHL, crimes against humanity, genocide and the crime of aggression.

By August 2015, the ICRC had identified more than 110 States that had established some form of universal jurisdiction over war crimes in their national law and judicial procedure. In doing so, some opted to attach conditions to the exercise of this type of jurisdiction, such as requiring a specific connection to the forum State. An increasing number of persons alleged to have committed war crimes and other international crimes in international and non-international armed conflicts have been tried in national courts on the basis of universal jurisdiction. The ICRC has collected information on more than 56 cases of such prosecutions in at least 18 countries.<sup>44</sup> In 2014, the South African constitutional court adjudicated on a noteworthy case, in which it was held that the South African Police Service had the duty to investigate crimes against humanity allegedly perpetrated outside South Africa by non-nationals.

Some States have introduced (or are planning to introduce) the crime of "forced disappearance" into their penal laws, and recent cases concerning alleged forced disappearances were heard by courts in several countries, including the highest instances. States, often with support from National Societies, also gave IHL training courses and seminars, in particular in educational institutions and for members of the judiciary. For example, in May 2013, the Mexican Institute of the Federal Judiciary and the Supreme Court, with support from the ICRC, conducted a second seminar on the repression of international crimes, which was attended by over 1,000 judges, prosecutors and lawyers nationwide via teleconference.

<sup>41</sup> This was undertaken, for example, in South Africa, Mauritius, Nauru and Sierra Leone.

<sup>42</sup> This was undertaken, for example, in Austria, Ecuador, Côte d'Ivoire, Rwanda, Spain and Sweden.

<sup>43</sup> Including Algeria, Argentina, Benin, Botswana, Brazil, Burkina Faso, Cameroon, Chad, Costa Rica, Ecuador, Egypt, El Salvador, Guatemala, Guinea, Kuwait, Honduras, Jordan, Mali, Morocco, Niger, Paraguay, Peru, the Philippines, Sudan, Thailand, Togo, Tunisia, the United Arab Emirates, Venezuela and Yemen.

<sup>44</sup> These include Argentina, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Israel, Italy, the Netherlands, Norway, South Africa, Spain, Sweden, Switzerland and the United Kingdom.

### Measures taken by members of the Movement to achieve this objective

Some **National Societies**<sup>45</sup> participated in meetings of national IHL committees and developed guidance tools for and training materials on the repression of serious IHL violations while other National Societies were invited to provide legal advice on legislation on international crimes during the legislative process. For example, the Swedish Red Cross worked with the Swedish Ministry for Foreign Affairs and Ministry of Justice on the adoption of the 2014 Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes.

Various National Societies reported having developed IHL promotional material that addresses the repression of IHL violations. The New Zealand Red Cross, for example, produced monthly e-newsletters on this and other topics and published a booklet on the Movement and IHL for members of parliament. The Danish Red Cross published a book in Danish on IHL, a booklet in Danish on customary IHL in Denmark, and a booklet in English on the practical use of IHL. In March 2015, the Nepal Red Cross Society, together with the government of Nepal, the ICRC and the Nepalese IHL committee, produced, published and launched an IHL [handbook](#) for parliamentarians and civilian authorities.

Other National Societies organized events and training sessions on IHL that were attended by judges and other legal professionals or were specifically aimed at the judiciary. For example, in 2012, 2013 and 2014, the Belgian Red Cross organized a general course on IHL that was attended by many legal professionals, and in 2012 the French Red Cross organized training courses for the staff of the Paris criminal court, which has a unit specialized in investigating and prosecuting crimes against humanity, as well as misdemeanours and crimes of war. The Syrian Arab Red Crescent conducted several courses on IHL aimed at students at its judicial institute.

The **ICRC** worked closely with many States through its Advisory Service to support them becoming party to IHL treaties and adopting the associated national implementation laws, regulations and mechanisms, including to prevent and repress war crimes and other serious IHL violations. It collected and compiled information on adopted laws and regulations, as well as on associated case law, which it shared through its public Database on National Implementation of IHL. It also continued to keep abreast of developments in international criminal justice and IHL-related jurisprudence, and attended meetings of the ICC Assembly of States Parties and associated working groups, and other relevant meetings. It further maintained a keen interest in States' dialogue on the interpretation of the amendments adopted at the [Kampala Review Conference of the Rome Statute of the ICC](#)<sup>46</sup> and of proposals to further amend the Statute, and contributed to such discussions, where appropriate.

To enhance the prevention and repression of IHL violations, the ICRC coordinated workshops on drafting legislation and convened thematic meetings with State entities and experts. For instance, in 2012 it conducted an expert consultation on universal jurisdiction, which considered various challenges and opportunities relating to the use of universal jurisdiction in repressing IHL violations, and convened a similar event with States' legal advisers and representatives from the judicial and military authorities and defence ministries to discuss best practices on the implementation of disciplinary sanctions for IHL violations.

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<sup>45</sup> For example, the National Societies of Australia, Burkina Faso, the Czech Republic, Lesotho, Morocco, New Zealand and the Philippines.

<sup>46</sup> [http://www.icc-cpi.int/en\\_menus/asp/reviewconference/Pages/review%20conference.aspx](http://www.icc-cpi.int/en_menus/asp/reviewconference/Pages/review%20conference.aspx)

In May 2014, the court of Bosnia and Herzegovina, the OSCE Mission to Bosnia and Herzegovina, the OSCE Office for Democratic Institutions and Human Rights, the Swiss embassy in Sarajevo and the ICRC co-organized a regional conference culminating in a report on the role of national jurisdiction in the implementation of IHL: 65 judges, prosecutors and defense lawyers dealing with war crimes in south-eastern Europe discussed the role of national jurisdictions in implementing IHL.

The ICRC also maintained an institutional relationship with the judiciary and conducted or participated in 77 training sessions directed at the judiciary since January 2012. These sessions included the sixth four-day regional IHL course, jointly organized by the ICRC and the Kuwaiti Institute for Legal & Judicial Studies in January 2015 for 45 judges, public prosecutors, diplomats and legal researchers from 16 Arabic-speaking States. In May 2015, the ICRC convened in Geneva an expert consultation, “The judicial sector and IHL,” which sought to enhance the capacity of judges, prosecutors and other legal professionals to apply IHL.<sup>47</sup> It was attended by 35 judges from the world over, as well as representatives from judicial training institutes and international and regional courts.

The ICRC also followed other initiatives contemplated in international and regional forums linked to the repression of IHL violations (such as the development of a multilateral treaty for mutual legal assistance in the prosecution of international crimes and initiatives related to the prevention and punishment of crimes against humanity). In September 2013, it participated in an interactive dialogue with the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence at the 24th session of the Human Rights Council. In 2014, it contributed to the UN General Assembly report on missing persons, with a detailed submission with some elements and observations drawn from its practice and experience in the field of missing persons in armed conflict.<sup>48</sup>

In addition, the ICRC continued to develop specialized tools such as model implementing legislation, guidelines and technical documents on legal issues relating to the repression of IHL violations. It updated the manual [The Domestic Implementation of IHL](#), which is a practical tool for policy-makers, legislators and other stakeholders for implementing IHL. It is also in the process of updating its commentaries on the Geneva Conventions of 1949. The revised Commentary on the First Geneva Convention, which includes a section on the grave breaches regime, will be launched in 2015. The ICRC’s public Database on National Implementation of IHL was modernized and contains updated information on the national legislation and case law of 194 countries, and provides States (and anyone else interested) with a research tool and resource to develop effective implementing legislation to repress IHL violations.

The ICRC published in August 2013 (English version in February 2014) the report on the third universal meeting of national committees for the implementation of international humanitarian law, entitled *Preventing and repressing international crimes: Towards an “integrated” approach based on domestic practice*. It contains recommendations and tools on effective IHL implementation and repression of international crimes.

<sup>47</sup> The consultation was the first of its kind to be conducted at the universal level and specifically target members of the judicial sector. Its conclusions and recommendations are intended to foster dialogue, perspective-sharing and information-gathering with the judicial sector on various levels, in regional and national contexts.

<sup>48</sup> See Resolution A/RES/69/184, “[Missing persons](#).”

## Objective 5: Arms transfers

*This section underlines the steps taken by States, National Societies and the ICRC to respect and ensure respect for IHL as well as strengthen controls on the transfer of weapons so that they do not end up in the hands of those who may be expected to use them to violate international humanitarian law.*

16 different pledges regarding weapons control were submitted at the 31st International Conference. 11 specifically addressed the issue of arms transfers, including the promotion of the adoption of the Arms Trade Treaty (ATT) and/or the commitment to become party to it, 6 of which were signed by at least 1 State and 6 of which were signed or co-signed by at least 1 National Society.<sup>49</sup> 29 of the 31 States who committed to do so have already ratified or approved the Arms Trade Treaty (ATT); 2 other States have signed the treaty.

### Measures taken by States to achieve this objective

Since the treaty was signed, 72 States have become party to the ATT: 9 in 2013, 52 in 2014 and 11 as of August 2015, allowing it to enter into force on 24 December 2014. In addition, 23 states adopted or amended 25 pieces of domestic legislations addressing the domestic implementation of weapons-related treaties. Sweden, Switzerland, Serbia, Belgium and the United Kingdom, among other States, adopted or amended legislative texts implementing the ATT. In order to support other States in their ratification and implementation of the ATT, New Zealand sponsored the development a [model law](#) to assist in identifying and translating ATT commitments into national legislation. The First Conference of States party to the ATT was held in Cancun, from 24 to 27 August 2015.

States hosted and attended at least 10 regional IHL conferences organized or co-organized by the ICRC that included discussions on the ATT. In addition, 6 specific events organized by the ICRC were dedicated to arms transfers, including roundtables, seminars and workshops. Also, the government of Bangladesh, along with the UN Regional Centre for Peace and Disarmament in Asia and the Pacific organized a workshop for government officials in June 2015 on capacity building for the UN programme of action and the ATT, in which the ICRC took part.

### Measures taken by members of the Movement to achieve this objective

Many **National Societies** appealed to relevant national institutions and organized events such as seminars. In particular, the seminars of the Bulgarian Red Cross Society were aimed at encouraging the exercise of effective control on small arms and light weapons proliferation and covered the topic of the horrifying human cost of ill-regulated arms and ammunition transfers.

Several National Societies reported having organized events to raise public awareness. Among them, the New Zealand Red Cross ran a campaign to raise awareness of the ATT, in collaboration with Oxfam and Amnesty International. It also organized a public seminar at Victoria University of Wellington and made basic information on the ATT available to the public on its website. The Belgian Red Cross (French-speaking section) also organized many events, including university conferences. Some National Societies, such as the Portuguese Red Cross and the Netherlands Red Cross, published articles on the topic, notably on their websites.

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<sup>49</sup> A total of 31 States and 25 National Societies signed these pledges.

European National Societies that are members of the European Legal Support Group, such as the French Red Cross and the Finnish Red Cross amongst others, encouraged their governments to advocate for a strong ATT, notably by sending letters to their Ministries.

The **ICRC** raised public awareness of the human cost of poorly regulated transfers of arms and ammunition and promoted the adoption of effective controls on such transfers at the global level on the basis of respect for IHL, including by organizing thematic events, monitoring the elaboration and adoption of the ATT, and producing documents and tools addressing the issue of arms regulation.

The ICRC actively participated in the two UN diplomatic conferences on the ATT held in July 2012 and March 2013. In addition, both in the lead-up to and in the aftermath of the adoption of the ATT by the UN General Assembly in April 2013, the ICRC organized meetings specifically on the ATT and promoted the treaty in several regional IHL conferences. It was a high-level participant at the ATT signing ceremony in June 2013 and took part in an ATT panel during the UN General Assembly's high-level segment and in a special session of the UN Security Council on preventing the illicit trade in small arms and light weapons in September 2013. It participated in the First Conference of the States party to the ATT in August 2015 and in the preparatory meetings thereof.

The ICRC and the Norwegian Red Cross co-hosted two workshops in Geneva, in September 2013 and June 2015, to assist National Societies in promoting ratification and implementation of the ATT. The ICRC was also invited to contribute its IHL expertise at the International Parliamentary Seminar on the ATT organized by the British Group of the Inter-Parliamentary Union in November 2014, and at an expert meeting on the ATT and the Commonwealth in June 2015, among other events.

The ICRC published a video entitled "[The Arms Trade Treaty: Keeping the promise.](#)" It also produced written materials to raise awareness of the humanitarian underpinnings of the ATT and provide guidance to States, National Societies and other stakeholders on responsible arms transfers under the ATT, regional instruments and common Article 1 of the Geneva Conventions, in order to ensure that weapons do not end up in the hands of those who may be expected to use them to violate IHL. It also produced a factsheet explaining the provisions of the ATT and published it on its website,<sup>50</sup> and is drafting a commentary on the humanitarian criteria applicable to arms transfers in the ATT.

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<sup>50</sup> See the [Arms Trade Treaty factsheet](#).

#### 4) Conclusion

This report underlines the praiseworthy efforts and numerous measures taken by States and the members of the Movement to implement the Action Plan's objectives. As of August 2015, they had resulted in **121 States becoming party to 26 IHL treaties** and other relevant instruments **through 244 acts of ratification/accession**,<sup>51</sup> in 57 States enacting **123 domestic laws or regulations, and in the preparation of numerous draft laws**. Significant progress was also noted in the area of arms transfers (Objective 5), with the adoption in April 2013 and the entry into force in December 2014 of the Arms Trade Treaty, which was achieved, *inter alia*, through strong advocacy by the Movement and concerted efforts by various relevant stakeholders.

Over the reporting period, there were many other efforts and initiatives by States and members of the Movement that contributed to creating respect for IHL. Such initiatives took place on multi-sectoral levels and included (but were not limited to) the coordination of more IHL training and education initiatives, the development of guidelines and guidance tools, as well as the adoption of practical measures in the different areas covered by the Action Plan. Such initiatives directly contributed to promoting knowledge, understanding and application of IHL and enhancing national implementation of and respect for IHL. Action and activities undertaken, specifically those directed at victims of armed conflict or aiming to enhance humanitarian workers' capacity to reach such victims, showcased the legal relevance and humanitarian importance of IHL.

The efforts and initiatives outlined in this report attest to the importance and significance of the Action Plan as adopted by the 31st International Conference for enhancing implementation of and respect for IHL. It served as a guide and inspiration to many national authorities, in particular as regards the important role and work of national IHL committees and National Societies in coordinating activities and programmes that seek to foster promotion, increased awareness and implementation of IHL with tangible and positive results.

Much work remains to ensure effective implementation of IHL and the protection it provides in armed conflict. The efforts outlined in this report contribute to the overarching objective of increasing protection and limiting the suffering in armed conflict, achieved through enhanced respect for IHL. It is therefore hoped that the positive momentum and dynamic response from States, as generated by the Action Plan, will continue beyond the 32nd International Conference.

#### 5) Selected references

- International Committee of the Red Cross: [www.icrc.org](http://www.icrc.org)
- International Federation of Red Cross and Red Crescent Societies: <http://www.ifrc.org/>
- Database on Customary IHL: <https://www.icrc.org/customary-ihl/eng/docs/home>
- Database on National Implementation of IHL: <https://www.icrc.org/ihl-nat>
- Database on treaties and States party to such treaties: <https://www.icrc.org/ihl>

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<sup>51</sup> The list of treaties and accessions, ratifications, approvals and acceptances taken into consideration is available on the ICRC Database on treaties and States party to such treaties at <https://www.icrc.org/dih>