**REPORT OF ECOWAS MEMBER STATES ON THE PLEDGE AT THE 33rd INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT:**

**"IMPLEMENTATION, TRANSPOSITION INTO NATIONAL LAWS AND DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA"**

This report takes stock of the implementation of the pledge made by ECOWAS Member States at the 33rd International Conference of the Red Cross and Red Crescent (IC) on *"Implementation, Transposition into National Laws and Dissemination of International Humanitarian Law in West Africa".*

This pledge was itself in line with *Resolution 1: "Bringing IHL home: A roadmap to implement international humanitarian law",* adopted at the 33rd IC.

The report thus provides an overview of the progress made, over the period from **1 January 2019** to **31 December 2023**, in terms of the dissemination and implementation of IHL at the regional level in West Africa, to highlight the experience of ECOWAS Member States in this regard and encourage other States to embark on the same path. It also reveals some of the challenges faced in implementing the pledge, particularly in gaining support from other members of the IC. It should be noted that this report only reports on developments and challenges recorded in **12 ECOWAS States**, apart from Burkina Faso, Mali and Niger, which have, in the meantime, initiated a procedure for their withdrawal from the sub-regional organization.

While the commitment is largely aimed at the implementation of the **ECOWAS Action Plan on IHL (2019-2023)**, it also includes other aspects that go beyond the plan or are more specific than it[[1]](#footnote-0). The report will therefore focus on these two areas.

**SECTION 1 - Implementation of the ECOWAS IHL Plan of Action (2019-2023)**

The table below sets out the objectives identified in the action plan and the suggested indicators of success for each of the themes identified, before indicating, for each of them, both the achievements/progress made by the States and the challenges encountered, particularly in cases where implementation could not be achieved or was only partially achieved.

| **Objectives envisioned in the PoA (strategies / activities)** | **Suggested success indicators** | **Achievements to report** | **Challenges (to be completed especially if objectives were not reached)** |
| --- | --- | --- | --- |
| ***A. Signature and ratification or accession to IHL treaties:***  Sign, ratify or access the most relevant IHL treaties  *(See list of treaties in the Annex)* | a. Number of outstanding IHL treaties signed and ratified or acceded to *(and date).* | **STATUS OF RATIFICATION OF IHL TREATIES**: there were 10 ratifications by 6 of the 12 States during the period indicated, namely:  **BENIN**  **27.09.2019:** Protocol on Blinding Laser Weapons (Protocol IV). Vienna, 13 October 1995.  **27.09.2019:** Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II as amended on 3 May 1996). Geneva, 3 May 1996.  **27.09.2019:** Protocol on Explosive Remnants of War (Protocol V). Geneva, 28 November 2003.  **11.12.2020:** Treaty on the Prohibition of Nuclear Weapons. New York, 7 July 2017  **CAP VERT**  **20.12.2022:** International Convention for the Protection of All Persons from Enforced Disappearance. New York, 20 December 2006.  **20.06.2022:** Treaty on the Prohibition of Nuclear Weapons. New York, 7 July 2017  **CÔTE D’IVOIRE**  **23.03.2022:** Treaty on the Prohibition of Nuclear Weapons. New York, 7 July 2017  **GAMBIA**  **27.09.2019:** Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. New York, 25 May 2000.  **GUINEA BISSAU**  **15.12.2021:** Treaty on the Prohibition of Nuclear Weapons. New York, 7 July 2017  **NIGERIA**  **06-08-2020**: Treaty on the Prohibition on Nuclear Weapons, 2017  **28.02.2023:** Convention on Cluster Munitions. Dublin, 30 May 2008. | **GHANA**  Regarding the ratification of the **Kampala Convention**, Ghana has included it as one of its priorities for the year 2024 following the 19th Annual Review Meeting on the Implementation of IHL held in Abuja from 12 to 14 September 2024.  **GUINEA**  Since 2018, the procedure for ratifying the **Kampala Convention on Internally Displaced Persons** has been underway, with the transmission, by the Ministry of Foreign Affairs and Guineans Abroad, of the explanatory memorandum to the General Secretariat of the Government, for the attention of the Bureau of the National Assembly, currently the National Transitional Council, for adoption of the ratification law. However, the procedure has not yet been completed.  Similarly, in 2019, the instruments of ratification of the **1980 Convention on Certain Conventional Weapons** and the **1992 Bacteriological Weapons Convention** were deposited. However, the country is not yet a party to these treaties.  However, Guinea has included the ratification of the Kampala Convention as one of its priorities for the year 2024, following the 19th annual meeting to review the implementation of IHL held in Abuja from 12 to 14 September 2024.  **SIERRA LEONE**  The ratification process of the Treaty on the Prohibition of Nuclear Weapons is underway and was set as a priority for 2024, at the 19th ICRC-ECOWAS meeting on the implementation of IHL held from 12 to 14 September 2023. |
| ***B. National IHL Committees*:**   1. Establish or reactivate National IHL Committees – or corresponding inter-ministerial organs responsible for IHL – effectively advising and assisting governments in implementing and spreading knowledge of IHL 2. Develop national IHL POAs with participation from government and civil society | * 1. Number of meetings per year held by committee or organ responsible for IHL   2. Number of reports produced   3. Adoption of committee recommendations by the relevant branches of government   4. Publication of National IHL PoA | **CÔTE D’IVOIRE**  In 2019, the country reactivated the National IHL Commission, which had been dormant for several years, with the adoption of a new decree repealing and replacing the 1996 decree. Since then, the CNDIH has held regular working meetings. It also adopted in 2021 and again in 2024 national IHL action plans to guide its actions in the implementation of IHL based on the ECOWAS IHL Action Plan.  **GAMBIA**  In 2019, the country reactivated the National IHL Commission.  **GUINEA**  Steps are underway to set up a NCIHL. A draft decree has existed at the level of the Minister of Justice and Human Rights since 2022, who will submit it to the Council of Ministers for validation and to the President of the Transition for signature.  **NIGERIA**  In 2019, the National IHL Commission held a meeting, before its activities were interrupted. The Committee reactivated in 2023 and had two meetings in September and November 2023 respectively. The Committee has adopted the National Plan of Action and has started advocacy visits to interface with heads of Ministries, Departments and Agencies relevant to IHL implementation in Nigeria. The recommendations of the committee on the activities of the committee have been adopted by the Honourable Attorney General of the Federation.  **SENEGAL**  In 2019, an Advisory Council on Human Rights and IHL was established under the Ministry of Justice.  In 2021, a decree was adopted setting out the composition and organization of the IHL Technical Commission, within the National Advisory Council on Human Rights and IHL. | **BENIN**  Created in 1998 but inactive for several years, the CNDIH is in the process of being reformed in 2024, with the adoption of a new Decree that provides for the establishment of a permanent technical secretariat, in the hope of guaranteeing continuity in its work. One of the main obstacles to its proper functioning so far is the turnover of representatives of the Ministries taking part in its work, in addition to the question of financing and activities.  **GAMBIA**  The main challenge is financing and coordination of the other relevant ministries that should form part of the committee, as well as the inadequate training of the member on IHL  **GHANA**  The country established a National IHL Commission in 2016, but it remains inactive due to challenges related mainly to the financing of its operations and activities, the turnover of members taking part in meetings, and the lack of IHL knowledge and training of IHL members.  **GUINEA**  The major challenge is the lack of a coordinated national structure. Hence the need to organize a workshop to update the draft decree establishing the National IHL Commission.  **LIBERIA**  Although created, the CNDIH remains inactive and needs to be reinvigorated. This is a priority that the country set for 2024 at the last ICRC-ECOWAS meeting on the implementation of IHL held from 12 to 14 September 2023 in Abuja.  **NIGERIA**  The activities of the National IHL Commission have been mainly disrupted by the COVID-19 health crisis and the change of staff in the Secretariat.  **SIERRA LEONE**  Although created, the CNDIH remains inactive. It hasn't met in years. And needs to be re-energized.  **TOGO**  The reactivation of the CNDIH is underway.  **SENEGAL**  Although established, the IHL branch of the IHR/IHL Commission is not yet active, as no meetings have been held since 2019. |
| ***C. Migrants[[2]](#footnote-1) and Internally Displaced Persons (IDPs):***   1. Ensure legislation, procedures and policies relating to the protection, safety, and dignity of all migrants, and IDPs, provide adequate safeguards in line with IHRL, IHL, and Refugee Law. 2. Implement specific legislation and policies for IDPs, which fully incorporate the requirements and protections of the Kampala Convention 3. Designate and mandate a competent national authority or body responsible for protection and assistance, assigning responsibilities to appropriate organs, and cooperating with relevant international agencies and civil society organizations 4. Ensure border security agencies and other bodies dealing with migrants receive special training on the rights of migrants, and the special classes of migrants such as refugees and other asylum seekers. 5. Initiate information campaigns for the civilian population, migrants, and IDPs, detailing the rights and protections due to these vulnerable groups, and encouraging community level respect and acceptance | * 1. Legislation, procedures and policies protecting the safety and dignity of migrants in line with IHRL, IHL and Refugee Law;   2. Legislation and policies integrating the Kampala Convention;   3. Designation of a competent national authority for the protection and assistance of migrants and IDPs   4. Number of border security units given special training on the rights, protection, and differing status of migrants   5. Diversity, quality, and geographic scope of information campaigns | **GAMBIA**  The Refugee Act provides that a person claiming to be a refugee should not be considered a prohibited immigrant,  detained, imprisoned, or penalized. They should not be expelled or deported, and this protection extends to any family members wishing to join them in The Gambia. The Gambia Commission for Refugees, operating under the Gambia Immigration Department, regulates the affairs of refugees. The National Human Rights Commission, established under the NHRC Act, has the function of promoting and protecting human rights in The Gambia. This includes monitoring, receiving, investigating, and considering complaints of human rights violations, including those committed by private individuals and entities. The commission writes reports, raises awareness, makes recommendations, organizes seminars and workshops, collaborates with organizations, and reviews legislation. The Police Force Act grants the Gambia Police Force the authority to enforce laws and regulations, including border security. The government collaborates with Civil Society Organizations (CSOs) that have human rights as part of their mandate to effectively protect human rights violations and ensure the implementation of human  rights laws.  Also, the Gambia has tabled the Immigration Bill before the Nation Assembly which among other things seeks to provides measures protecting migrants.  In the same vein, the Gambia also have the National Disaster Management Agency, which provides and also for internally displayed person in times of emergency and needs e.g. flood.  **GUINEA**  The Republic of Guinea is a party to most international human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.  Concrete actions include:  • Voluntary repatriation of Guinean victims of racist aggression and xenophobia in February-March 2023 in Tunisia;  • Provision of a fund for the care of these compatriot migrants.  **NIGERIA**   * National Policy on Internally Displaced Persons 2021 approved and publicly presented. * National Commission for Refugees, Migrants and Internally Displaced Persons, Act no.1 2022 entered into force establishing an institutional mechanism for Migrants and Internally Displaced Persons in Nigeria.   **SENEGAL**  A law on the status of refugees and stateless persons was adopted by the National Assembly on 5 April 2022. | **GUINEA**  The ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (2009) signed on 05/01/2012 is an urgent and a great challenge.  One of the major challenges is the lack of financial resources to ensure full protection and assistance to migrants and IDPs.  The management of the migration issue in Guinea suffers from a lack of coordination. Information sharing between different ministerial departments is insufficient, despite the appointment of "IOM focal points" in most of the relevant ministries (responsible for coordination with IOM) and the establishment of a technical committee on migration issues.  **LIBERIA**  In 2019, a draft law for the integration of the **Kampala Convention** into the national legal order was validated, but the process has not yet been completed.  **NIGERIA**  A law implementing African Union Convention (the **Kampala Convention)** IDPs Domestication and Enforcement Bill, 2023 passed by House of Representatives only. The bill could not be passed into law. Efforts are being made to reintroduce the bill to the National Assembly through an expedited process |
| ***D. Children****:*   1. Integrate, and ensure respect for, the rules of treaties relating to the rights of children in armed conflicts, including the Geneva Conventions and its Protocols and the 1989 Convention on the rights of the Child and its 2000 Optional Protocol, into domestic legal frameworks 2. Incorporate specific training on the protection of children, and treatment of child combatants, into the training of all ranks of soldiers and security forces 3. Designate specially trained senior security and military officers in charge of working with active units, relevant ministries, and civil society groups to protect the access of children to education 4. Ensure children are protected and left untouched by all participants during armed conflicts and other situations of violence 5. Ensure schools are protected and left untouched by all participants during armed conflicts and other situations of violence | * 1. Legislation and measures protecting the rights of children in armed conflicts and criminalizing related IHL violations   2. Number of judicial proceedings in cases of IHL violations against children   3. A module on child protection is required for all soldiers and members of security forces in training   4. Number of coordination and dissemination meetings facilitated by designated senior security and military officers   5. Children have continuous access to education in secure environments throughout any period of armed conflict or other situations of violence   6. Schools remain unoccupied and undamaged by combatants during armed conflicts or other situations of violence | **GAMBIA**  Integrated in Sections 30 and 31 of the Children’s Act.  To further ensure the protection of children, numerous training sessions have been conducted to educate and raise awareness among law enforcement officers and other relevant stakeholders. In response to these efforts, child welfare units have been established at police stations across The Gambia to address issues related to child protection. Moreover, the Ministry of Women, Children, and Social Welfare has established a specialized department tasked with providing guidance and advice to the government on matters concerning children. This department plays a crucial role in advocating for children’s rights, promoting their welfare, and ensuring that their needs are met in accordance with  national and international standards.  **GUINEA**  Internalization of the African Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict into domestic legislation.  Application of the provisions of Special Law L/2019/059/AN of 30 December 2019 on the Children's Code of the Republic of Guinea.  Article 912 of Decree D/2020/065/PRG/SGG of 11 March 2020 promulgating Law L/2019/0059/AN of 30 December 2019 on the Children's Code in the Republic of Guinea prohibits forced or compulsory child labour.  Similarly, article 925 of the Children's Code determines all work prohibited to children.  Provision by the transitional authorities of premises to be used as the headquarters of the Conakry Juvenile Court in July 2022;  Provision of a site for the construction of the Conakry Juvenile Court;  Programming of a budget line in the initial 2023 Finance Law for the construction of a juvenile court headquarters;  Provision of 22 court-appointed lawyers in juvenile court proceedings in February 2023;  Child protection mechanisms are governed by the provisions of articles 1 to 6, 12, 346 to 355, 433 to 437 of the Children's Code.  This mechanism is the gateway to all Community and institutional actions for the prevention and management of protection cases. The strategy is based on empowering families and communities and strengthening the operational capacity of child protection structures.  Protection structures are set up from the national level to the community level (village).    At the national level: Guinean Committee for the Monitoring of the Rights of the Child (CGSDE);  At the regional level: Regional Coordination for Child Protection (CRPE);  At the prefectural level: Prefectural Coordination for Child Protection (CPPE);  At the communal level: Local Protection Committee (CLP);  At the district or neighborhood level: Local Council for Children and Families (CLEF);  At the village level: Village Committee for the Protection of Children (CVPE).  The main protection mechanisms are: OPROGEM, the Special Brigade for the Protection of Vulnerable Persons (BSPPV), the National Committee for the Fight against Trafficking in Persons and Similar Practices (CNLTPPA), the Guinean Committee for the Monitoring of the Rights of the Child and the Children's Parliament.  There is a National Strategic Plan to Promote the Abandonment of Child Marriage. Also, harmonized modules on parenting skills in sex education.  Creation of the Military Prytanée of Guinea (PMG) at Camp Alpha Yaya DIALLO on November 14, 2022. It was inaugurated on January 9, 2023, with a first class of 50 students, including 15 girls.  On April 18, 2023, 43 students from this first class received the status of troop children.  **NIGERIA**  Handover Protocol for Children encountered in the Course of Armed Conflict in Nigeria and within the Lake Chad Basin is an agreement signed September 2022 between the Government of Nigeria and UNICEF country office in Nigeria. It is being implemented by the Nigeria Army, Federal Ministry of Women Affairs and other relevant Ministries, Departments and Agencies.  35 out of 36 states of Nigeria have adopted / passed Child Rights Laws | **TOGO**  As part of the process of revising Law No. 2015-010 of 24 November 2015 on the new penal code of the Togolese Republic, the Ministry of Justice promised to examine in good faith the ICRC's recommendations on the protection of minors in armed conflict. |
| ***E. Sexual violence****:*   1. Integrate measures to prevent and criminalize rape and other forms of sexual violence during armed conflict in domestic legislation, with special protections for the most vulnerable groups, e.g. women and children 2. Create dissemination programs on the prevention of sexual violence to the general public and to armed forces 3. Establish specialized trainings for the judicial sector on the prosecution of IHL violations relating to sexual violence 4. Ensure military and security authorities establish strong and sensitive internal systems for monitoring and responding to sexual violence, taking into account the differing needs of each survivor 5. Provide specialized training for personnel in all institutions who may respond to sexual violence in armed conflict, stressing the importance of sensitivity to the needs of survivors 6. Work with National Red Cross and Red Crescent Societies and civil society organizations to ensure survivors of sexual violence have ongoing access to any non-discriminatory assistance they require (health care services, rehabilitation, psychological, socio-economic, and/or spiritual). All while ensuring the privacy, dignity, and safety of the survivors, and working to combat social stigma that may exist | * 1. Legislation and measures preventing and criminalizing rape and other forms of sexual violence during armed conflicts;   2. Number of judicial procedures and decisions on IHL violations relating to sexual violence   3. Number of dissemination programs, with the civilian component receiving equal priority   4. Participation by civil society groups and community leaders in the dissemination programs   5. Number of judges going through the specialized judicial training   6. Number of survivors assisted as a result of the authorities’ monitoring and response system   7. All personnel responding to survivors of sexual violence in armed conflict benefit from specialized training for treatment of survivors   8. Percentage or survivors who receive ongoing assistance in all areas of need   9. Number and quality of joint initiatives by the government with National Societies | **CÔTE D’IVOIRE**  Articles 137 to 140 of Law No. 2019-574 of 26 June 2019 on the Penal Code criminalize acts of sexual violence in various forms: war crimes, violence and assault, torture, indecent assault, rape, paedophilia, forced marriage, sexual exploitation of enslaved persons.  **GAMBIE**  The Sexual Violence Act and the Criminal Code are legislative measures that aim to combat and criminalize all forms of sexual violence, with a particular focus on protecting women and children. These laws outline the legal procedures and processes for prosecuting offenders who commit acts of sexual violence, as well as  the penalties for such offenses as stipulated in both Acts and the Criminal Procedure Code. Various government  ministries, including the Ministry of Justice, and law enforcement agencies such as the police force welfare unit, along with Civil Society Organizations (CSOs), are  entrusted with the responsibility of safeguarding and supporting victims of sexual violence. These entities play a crucial role in providing care and protection to survivors of sexual violence, ensuring their well-being and access to justice. Furthermore, these organizations work collaboratively to raise awareness about sexual violence, advocate for victims’ rights, and enforce laws aimed at preventing individuals from becoming victims of such heinous acts. By working together, these bodies strive to create a safe and supportive environment for survivors of sexual violence while holding perpetrators accountable for their actions.  **GUINEA**  In 2019, the MINUSMA contingent received a pre-deployment briefing on sexual violence, gender and the protection of vulnerable people in armed conflict.  **SIERRA LEONE**  The President of the Republic himself has committed himself to the issue of sexual violence by declaring on February 7, 2019, a national emergency around rape and sexual violence, deploring a culture of indifference and impunity around it. (State of House Media and Communications Unit, President Julius Maada Bio Declares Rape and Sexual Violence as a National Emergency in Sierra Leone, Press Release, Freetown, 7 February 2019, available on Line: <https://statehouse.gov.sl/president-julius-maada-bio-declares-rape-and-sexual-violence-as-a-nationalemergency-in-sierra-leone/> )  This was followed by legislative measures, such as the amendment of the Securities Act.  Sexual Offences Act 2019, which now provides for life imprisonment for child rape (see Sierra Leone, Sexual Offences (Amendment) Act 2019, available online: <https://sierralii.org/sl/legislation/act/2019/8> )  The same law criminalizes the forced marriage of a girl under the age of 18 and minors may not marry each other.  **NIGERIA**  35 out of 36 states of Nigeria have adopted / passed Violence Against Persons Prohibition Laws  The Institute for Peace and Conflict Resolution (IPCR), supported by UNICEF,  UNDP and Plan International carried out community peace building, reconciliation and reintegration for women and girls survivors of sexual violence in the BAY (Borno, Adamawa &amp; Yobe) States in 2019.  Mercy Corps, supported by USAID under the coordination role of the National Counter Terrorism Centre (NCTC) of the office of the National Security Adviser (ONSA) are also sensitizing communities in the Niger, Kogi, Nassarawa States under the UN Peace Initiative for Youth in 2023 – 2024  Under special protective Shelter by the Nigerian Government, through the Federal Ministry of Women Affairs, 82 out of 213 special (Chibok) girls rescued from Boko-haram captivity received specialized psychosocial counselling, empowerment by re- enrolment back to school; as well as vocational skills training in 2019 at undisclosed national institutions in Yola and Abuja, respectively; towards full physical and emotional recoveries.  Supported by UNODC, the National Counter terrorism Centre (NCTC) of the Office of the National Security Adviser (ONSA) under the global STRIVE Juvenile Project (2021 – 2023) trained and retrained a number of Federal and States (Borno, Kano, Yobe, Adamawa, Katsina), Judges together with few relevant Federal and State MDAs on Judicial Proceedings for Children Associated with Terrorism and Violent Extremism in Nigeria. | **SIERRA LEONE**  In relation to forced marriage of children under the age of 18, a shortcoming of the Sexual Offences (Amendment) Act 2019 is that it still allows customary authorities and parents to give consent to the marriage on behalf of minors for it to be validated, in the absence of consent from the primary stakeholders. |
| ***F. Protection of Health Care and the Red Cross and Red Crescent Emblem:***   1. Integrate and enforce measures set out in IHL and IHRL instruments on the respect and protection of health care in domestic legal frameworks 2. Enact specific legislative and regulatory measures to prevent and criminalize misuse of the Movement’s emblems as set out in the Geneva Conventions and their Additional Protocols 3. Scrutinize the doctrines, standard operational procedures, trainings, and practices of security operations to ensure access and delivery of health care is protected in all instances 4. Governmental organs work with medical ethics bodies to investigate and discipline erring medical professionals and sensitizing the public on medical ethics and respect of the right of all to access health care, without discrimination, at all times 5. Establish national data collection mechanisms/ frameworks for documenting incidents of violence against the sick and wounded, healthcare personnel, facilities and transport. Also, promote research and reporting on the public health impact of such occurrences. | * 1. Legislation and measures ensure the respect and protection of health care in armed conflicts and in other situations of violence;   2. Legislation and measures prevent the misuse of the emblems;   3. Number of judicial procedures relating to violations of laws protecting healthcare and/or the emblems   4. Operating procedures protecting access and delivery of health care during security operations are included in templates for all security operations   5. Number of disciplinary proceedings by medical boards for discrimination in health care delivery   6. Number of public disseminations on respect for health care access for all   7. Data collection mechanisms of all violent or discriminatory acts against health care recipients, personnel, facilities, or transportation | **GAMBIA**  The Gambia has adopted legislation to protect the Red Cross, Red Crescent and Red Cystal Emblems which are contained in the Gambia Red Cross Society Act. The Act recognizes the society as a corporate body, outlines its objectives and has provisions for its objectives and independence and voluntary nature to be respected. Section 9 of the Act makes it unlawful for any person, other than the authorized person under the Act to use the  emblem of the Red Crescent or red lion and sun on a white ground or any colorable imitations thereof or the words “Red Cross”.  **GUINEA**  Training for the armed forces on the knowledge of:  - Ordinance No. 006/PRG/86 of 15.01.86 establishing the Guinean Red Cross.  - Law L95/010/CTRN/95 on the use and protection of the emblem and name of the Guinean Red Cross  The Penal Code punishes the fraudulent use of the emblem (Articles 678....682) | **CÔTE D’IVOIRE**  A law on the protection of the emblem is being adopted after the bill was passed by the National Assembly in 2023, and then on April 16, 2024 by the Senate's Security and Defense Committee. The next step will be its passage to the plenary session for the vote of all senators, before its promulgation by the President.  **NIGERIA**  The Nigerian Red Cross Society Act 1961 requires amendment to cover up the gaps in the protection of the emblem, healthcare workers and facilities in situation of armed conflicts. The amendment process is not envisioned to take place in the short term.  **TOGO**  As part of the process of revising Act No. 2015-010 of 24 November 2015 on the new penal code of the Togolese Republic, the ICRC was able to share with the Ministry of Justice recommendations on the protection of health care, including violence against health personnel and facilities in peace time and internal tension and disturbances. |
| ***G. Counter-Terrorism:***   1. Ensure domestic legal frameworks related to counter-terrorism do not overlap or contradict IHL by prohibiting conduct which is lawful under IHL, creating legal confusion, and adversely affecting the underlying principles of IHL 2. Ensure humanitarian actors are able to conduct their non-discriminatory protection and assistance activities without the threat of prosecution or harassment by the government, security forces, or general population | * 1. Legislation on counter-terrorism that do not overlap or contradict IHL   2. Judicial decisions correctly interpreting counter-terrorism laws and IHL not creating legal confusion, and adversely affecting the underlying principles of IHL   3. Humanitarian workers carry out activities without adverse reactions from the State   4. The civilian population and security forces understand the importance of nondiscriminatory provision of assistance to vulnerable populations | **GAMBIA**  The Anti-Terrorism Act serves as a legal framework that prohibits acts of terrorism and related offenses. Individuals or organizations found guilty of engaging in  terrorist activities are subject to severe penalties under this Act. These penalties are intended to deter and punish those who commit acts of terrorism or aid and abet such activities. The Act covers a wide range of actions that are considered to be terrorist in nature, including organizing or participating in terrorist meetings, providing financial support to terrorist groups, aiding and abetting terrorists,  harboring individuals involved in terrorist activities, and obstructing investigations into terrorist incidents. By imposing strict sentences on those found guilty of terrorism-related offenses, the Anti-Terrorism Act aims to combat and prevent acts of terrorism, protect national security, and uphold the rule of law. It sends a clear message that terrorism will not be tolerated, and those responsible will face serious consequences for their actions.  Matters of counter terrorism have also been addressed in our National Defence Policy  **GUINEA**  Adoption and promulgation of Law L/2019/033/AN of 4 July 2019 on the prevention and suppression of terrorism in the Republic of Guinea.  Provisions of the Criminal Code (Article 574) and the Code of Military Justice  **NIGERIA**  Legislation - Terrorism Prevention and Prohibition Act 2022 | **CÔTE D’IVOIRE**  In 2023, as part of the process of revising Law No. 2015-493 of 7 July 2015 on the suppression of terrorism, the ICRC was able to share with the Ministry of Justice and Human Rights certain concerns about the risks of confusion between IHL and the counter-terrorism regime and the risk of criminalization of humanitarian action. Proposals to include a humanitarian exemption clause and an IHL safeguard clause in the law have been made, with the Ministry of Justice promising to consider them in good faith.  **TOGO**  In 2023, the ICRC was able to share with the Ministry of Justice its concerns about respect for IHL/IHRL and humanitarian principles in the context of the strengthening of the counter-terrorism legal framework by States and the risk that counter-terrorism measures pose to the access of impartial humanitarian actors to vulnerable populations in hard-to-reach areas. The ICRC was thus able to submit proposals to the Ministry of Justice aimed at including a humanitarian exemption clause and a safeguard IHL clause in the Criminal Code, which were forwarded to the Legislative Support Committee (responsible for the revision work), which will be able to examine them in good faith. |
| **H. Use of Force in Law Enforcement:**   1. Ensure legislation, procedures and policies regulating use of force provide adequate safeguards in line with IHRL, IHL and Domestic Law 2. Initiate training and capacity-building of security officials in accordance with international rules and standards, including teaching of police ethics, human rights and correct use of force considering legality, necessity and proportionality. 3. Provide security officials with non-lethal weapons highlighting adverse effects on health to ensure a differentiated use of force, and penalize all excessive use of force | * 1. Legislation is passed enshrining the limits on the use of force in law enforcement, and implemented at the relevant levels of law enforcement   2. Number of officials trained in police ethics, human rights and alternatives to the use of force   3. Reduction in the amount of firearm use by law enforcement, and complaints of excessive force.   4. All illegal use of force is penalized by the appropriate law enforcement mechanisms, and the judiciary | **GAMBIA**  The Police Act establishes the rules that govern the conduct of police officers, particularly in relation to the use of force.  These rules dictate the circumstances under which officers are permitted to use force and prescribe the appropriate level of force that can be employed in different situations. Regular training sessions are conducted to enhance the capacity of police officers and to keep them informed about any new or updated laws that may affect their duties. These trainings are essential to ensure that officers are equipped with the necessary knowledge and skills to perform their duties effectively and in compliance with the law. It is important to note that the use of lethal force by police officers is strictly limited and should only be employed in situations where it is absolutely necessary to protect themselves or others from imminent harm.  This restriction on the use of lethal force underscores the importance of upholding the principles of proportionality and necessity in law enforcement activities.  Also, the Criminal Procedure Code, as well as the Criminal Code make provisions for the procedures to be followed in criminal cases, provides for offences and its punishments and for all connected matters.  Overall, the Constitution of the Gambia provides adequate safeguards in line with international human rights laws and humanitarian laws relating to right to liberty, fair hearing, protection of property, right to life etc.  **GUINEA**  Training and capacity building sessions for defence and security forces on:  - Law L/2015/009/AN of 4 June 2015 on the maintenance of public order in the Republic of Guinea;  - Decree D/2016/263/PRG/SGG of 25 August 2016 on the Code of Ethics of Civil Protection;  - Order No. 6023/MSPC/2016 on the Disciplinary Code of the National Police and Civil Protection;  - Circular Note No. 005/MSPC/CAB/16 of 26 October 2016 on the Disciplinary Procedure for Civil Servants of the Ministry of Security and Civil Protection.  - The Code of Military Justice for the Armed Forces;  - And the Code of Criminal Procedure for judicial police officers (Articles 64, 65...... 68) |  |
| ***I. Arms Control****:*   1. Harmonize domestic legal frameworks with IHL instruments regulating weapons, including the ATT and ECOWAS Convention on Small Arms and Light Weapons (SALW) 2. Designate and mandate competent national authorities and focal points – such as National Arms Control Committees and/or National Commission for the fight against the illicit proliferation and circulation of Small Arms and Light Weapon – to foster, coordinate and report on the implementation of IHL instruments regulating weapons 3. Establish and maintain national records of export authorization or actual export of conventional arms 4. Establish national control systems regulating export, import, transit, transshipment of, and brokering activities related to, conventional arms, and to regulate the exports of related ammunition and parts and components | * 1. Legislation and measures regulating the use, transfer and brokering of weapons, their ammunition and other related materials in conformity with IHL and relevant treaties;   2. Active and efficient national authorities or focal point foster, coordinate and report on the implementation of IHL instruments regulating weapons   3. Effective national records of export authorization or actual export of conventional arms   4. Effective national control systems regulating export, import, transit, transshipment of, and brokering activities related to, conventional arms, and to regulate the exports of related ammunition and parts and components | **GAMBIA**  In 2021, a national commission was set up on Small Arms and Light Weapons.  Plans are to underway to pass a law implementing the Arms Trade Treaty and the ECOWAS Convention on Small Arms and Light Weapons The Arms and Ammunition Act and the Explosive Act outlines the regulations and rules surrounding the possession of  firearms without proper authorization, which is considered a criminal offense.  These laws are in place to ensure the safe and responsible use of firearms within the country. The Acts also establish a commission in The Gambia specifically  tasked with controlling small and lightweight firearms. This commission is responsible for overseeing the proper  handling and distribution of these weapons to prevent misuse and illegal activities. Overall, the Arms and Ammunition Act and the Explosive Act play a crucial role in maintaining public safety and security by regulating the  possession and use of firearms in The Gambia. Violating these laws can result in serious legal consequences, making it important for individuals to comply with the regulations set forth in these Acts.  **GUINEA**  The National Commission to Combat the Illicit Proliferation of Small Arms and Light Weapons has been set up. It is responsible for monitoring the illicit proliferation and circulation of small arms and light weapons - to promote, coordinate and report on the implementation of IHL instruments related to arms regulation. It has focal points in several departments (Justice, Security, Gendarmerie, National Defense, etc.)  The Penal Code (Articles 846 to 855) and the Code of Military Justice (Article 24) also punish the illegal carrying of weapons and the manufacture, stockpiling and use of chemical weapons;  Act L/96/008/AN of 22 July 1996 on weapons and ammunition is still in force.  **NIGERIA**  National Centre for the Control of Small Arms and Light Weapons was established in 2021 in line with Article 24 of the ECOWAS Convention on Small Arms and Light Weapons. It is being coordinated by the office of National security Adviser  End user certificate platform coordinated by Office of National Security Adviser controls the import and use of controlled items including conventional arms and ammunition.  **TOGO**  In 2021, a UNIDIR and ECOWAS mission assessed the circulation of arms and ammunition in Togo, with a view to establishing a national framework governing the management of arms and ammunition in accordance with international commitments. | **CÔTE D’IVOIRE**  A process to jointly implement the Arms Trade Treaty and the ECOWAS Convention on Small Arms and Light Weapons has been underway for several years.  **SENEGAL**  A process to jointly implement the Arms Trade Treaty and the ECOWAS Convention on Small Arms and Light Weapons is underway.  **TOGO**  As part of the process of revising Law No. 2015-010 of November 24, 2015 establishing the new penal code, the ICRC was able to share recommendations with the Ministry of Justice, particularly in relation to the repression of cluster munitions.  In 2024, a law jointly implementing the Arms Trade Treaty and the ECOWAS Convention on Small Arms and Light Weapons was adopted by the Council of Ministers. |
| ***J. Penal repression of IHL violations:***   1. Harmonize domestic legislation with IHL instruments for effective prevention, prosecution and punishment of IHL violations 2. Ensure judicial guarantees reflected in IHL and IHRL are integrated in domestic legislation 3. Integrate IHL in initial and periodic specialization trainings for judges, prosecutors, and other judicial actors 4. Take all measure to facilitate judicial cooperation between the competent authorities of Member States | * 1. Criminal legislation harmonizing domestic law with IHL   2. Number of judges, prosecutors and other judicial actors trained on IHL   3. Number of judges, prosecutors and other judicial actors specialized in IHL   4. Number of IHL related prosecutions and judicial decisions upheld and respected | **CÔTE D’IVOIRE**  Law No. 2019-574 of 26 June 2019 on the Penal Code provides for the punishment of war crimes and other international crimes such as genocide, crimes against humanity and crimes of aggression.  **GAMBIA**  The Criminal Code as well as the Criminal Procedure Code provides legislation in which the domestic laws have been harmonized with International Humanitarian laws which provides for various penalties for violations of various IHL violations.  The Arms and Ammunition Act also a criminal legislation which provides for provision restrictions of use of firearms, arms of war or ammunition.  **GUINEA**  Since 2013, the Republic of Guinea has been engaged in a process of reform of the justice system and the security services. The most important phase of this reform was the revision of the codes (criminal, criminal procedure and military justice), which are now in line with Guinea's international commitments in the field of human rights and international humanitarian law.    In the process of internalizing treaties relating in particular to international humanitarian law, the revision of the penal code has made it possible to provide for and punish war crimes, crimes against humanity and crimes of genocide as provided for in the Rome Statute, the Geneva Conventions and their additional protocols.  Guinean courts now have the jurisdiction to conduct trials for mass crimes. The organization of the trial of the events of 28 September 2009 by our country, which has been awaited for 13 years, is a great illustration and a model to be followed on the continent.  In addition, the new Code of Criminal Procedure clarified jurisdictional jurisdiction and established the rules of collaboration and complementarity between national courts and the International Criminal Court. These reforms have also led to the creation of a permanent military court with a Code of Military Justice drawn up for this purpose, in order to broaden the legislative framework for the punishment of violations of international humanitarian law.  This exercise to revise all these texts, which have already been in force since November 2016, is a major step forward aimed at sustaining respect for international humanitarian law and other international and regional commitments in our country.  Several judicial actors in the permanent and parajudicial military justice system have been trained on international humanitarian law. | **LIBERIA**  In 2019, the draft Geneva Conventions Implementation Act and Additional Protocols.  **NIGERIA**  A bill to implement the Additional Protocols to the Geneva Conventions was drafted in 2019 (process started since 2011). A resolution of the Federal executive Council was passed to allow a new law encompassing the Geneva Conventions and their additional Protocols. The resolution and bill were to be conveyed from the Attorney General’s office to the National Assembly, but this has not been done for over 4 years. It seems that the process might have to be restarted.  **TOGO**  The adoption of a new Code of Criminal Procedure in accordance with Law No. 2015-10 of 24 November 2015 on the Criminal Code has been underway since 2021.  As part of the process of revising Act No. 2015-010 of 24 November 2015 on the new penal code, the ICRC was able to share recommendations with the Ministry of Justice on the punishment of war crimes. |
| ***K. Dissemination of IHL knowledge***   1. Disseminate IHL knowledge and encourage its respect as widely as possible to parliamentarians, civil society, and the population as a whole including in local languages; 2. Dissemination to Academics:    1. Integrate IHL into relevant university programs, particularly faculties of law, medicine, and journalism/communications    2. Promote IHL related academic research and publication 3. Dissemination to Military/ Paramilitary Forces    1. Designate competent legal authorities to advise commanders on the application of IHL and IHRL, and on appropriate instructions to give military and security forces    2. Ensure IHL/IHRL rules are integrated in trainings and rules of engagement of military and security forces during internal security and peacekeeping missions, with particular focus on protection of women and children and to translate them in the local languages of Member States    3. Ensure the judicial bodies of military and security forces are trained in the application of IHL, and can punish IHL violations by their troops 4. Translate IHL treaties in the local languages of Member States | * 1. Number of IHL related prosecutions and judicial decisions upheld and respected   2. Amount of legislation passed implementing IHL related treaties   3. Number of meetings, trainings and activities with civil society actors, the media, medical organizations, and special interest groups   4. Amount and quality of IHL dissemination material   5. Number of active civil society and academic networks on IHL;   6. Number and quality of universities integrating IHL course and specialization programs   7. Number and quality of IHRL and IHL legal advisors for military and security forces;   8. Amount and quality of advice to military commanders on the application of IHL and IHRL   9. Mainstreaming of IHL into training programs of military and security forces;   10. Establishment of protection units sensitized to special protection needs of women and children   11. Successful court martials of all proven cases of IHL violations, with appropriate punishments meted out | **GAMBIA**  In 2019, military and police personnel, as well as members of the bar, received training in IHL.  The armed forces of the Gambia indeed has integrated IHL in their training curriculum. The legal department of the armed forces conducts lectures in these areas for every batch of recruits before they leave the training school.  The Gambia has integrated IHL in the training curriculum of the Armed Forces.  The Armed Forces engage their officers in training programs to familiarize them with IHL. It is prerequisite to pass this particular before appointment into the army.  Furthermore, members of the armed forces undergo training on IHL before embarking on peace keeping missions.  IHL is also provided for in the rules of engagement of the security forces. It provides for whom, when and where force can be used, using reasonable tests or the principle of proportionality of the use of force.  IHL is being offered at the University of The Gambia as an elective course.  Several training sessions have been organized in the country's police and gendarmerie academies. These trainings focused on the rights that can be violated  during arrest and detention operations.  **GUINEA**  In 2023, 100 judicial auditors and 100 student clerks were being trained at the Judicial Training Centre on mechanisms for the repression of violations of international humanitarian law and other legal provisions.  In addition, with the support of the ICRC, training sessions have been organized in the country's police and gendarmerie academies. These trainings focused on the rights that can be violated during arrest and detention operations.  Four basic modules have been developed and popularized for the benefit of the defence and security forces in March 2022. These modules have been developed by the various human rights and IHL focal points at the level of the Gendarmerie, defence, and security. There is a Human Rights and IHL focal point at the level of the National Gendarmerie, a Director of the UN Human Rights Office and an IHL Director at the Ministry of National Defence and a Head of the Human Rights and IHL Office at the Ministry of Security and Civil Protection. All focal points have representatives at the decentralised level of the administration, in the administrative regions and prefectures. These focal points hold regular meetings on the implementation of IHL.  The modules developed are intended for new recruits (army, police, and gendarmerie), personnel of intervention units, judicial police officers and finally command staff.  Steps are being taken to integrate these modules into the training curriculum in military, police, gendarmerie, and training centres.  The law faculties of four Guinean universities have been competing in an international humanitarian law (IHL) moot court competition organized by the International Committee of the Red Cross (ICRC) since 2016. This activity is perpetuated in several Guinean universities.  **SENEGAL**  In 2019, IHL training was organized for the Armed and Security Forces and an IHL module was integrated into the training of magistrates within the National Judicial Training Centre.  **SIERRA LEONE**  In 2019, the armed and security forces benefited from IHL awareness and training.  **NIGERIA.**   * Fourteen judicial decisions upheld.   Legislation:   * Police Act, 2020   Twenty-four meetings, trainings and activities with civil society actors, the media, medical organizations, and special interest groups  Two active civil societies and academic networks on IHL (Society of IHL Teachers, Nigerian Institute of Advanced Legal Studies)  Fifty-five Universities and Tertiary institutions integrating IHL course and specialization programs  Eighty IHRL and IHL legal advisors for military and security forces  Robust advice to military commanders on the application of IHL and IHRL  IHL is included in the curriculum model of personnel of the Armed Forces of Nigeria who undergo training at the Martin Luther Agwai International Leadership and Peace Keeping Centre, Jaji, Kaduna, Nigeria  The Nigeria Police Force has a gender unit that handle cases involving women and children. Also, the Nigerian Armed Forces has a gender policy launched in 2021.  Sixteen court martial cases from the Nigerian Army and Five from the Nigerian Air Force | **GUINEA**  The absence of the ICRC in Guinea has diminished the enthusiasm for the moot court competition in universities. |

**SECTION 2 – Other developments related to the implementation of the ECOWAS Pledge at the 33rd International Conference**

As part of ECOWAS' commitment at the 33rd International Conference, in addition to the implementation of the ECOWAS Action Plan on IHL (2019-2023), Member States committed to strengthening existing National IHL Commissions (CNDIH) (paragraph 1 of the commitment) and to carrying out "compatibility studies" to identify gaps in their national legislation in relation to international standards (paragraph 2 of the commitment).

* + 1. **On measures adopted to strengthen existing NIHLC, to ensure that they have adequate resources to fulfil their mandates and efforts made to cooperate with each other**

No information reported.

* + 1. **On the "compatibility studies" of domestic law with international and regional standards on issues related to IHL**

No information reported.

* + 1. **On national steps to integrate IHL on other issues not included in the ECOWAS Plan of Action on IHL.**

**Guinea:** the country has not yet ratified the Convention for the Protection of All Persons from Enforced Disappearance, but Guinean law punishes such acts. The Penal Code punishes acts of enforced disappearance of persons (2025....231).

Other IHL themes: acts of bioterrorism are provided for and punished by the Guinean penal code (Article 575); Offences against the safety of maritime navigation are also provided for and punished by the Criminal Code (Article 578).

**Togo:** for example, as part of the process of revising Law No. 2015-010 of 24 November 2015 on the new penal code of the Togolese Republic, the Ministry of Justice promised to examine in good faith the ICRC's recommendations on the protection of cultural property.

* + 1. **ECOWAS Commission measures to promote the IHL Plan of Action and specific thematic in the Plan of Action.**

The ECOWAS Commission held Annual Review Meetings of the ECOWAS Regional Network of National Focal Institutions on Implementation of International Humanitarian Laws (RNNI-IHL) (comprised of Member States Focal institutions on IHL) in 2020, 2021, 2022 and 2023 focused on assessing and strengthening Member States capacities towards effective implementation of the ECOWAS IHL Plan of Action, adapted into National Action Plans. This was implemented in collaboration with the ICRC.

The ECOWAS Commission led the development of technical guidance towards enhanced protection of vulnerable migrants through development of Standard Operating Procedures on Protection of Vulnerable Mixed –Migrants for front line stakeholders, validated by Member States Experts in 2023, providing critical standards for strengthening the protection regime including national referral mechanisms.

Towards the Development of a Policy on Missing West African Migrants, the ECOWAS Commission held technical sessions on the Situation of Missing, Detained and Deceased Migrants with the International Organization for Migration and the International Committee of the Red Cross in 2023 and, in collaboration with the partners, developed a zero draft Strategy.

The Regional Network of Partners against Gender Based Violence (GBV) and Violence against Children (VAC) was constituted in 2020 and held several engagements over the period covered by the ECOWAS Pledge to strengthen the coordination of activities between the ECOWAS Commission and the Regional Partners on the combat of Gender Based Violence and Violence against Children in the region.

The ECOWAS Child Rights Information Management System (ECRIMS) was adopted and initial operationalizaiton of the System, operating as a child rights observatory was achieved. The ECRIMS will serve as an Information Management capacity and approach to evidence based advocacy, peer review and collective accountability for child rights in the Region.The work of the ECOWAS Commission on Child Rights, in the period also includes conducting a study on children in emergencies, including children affected by armed conflicts and continuing work on the protection of children on the move in collaboration with the Regional Working Group on Child Protection (GRPE) and the International Social Services West Africa and the West African Network for Child Protection (ISS/WAN).

An Integrated Technical Assessment/Validation Missions for Urgent Humanitarian Assistance to Internally Displaced Persons was conducted in Burkina Faso, including a Rapid Field Assessment conducted with the Government of Burkina Faso (CONASUR) in 2023 to enhance provision of urgent Humanitarian Assistance to most vulnerable groups including Host Communities.

The ECOWAS Protection and Human Security Integrated Mechanism (ECOPHISM) was launched in 2021 and initial measures were implemented in 9 Member States of ECOWAS. The Mechanism is focused on strengthening coordination and capacity building for key protection and human security stakeholders towards preventing and responding to victimization and lessening vulnerabilities of persons who might be especially vulnerable to protection risks, including within the context of IHL and related contexts.

The ECOWAS Commission also developed a draft ECOWAS Humanitarian Handbook to serve as a basic guide to humanitarian action with a focus on regional and member states responsibilities.

1. ECOWAS Member States decided, at the 19th Annual Meeting to Review the Implementation of IHL (12-14 September 2024, Abuja), to extend the IHL Action Plan until the end of 2026. [↑](#footnote-ref-0)
2. “Migrants” refers here to its broad definition which includes refugees, asylum seekers and irregular migrants to capture the full extent of humanitarian concerns related to migration, and to provide sufficient flexibility to address people’s often complex and changing situation, regardless of their reasons for migrating. [↑](#footnote-ref-1)