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Resolution 1: “Bringing IHL home: A road map for better national implementation of international humanitarian law”

PROGRESS REPORT

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Resolution 1: “Bringing IHL home: A road map for better national implementation of international humanitarian law”

EXECUTIVE SUMMARY

This report describes the progress achieved since 2019 on the domestic implementation of international humanitarian law (IHL), in line with the commitments made by the members of the 33rd International Conference of the Red Cross and Red Crescent (International Conference) when they adopted Resolution 1 “Bringing IHL home: A road map for better national implementation of international humanitarian law”. The report covers different areas referred to in the resolution, including increased treaty participation, adoption of new or amended legislation, implementation of practical and administrative measures to give effect to legislative efforts, creation of specific domestic mechanisms, adoption of specific measures aimed at enhancing protection for categories of people facing particular risks in armed conflicts, such as women, children and persons with disabilities, strengthening of IHL dissemination and training for different audiences and reinforcement of domestic processes for the repression and suppression of war crimes. Finally, the report also welcomes the different ways in which States have shared their good practices, including through the increased use of voluntary reports on the domestic implementation of IHL. While the report mainly focuses on the general trend of progress, it also acknowledges certain obstacles and challenges that have arisen along the way and shortcomings that still need to be addressed. It stresses the importance of the continuity of the work on the implementation of IHL and the need to increase respect for its rules, which will be one of the main topics of the 34th International Conference.

1) INTRODUCTION

Since the 33rd International Conference in 2019, armed conflicts have continued to plague our world. Not a day goes by without us witnessing their cruel consequences and the large-scale death and destruction they too often wreak. Despite this gloomy backdrop, in the last five years, many States have unequivocally shown their determination to uphold IHL, ensuring that their domestic legal systems comply with their international legal obligations. The resolution “Bringing IHL home: A road map for better national implementation of international humanitarian law” (hereinafter “the Bringing IHL home resolution”), adopted by consensus at the 2019 International Conference, has guided States and National Societies throughout this process, by setting out concrete steps that they can and should take to comply with and promote respect for IHL.

2) BACKGROUND

To support States in the implementation of the resolution, in 2021 the Advisory Service on IHL of the International Committee of the Red Cross (ICRC) published *Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian Law*¹ (hereinafter “the Guidelines”) which include checklists and good practices from States around the globe.

This report captures the overall progress made since 2019 on the domestic implementation of IHL across the globe, following both the resolution and the accompanying Guidelines. It is

¹ [Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian Law](#)

based on the numerous examples of IHL advancements that the ICRC Advisory Service on IHL was able to collect in all regions. It was prepared using several ICRC and external public sources, including reports on the Bringing IHL home resolution, reports on pledges submitted by States and National Societies, reports presented by States to the Sixth Committee of the United Nations (UN) General Assembly on the status of the Protocols additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, regional seminars on IHL organized together with the ICRC in different continents, good practices shared during the 2021 Universal Meeting of National Committees and Similar Entities on IHL,² information uploaded to the ICRC online community for national committees and similar entities on IHL, voluntary reports on the status of IHL implementation prepared by States and their national IHL committees, new legislation and policies published by States through their official channels, the ICRC's public databases on national practice³ and on treaties⁴ and the UN Treaty Collection.⁵ No confidential information was used in the preparation of this report.

For each measure, the report underlines progress made as well as, where relevant, areas that remain challenging and where little advancement has been recorded. These are the areas where States and National Societies will continue to strengthen their efforts in the future. The report is not, however, intended to be comprehensive and exhaustive, as it is not possible to condense into one short document the many achievements related to IHL implementation made around the world over half a decade.

It is also worth noting that these IHL achievements have stood the test of the COVID-19 pandemic and the related lockdowns which, especially between 2020 and 2022, drastically limited opportunities for exchanges and mutual learning among States. In many instances, conversations on IHL implementation continued online, reducing the risk of setbacks and of States' mutual isolation.

3) ANALYSIS/PROGRESS

The following sections provide a summary of some of the achievements made by States, National Societies and the ICRC in the different areas covered by the Bringing IHL home resolution. They cover the period from 13 December 2019 (the day following the adoption of the resolution) to 30 June 2024. A longer report, with detailed examples of practice across the globe, will be published by the ICRC within the framework of the 34th International Conference.

A) TREATY PARTICIPATION

Over the reporting period, there were **175 ratifications and accessions** to IHL instruments by a total of 87 States concerning 26 different treaties.⁶ Globally, **treaties regulating or prohibiting the use of certain weapons** saw the highest increase in ratifications or accessions during the reporting period. The **Treaty on the Prohibition of Nuclear Weapons (TPNW)**, the first globally applicable multilateral agreement to comprehensively prohibit nuclear weapons and address the humanitarian consequences of their use and testing, was joined by 35 new States from all regions. Thanks to these new ratifications and accessions, **the treaty entered into force in 2021**.

While **Protocol III additional to the Geneva Conventions** has welcomed three new States Parties, no more States have joined **Additional Protocol I or Additional Protocol II**. This represents a major gap in the implementation of the Bringing IHL home resolution, which expressly encourages States to ratify or accede to the Additional Protocols. Another gap is that, in the reporting period, no additional States recognized the competence of the

² [Bringing IHL Home through Domestic Law and Policy \(report\)](#)

³ [ICRC's National Practice Database](#)

⁴ [ICRC's Treaties Database](#)

⁵ [United Nations Treaty Collection](#)

⁶ [ICRC's Treaties Database](#)

International Humanitarian Fact-Finding Commission established under Article 90 of Protocol I additional to the Geneva Conventions.

During the reporting period, the **Ljubljana – The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes** was drafted and signed by 34 States, under the leadership of Slovenia. The Convention aims to further international legal cooperation with a view to ensuring the accountability of the perpetrators of international crimes, bringing justice to victims and contributing to the prevention of atrocities. Furthermore, in December 2019, States party to the **Rome Statute adopted an amendment to Article 8** to include the **intentional use of starvation of civilians as a war crime in non-international armed conflicts**. The amendment has since been ratified by 14 States and entered into force in 2021.

In addition to these legally binding instruments, the **Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (EWIPA Declaration)** was adopted in 2022. It addresses the growing concern over the use of explosive weapons in populated areas. The declaration, launched in 2022, has already been formally endorsed by 87 countries.

B) LEGAL, ADMINISTRATIVE AND PRACTICAL DOMESTIC MEASURES

During the reporting period, States worked on **domestic processes to introduce new laws and amend existing ones**. Legislative reforms have often been complemented by policies and other administrative and practical measures, aimed at putting the law into practice. The following list, which is not intended to be exhaustive, provides some concrete examples that are representative of efforts made by States across the globe, often with strong support from their national IHL committee, the National Society and/or the ICRC:

- **Adoption of legislation**, for instance:
 - o implementing the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the 2008 Convention on Cluster Munitions⁷
 - o implementing the Arms Trade Treaty⁸
 - o enhancing protection for the missing, separated and dead and their families⁹
 - o enhancing the prevention of displacement and the protection of internally displaced persons¹⁰
 - o combatting terrorism while ensuring compliance with IHL, in particular, excluding humanitarian activities carried out by impartial humanitarian organizations from the scope of application of counterterrorism measures¹¹

⁷ See, for example, Niue's [Anti-Personnel Mines and Cluster Munitions Prohibition Act 2021](#); Italy's [Law No. 220 of 9 December 2021, Measures to ban the funding of manufacturers of anti-personnel mines, cluster munitions and submunitions](#); Sri Lanka's [Prohibition of Anti-Personnel Mines Act](#).

⁸ See, for example, Brazil's [Promulgation of the Arms Trade Treaty – Ministry of Foreign Affairs](#); China's [Export Controls](#).

⁹ See, for example, Croatia's Law on Civilian Victims of Homeland War and the amended Law on the Rights of Croatian Homeland War Veterans and their Family Members; Honduras's [Missing Migrants Search Protocol](#); US's [Missing Persons and Unidentified Remains Act](#); Mexico's [Standard Search Protocol](#); Ecuador's [Organic Act on Action in Missing Persons Cases](#).

¹⁰ See, for example, Chad's law on protection and assistance for internally displaced people.

¹¹ See, for example, Chad's Law 003/2020; Ethiopia's [Proclamation No. 1176/2020 Prevention and Suppression of Terrorism Crimes](#); Philippines's [Act to prevent, prohibit and penalize terrorism](#). See also amendments to existing legislation, for example, Switzerland's [Criminal Code](#) and New Zealand's [Terrorism Suppression Act 2002](#).

- enhancing regulations on the use and protection of the red cross, red crescent and red crystal emblems.¹²
- Creation of domestic mechanisms, for instance:
 - **establishment of ad-hoc mechanisms and initiatives** to prevent disappearances, search for the missing and provide support and justice to their families¹³
 - establishment of **national information bureaus**, whose key role is to account for protected persons in the hands of the enemy, prevent them from going missing and inform families of their fate and whereabouts¹⁴
 - establishment of **committees on the protection of cultural property** in the event of armed conflict.¹⁵
- Establishment and strengthening of **national committees and similar entities on IHL**:
 - five countries created a national committee or similar entity on IHL for the first time, and numerous others reactivated or officially reestablished their committees¹⁶
 - the ICRC established an online community for national committees and similar entities on IHL, which has so far been joined by 40 committees.
- **Repressing and suppressing war crimes**:
 - measures to establish or reinforce their domestic legal framework for the prosecution and punishment of people who have committed or ordered others to commit war crimes,¹⁷ including through universal jurisdiction¹⁸
 - support for and cooperation with the International Criminal Court.¹⁹

However, it is worth emphasizing that the domestic implementation of IHL is a continuous process and that additional steps are always possible. In particular, while the progress highlighted in this section should be praised, the legislative and administrative frameworks of many States remain incomplete, with gaps that need to be filled in order for them to fully implement their IHL obligations.

C) PROTECTION OF PEOPLE FACING PARTICULAR RISKS IN ARMED CONFLICTS

Numerous States have introduced national law, policy and practical measures to comply with their obligations to treat children affected by armed conflict with special care and protection in

¹² See, for example, Bahrain's Decree No. 8 of 2020 on regulating the use of the protective emblems and signs provided for in the Geneva Conventions of 12 August 1949; Saudi Arabia's Royal Decree No. M/7 of 6 Muharram A.H. 1445 (24 July A.D. 2023) approving the Act concerning the use and protection of the emblem and name of the Red Crescent and similar entities; Côte d'Ivoire's Law No. 2024-237 on the protection of the red cross, red crescent and red crystal emblems; Ecuador's Executive Decree 1343.

¹³ See, for example, Lebanon's National Commission for the Missing and Forcibly Disappeared; Brazil's Managing Committee of the National Missing Persons Search Policy.

¹⁴ See, for example, [Ukrainian National Centre for Peacebuilding](#), Decree No. 228-p of 17 March 2022 and Decree No. 434 of 31 May 2022.

¹⁵ See, for example, Chile's ad hoc [Working Group for the Implementation of the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols](#); [Ireland's national advisory committee](#) on the protection of cultural property in the event of armed conflict.

¹⁶ New committees or similar entities on IHL were established in Cyprus, the Netherlands, Estonia, Mozambique and Portugal. Committees were officially reestablished in Italy and Brazil. Total number of countries with IHL committees reached 117.

¹⁷ See, for example, Cuba's new Criminal Code and new Military Criminal Code; Czech Republic's amendment to its Criminal Code; Armenia's new Criminal Code; Ecuador's amended Comprehensive Organic Criminal Code; Honduras's new Criminal Code.

¹⁸ See, for example, the US's amended War Crimes Act.

¹⁹ See, for example, Spain's Agreement on the Enforcement of Sentences with the International Criminal Court; Austria's amendments to its Federal Law on Cooperation with International Courts; Ukraine's Law Amending the Criminal Procedural Code of Ukraine and other legal acts regarding cooperation with the International Criminal Court.

various ways.²⁰ States²¹ and regional organizations²² have also adopted action **plans addressing women, peace and security (WPS) issues that incorporate IHL implementation measures with a gender perspective**. With regard specifically to **sexual violence in armed conflicts**, in 2020 the ICRC published a checklist for Domestic Implementation of IHL Prohibiting Sexual Violence, intended for States and the International Red Cross and Red Crescent Movement.²³ The checklist supports the domestic implementation of IHL rules prohibiting sexual violence against all people. The ICRC, partnering with international and domestic law firms, is in the process of carrying out studies, based on the checklist, to assess the consistency of national frameworks addressing sexual violence with international standards.

Since the last International Conference, ten new States have joined the **Convention on the Rights of Persons with Disabilities (CRPD)**, which is one of the very few universal human rights treaties to specifically mention armed conflict and the obligations of States Parties under IHL to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk (Article 11). Furthermore, some States have adopted legislation on the protection and inclusion of persons with disabilities, explicitly implementing the obligation established in Article 11 of the CRPD and also containing stipulations related to the provision of assistive devices.²⁴

D) INTEGRATION OF IHL INTO MILITARY DOCTRINE

During the reporting period, some **States strengthened their military training on IHL**, including through the use of new technologies.²⁵ IHL training has also been strengthened for **UN Troop Contributing Countries (TCCs)**, with the incorporation of IHL, human rights and women and child protection modules in mandatory pre-deployment and induction training provided on arrival in mission areas. Since the last International Conference, these modules have become the gold standard for the minimum military education required for deployed troops, individual military and police officers and military observers. Challenges remain, however, as pre-deployment training is often run by the sending nation and is limited to that TCC's level of knowledge and by the extent to which IHL has been incorporated into its military doctrine. In addition, some States also **updated their military manuals and policies**.²⁶

While IHL education has mainly been included as a part of legal or humanitarian modules, rather than being mainstreamed into military curricula, some States, including Mali, Rwanda and Kenya, recently introduced "IHL and tactics" and "IHL and military decision-making" as subjects in educational and training modules related to the planning of operations, traditionally considered a "purely military" area.

E) DISSEMINATION OF IHL

²⁰ For instance, in 2020 in the Philippines, the Inter-Agency Committee on Children in Situations of Armed Conflict issued a Joint Memorandum on the Protocol on Handling Children in Situations of Armed Conflict; in 2022, the Office of the National Security Adviser of Nigeria issued the [Nigeria Call for Action: Declaration on the Treatment of Children Associated with Terrorist and Violent Extremist Groups](#); the Government of Burkina Faso put in place a [handover protocol with the United Nations](#) on the transfer of children associated with armed forces and armed groups.

²¹ See, for example, Finland's new [WPS national action plan](#) and Cambodia's new [Gender Mainstreaming in Mine Action Plan for 2021–2025](#).

²² See, for example, ASEAN's new [regional WPS plan](#); European Union's [Operational Guidelines on Gender Mainstreaming in the Military Common Security and Defence Policy](#); ECOWAS's [Guidelines on WPS](#).

²³ See the ICRC's [Checklist: Domestic Implementation of International Humanitarian Law Prohibiting Sexual Violence](#).

²⁴ See, for example, Democratic Republic of the Congo's [Organic law on the protection and promotion of the rights of persons with disabilities](#); Pakistan's [Rights of Persons with Disabilities Act](#).

²⁵ See, for example, practice in [Switzerland](#) and [Türkiye](#).

²⁶ See, for example, US's [Civilian Harm Mitigation and Response Action Plan](#) and its revised [Law of War Manual](#); Colombia's new edition of its Doctrine on Air, Space and Cyber Operations.

Many States have continued with or increased their activities to disseminate IHL to different categories of decision-makers and others tasked with interpreting, implementing and applying IHL. These activities usually took the form of courses, seminars or training programmes aimed at different groups, such as diplomats²⁷ or members of the judicial system.²⁸ States and National Societies have also redoubled efforts to promote IHL and humanitarian values in educational programmes and activities offered to school children, university students and academics.²⁹ National Societies³⁰ and national IHL committees³¹ have often played a key role in establishing and expanding IHL training programmes. Student competitions, proven to be an effective way to engage with the younger generations, have continued to take place worldwide. Some of them are already well-established, for example, those held in Slovenia, Tanzania, Argentina and India, while others have been launched recently, such as the one organized by the Istanbul Center for International Law and Kizilay, along with their first Advanced Summer School on IHL.

IHL was also disseminated through a variety of events and promotional activities and the publication of a range of materials often intended for a much wider audience or the general public. One particularly innovative project was the interactive film “If War Comes to You”, initiated by the ICRC, the Danish Red Cross and other National Societies from the European Legal Support Group. It familiarizes viewers with the rules of IHL but also inspires compassion and empathy. Another innovative way to promote IHL and explore different voices and perceptions is by building bridges between the universal principles enshrined in IHL instruments and the values aimed at preserving humanity in conflicts expressed in different cultures, traditions and religions across the world. The ICRC has therefore engaged in various activities with Islamic intellectuals and academics and Buddhist scholars and promoted a study on African traditions and IHL principles.

F) SHARING OF GOOD PRACTICES

During the reporting period, a growing number of States published **voluntary reports on the domestic implementation of IHL**, and many more are in the process of drafting theirs. Voluntary report means any document drafted by or with the close involvement of a State, often with the support of its national IHL committee and sometimes the National Society, with the aim of showing the degree to which international legal obligations have been incorporated into the domestic system (i.e. law, policy and practice) and identifying areas requiring action. Voluntary reports are often made public once finalized, as one of their aims is to help share good practices on implementing IHL among the international community. Following the open pledge on voluntary reports submitted within the framework of the 33rd International Conference and signed by 17 States and National Societies,³² ten States have made their voluntary reports public,³³ while several others have worked on a voluntary report but have not publicly released it. The ICRC strongly supported work on voluntary reports by organizing a series of online events, in partnership with Switzerland, in 2021 and directly providing support to several States to draft their report.

In addition to voluntary reports, States have also increasingly taken the opportunity to present their achievements and relevant developments in the domestic implementation of IHL by submitting a contribution to the **UN Secretary General’s biennial report on the status of Protocols additional to the Geneva Conventions of 1949 and relating to the protection**

²⁷ See, for example, events for diplomats organized by Sri Lanka’s Bandaranaike International Diplomatic Training Institute and the ICRC.

²⁸ See, for example, courses for the judicial sector organized by Nepal’s National Judicial Academy and the ICRC.

²⁹ See, for example, the new course on IHL introduced at Thammasat University in Thailand.

³⁰ See, for example, the role played by the [Austrian Red Cross](#) and the [Canadian Red Cross](#).

³¹ See, for example, the role played by the [national IHL committee of Qatar and the Qatar Red Crescent Society](#).

³² See [Open Pledge to Report on the Domestic Implementation of International Humanitarian Law](#).

³³ For a list of publicly available reports, see [Voluntary reports on the domestic implementation of IHL](#).

of victims of armed conflicts and on measures taken to strengthen IHL.³⁴ Since 2019, two such reports have been adopted, one in 2020 with contributions from 21 States, and one in 2022 with 26 States providing a submission. At the time of writing, the report for 2024 is in the process of being prepared and will be adopted by the end of the year.

Such reporting has generally contributed to promoting good practices in the domestic implementation of IHL, showing a strong commitment to strengthening this body of law and creating a virtuous circle of emulation among States.

4) CONCLUSION AND RECOMMENDATIONS

The efforts and initiatives outlined in this report demonstrate the relevance of the road map for better national implementation of IHL adopted by the 33rd International Conference. The Bringing IHL home resolution has inspired many national authorities and National Societies, which have multiplied their efforts to keep IHL high on national agendas and to foster awareness, acceptance of and, ultimately, respect for IHL. These combined efforts have achieved tangible results, such as the entry into force of new legally binding instruments or the creation of domestic mechanisms responsible for applying and monitoring compliance with IHL. These trends continue. Indeed, at the time of writing, many States are engaged in ongoing processes of ratifying some of the IHL treaties mentioned above or passing new legislative, administrative and practical measures.

These advancements are partly overshadowed by the acknowledgment that unnecessary human suffering continues to be endured by civilians and other protected persons in many armed conflicts across the globe. The reason is very simple: some States still do not comply with IHL. Sometimes, they do not give domestic effect to the obligations that they have undertaken internationally and, in other instances, they refute the applicability of IHL by denying the existence of an armed conflict, even when the situation on the ground presents all the characteristics of one. On other occasions, they portray IHL as a permissive and malleable body of law, giving more weight to military considerations than to humanitarian ones. All these approaches result in IHL violations, such as people being forcibly displaced, tortured, killed and mutilated, families separated, hospitals razed to the ground and livelihoods destroyed. Sooner or later, war ends. However, no truce or peace agreement can end the human suffering caused by IHL violations. This suffering outlives any war, and it often passes from one generation to the next, lasting for decades. It haunts entire societies and prevents sustainable and lasting peace. As 2024 marks the 75th anniversary of the Geneva Conventions, the 34th International Conference needs to urge States to comply with the essence of IHL – a legally binding and non-derogable set of rules which regulate international and non-international armed conflicts. The resolution “Toward a universal culture of compliance with international humanitarian law”, which will be presented for adoption at the 34th International Conference, aims to bring this concern back to the centre of the debate.

³⁴ For more information, see [Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts – 77th session – Sixth Committee \(Legal\) – UN General Assembly](#).