

Information on the Status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level

Resolution 65/29 of the General Assembly

*Contribution by the International Committee of the Red Cross
(Geneva, June 1st 2012)*

Period under review: June 2010 to June 2012

Initiatives taken by the ICRC to reaffirm, clarify and strengthen IHL

- 1. Customary International Humanitarian Law:** In 2010, the ICRC launched its online Customary IHL Database¹ and continues to update it with State and international practice underlying its 2005 Study o2international organisations, national and

ts and tribunals, NGO's and academia. Statistics on its most-visited people search the Database for practice on those topics that are at activities.

Children associated with armed forces or armed groups:On 26 , the ICRC participated in a panel discussion of the Ministerial to the Paris Commitments and Principles on Children Associated es or Armed Groups, hosted by the Permanent Mission of France to ns, UNICEF and the Office of the Special Representative of the al for Children and Armed Conflict.

this opportunity to "launch" in New York a new ICRC resource, the es for the Domestic Implementation of a Comprehensive System of ldren Associated with Armed Forces or Armed Groups".

ts legal work and its activities in conflict situations, the ICRC has clusion that most of the suffering endured by children during armed prevented or alleviated if there is greater respect for, and more

- 7. Work to Promote compliance with IHL and in particular with the Statute of the International Criminal Court (ICC):** The ICRC continued its work to promote knowledge of and compliance with the Statute of the ICC. More specifically, the ICRC has worked on the implementation of the complementarity principle of the ICC at the national level. In achieving this goal, the ICRC helps countries to implement the complementarity principle in their national legislation and has organized regional and national events to this end. For example, on 11 August 2011 the ICRC's Regional Legal Advisor in Pretoria gave a presentation to representatives from the South African Ministry of Justice and Constitutional Development on the Statute of the ICC and the Act in South Africa implementing it. On January 25 2012, the ICRC Legal Advisor discussed with the Congress of Peru the implementation of the Statute of the ICC. In September 2011, the ICRC participated to the work of the National Commission on IHL in Buenos Aires, Argentina where it was decided that a working group would be created to study the possibility of implementing the amendments to the Statute of the ICC. The ICRC also participated in a meeting with Tunisian officials in regards to ICRC support to the National Council in drafting laws for the incorporation of the Statute of the ICC in national criminal law.

Legal and technical assistance for development and national implementation of international humanitarian law

The ICRC is working to provide national authorities with technical assistance for the adoption of legislative, regulatory and administrative measures needed to ensure compliance with IHL at the national level and its full implementation in domestic law. The ICRC continued over the past two years to provide advice on the ratification and implementation of the 1949 Geneva Conventions, their Additional Protocols of 1977 and 2005, and various other IHL instruments.

The ICRC welcomes the recent ratification (throughout the period under review) by Morocco and The Philippines of Additional Protocol I (1977). Morocco also ratified Additional Protocol II (1977).

The ICRC also welcomes the recent ratification (throughout the period under review) of Additional Protocol III (2005) by the following countries: Argentina, Armenia, Belarus, Cook Islands, Serbia (Republic of), Spain and Timor-Leste.

The ICRC would like to underline the national implementation measures of international humanitarian law (during the period under review) taken by the following countries: Argentina, Bahrain, Columbia, Fiji, France, Lebanon, Mexico, Nigeria, Paraguay, Peru, Samoa and Switzerland³.

IHL as it exists today continues to provide an appropriate response to the humanitarian problems arising in armed conflicts. The study suggested four areas where strengthening the existing framework would improve the protection of victims of armed conflicts: (1) protection of persons deprived of their liberty, especially in non-international armed conflict; (2) international mechanisms for monitoring compliance with IHL and reparation for victims of violations; (3) protection of the natural environment; and (4) protection of internally displaced persons. As a result of consultations on the conclusions of the ICRC study, States indicated two priority areas: the protection of persons deprived of liberty, and mechanisms for monitoring compliance with IHL. Through adoption of Resolution 1, the International Conference invited the ICRC to pursue further research, consultation and discussion in cooperation with States and other relevant actors and to submit a report on a range of options and recommendations for strengthening the law in both of these areas to the 32nd International Conference in 2015 for further consideration. The Resolution also mentions the pledge made by the Government of Switzerland to identify concrete ways and means to strengthen the application of IHL, in cooperation with the ICRC. The implementation of Resolution 1 will go forward on two tracks, linked by their foundation in a common resolution and the objective of strengthening legal protections in armed conflict. The first track on compliance mechanisms will be a joint initiative between the ICRC and the Government of Switzerland. The second track, dealing with the substantive norms protecting persons deprived of their liberty, will begin with four regional consultations with States intended to deepen discussions and determine the best way forward.

16. Resolution 2 on the "4-Year Action Plan for the Implementation of International Humanitarian Law" urges all States parties to the Geneva Conventions and components of the Red Cross and Red Crescent Movement to take specific action to enhance implementation of international humanitarian law in five areas: access by civilian populations to humanitarian assistance in armed conflicts; protection of children, women and persons with disabilities; protection of journalists; incorporation and repression of serious IHL violations; and arms transfers. States and National Societies of the Red Cross and the Red Crescent (National Societies) have adopted almost 70 different pledges related to the five areas contained in the Action Plan. Regular interaction between the ICRC, States and National Societies is planned on global, regional and bilateral levels with a view to ensuring implementation of these pledges until the next International Conference in 2015.

17. In 2011, the ICRC launched the project **Health Care in Danger**. It is based on the ICRC's observation, from its operational experience, that violence against the wounded and sick, medical personnel, facilities and transports is one of the most crucial yet overlooked humanitarian issues of today. In response, the ICRC declared its intention to mobilize support from governments, members of armed forces and groups, National Societies, and the health-care community (e.g. professional medical associations and NGOs specialised in this issue) for safeguarding the delivery of effective and impartial health care in armed conflicts and other emergencies. Resolution 5 of the International Conference calls upon the ICRC to initiate expert consultations with a view to formulating practical recommendations for making the delivery of health care safer in armed conflicts and other emergencies, and to report to the next International Conference in 2015 on the progress made. In 2012 and 2013, expert workshops on improving military practice; the responsibilities and rights of health-care personnel; improving safety precautions of health facilities; strengthening national legislation and penal repression as well as strengthening the response of National Societies in respect of health care, are designed to produce practical recommendations which States and other actors are encouraged to implement in their practice. These recommendations should also be politically

endorsed in regional consultations in 2014. The ICRC has also started to collect data on incidents on violence against the delivery of health care in 21 of the contexts in which it is operationally active.

18. First Review Conference to the Statute of the International Criminal Court: In accordance with the (ICC) Statute, a First Review Conference took place from 31 May to 11 June 2010 in Kampala, Uganda. The Review Conference brought the Statute more in line with the requirements of IHL by amending its Article 8 related to war crimes and, in particular, by adding to the list of war crimes in non-international armed conflicts the use of expanding bullets, asphyxiating or poisonous gases and poison. At the same conference, several countries made pledges on ending impunity.