



# BRINGING IHL HOME

## GUIDELINES ON THE NATIONAL IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW

ADVISORY SERVICE ON INTERNATIONAL HUMANITARIAN LAW



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# INTRODUCTION

In December 2019, the 33rd International Conference of the Red Cross and Red Crescent adopted Resolution 1 (33IC/19/R1), entitled [Bringing IHL home: A road map for better national implementation of international humanitarian law](#).

The resolution is based on the widely shared recognition that better respect for international humanitarian law (IHL) is needed to protect victims of armed conflict, and that implementing IHL at the domestic level is an essential step towards achieving this goal. It emphasizes States' responsibility to adopt a number of national legal and practical measures for ensuring full compliance with this body of law. In parallel, National Red Cross and Red Crescent Societies play a unique role as auxiliaries to the public authorities in the humanitarian field, based on which they disseminate and assist their governments in disseminating IHL and take initiatives in this respect.

This document contains guidance for States and National Societies on working together to implement the resolution at the domestic level. Each section of this guiding tool is intended to be used by States and National Societies in cooperation with each other.<sup>1</sup> It sets out practical measures they can take to enhance national implementation of IHL, including in conjunction with other actors. States and National Societies are also encouraged to work together on ideas that go beyond this resolution to support better implementation of IHL.

These guidelines are not meant to interpret the resolution or any existing international instrument. Instead, they contain checklists relating to key paragraphs of the resolution, which are drafted as recommendations.<sup>2</sup> They are based on the idea that national implementation of IHL is a continuous process and that additional steps are always available, regardless of the current state of implementation. Users may therefore select the areas that are most relevant to their context and build upon the recommendations.

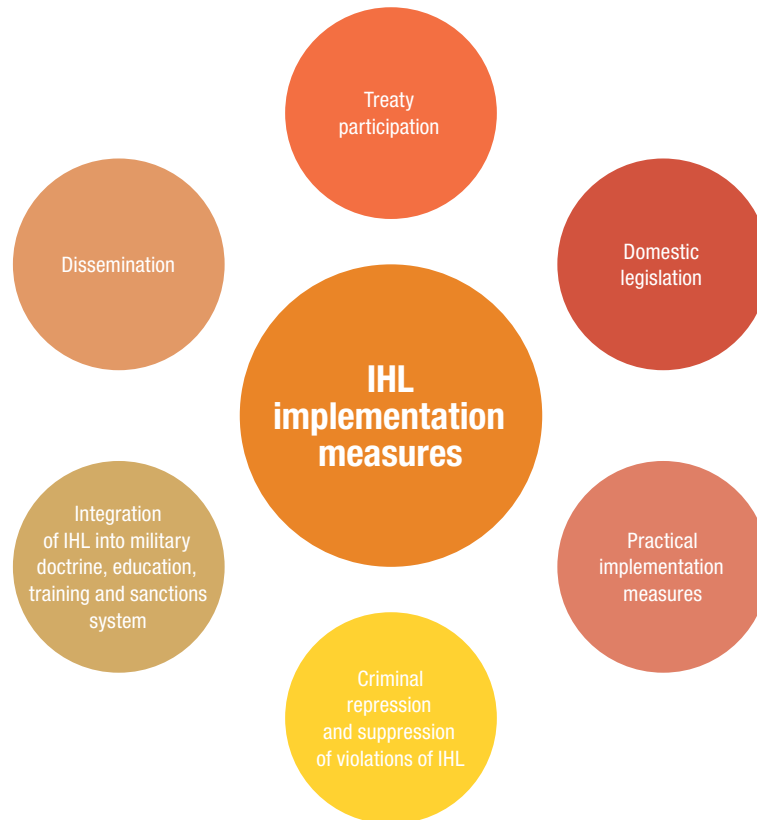
Each section includes examples of measures taken in different countries. These examples, which include at least one from each region of the world, were selected based on information available at the time of drafting. They are not intended to be exhaustive, but rather to illustrate how IHL has been incorporated into domestic systems worldwide.

These guidelines were prepared by the Advisory Service on IHL, a specialized structure of the International Committee of the Red Cross (ICRC), mandated to assist States to implement IHL at the national level. For additional guidance and support on using this document, or on implementing IHL, users are encouraged to contact the service through its network of regional legal advisers in ICRC delegations across the globe. Alternatively, they can contact the Advisory Service at the ICRC headquarters in Geneva:

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International Committee of the Red Cross,  
19 avenue de la Paix,  
1202 Geneva, Switzerland  
Tel.: +41 22 734 6001  
Email: [gva\\_advisoryservice@icrc.org](mailto:gva_advisoryservice@icrc.org)

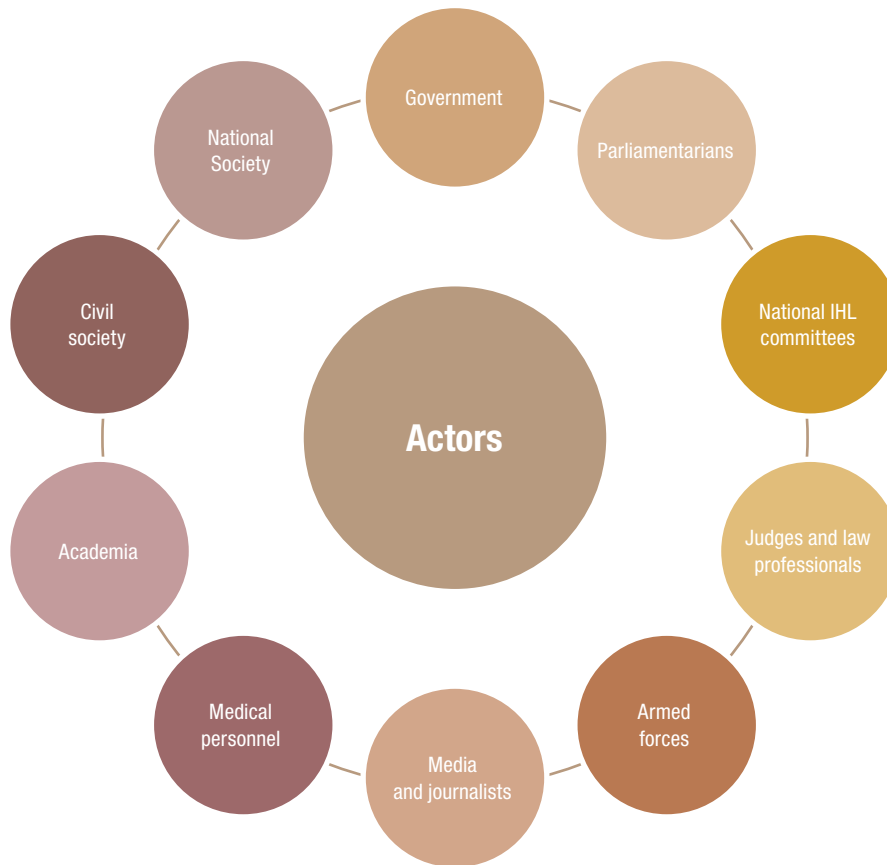
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- <sup>1</sup> More information on the role that National Societies play in the domestic implementation of IHL can be found in the ICRC factsheet [Red Cross and Red Crescent Societies and the implementation of international humanitarian law: Guiding principles](#).
  - <sup>2</sup> To ensure coherence throughout the text, the checklists follow the same linguistic style of recommending possible measures, even when such measures refer to existing obligations. These guidelines should however not be interpreted as modifying the binding nature of these obligations.

# MEASURES TO IMPLEMENT IHL

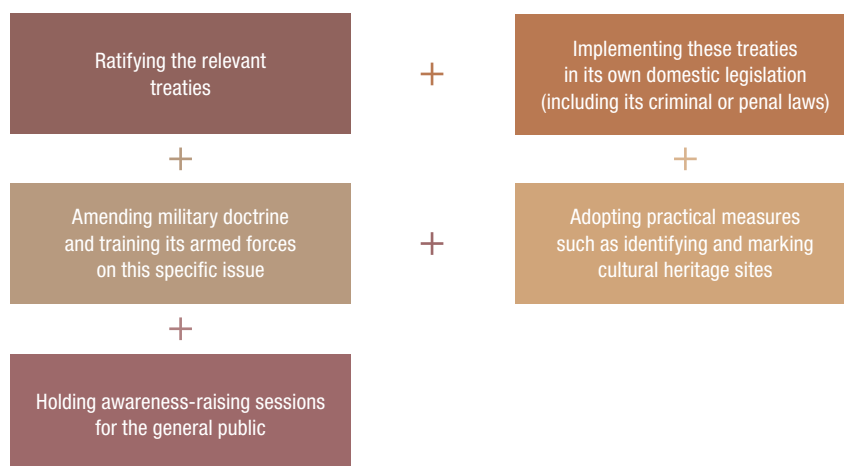


Effective implementation involves working towards an environment that is conducive to respect for IHL. Such an environment can only exist if two conditions are met.

First, IHL implementation measures should aim to bring about systemic changes. In other words, they should touch upon a variety of systems, structures and institutions – both formal and informal – that exist within a society. First among these are the different branches of government (the executive, the legislature and the judiciary) and the military sector. Yet other systems and networks of influence often play a vital role in promoting respect for IHL, and should be involved in any strategy for strengthening IHL implementation. Typical examples include academia, journalists and the media, civil society and non-governmental organizations, traditional and/or religious authorities, groups of elders, and youth leaders.



Second, this environment can only work efficiently if all of its components are interconnected. This means that IHL implementation measures should form part of a joined-up strategy – or at the very least be consistent. For instance, if a State wishes to improve the protection of cultural heritage, it should look beyond ratifying the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the 1954 Hague Convention) and its Optional Protocols and take additional steps intended to create a conducive environment.



In practical terms, a State could ratify the relevant treaties, implement these treaties in its own domestic legislation (including its criminal or penal laws), adopt practical measures such as identifying and marking cultural heritage sites, amend military doctrine and train its armed forces on this specific issue, and hold awareness-raising sessions for the general public.



It is this consistency and continuity, coupled with coordination between a society's structures, systems and institutions, which can truly make a difference in terms of implementation of, and ultimately respect for, IHL.

The preamble to the resolution also recognizes “the importance of dialogue among relevant actors and on-going efforts in this respect” (PP13). In other words, strong networks and connections between actors can help to strengthen implementation. For instance, academics can support government officials and parliamentarians in analysing existing legislation and drafting new laws. Strong connections should also be built between similar actors in different States, such as national IHL committees<sup>3</sup> or judges and prosecutors in different jurisdictions.

#### **Key resources for all actors involved in IHL implementation**

[Customary IHL Database](#)

[National implementation of IHL: Documentation](#) (including documents, tools, model laws and factsheets)

[National Implementation Database](#)

[Treaties, States Parties and Commentaries](#)

The [IHL Digital App](#), which provides access, via tablet, desktop and smartphone, to more than 75 treaties and other documents relating to IHL

[Introduction to International Humanitarian Law \(IHL\)](#) (e-learning course)

[The Domestic Implementation of International Humanitarian Law: A Manual](#)

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<sup>3</sup> The resolution “calls for the strengthening of cooperation between such entities on the international, regional and cross-regional levels, in particular by attending and actively participating in the universal, regional and other regular meetings of such entities, as well as through the new digital community for national committees and similar entities on IHL” (OP6).

## CHECKLIST 1: TREATY PARTICIPATION

The resolution expresses “the hope that other IHL treaties will also achieve universal acceptance”. (PP7)

The resolution “*encourages all States to consider ratifying or acceding to IHL treaties to which they are not yet party*”. (OP4)

The four Geneva Conventions of 12 August 1949 and their Additional Protocols are the main IHL treaties. The Geneva Conventions have been universally ratified. As for the other IHL treaties, the resolution expresses the hope that they “will also achieve universal acceptance” (PP7). These include the Additional Protocols of 1977 and 2005, as well as treaties that regulate specific aspects (such as certain types of weapons) or that address thematic issues more in detail (such as cultural property and child recruitment in armed conflict).

Yet there are other treaties that, although not necessarily or exclusively IHL treaties, provide important protections for certain groups of persons during armed conflict, address other thematic issues that may arise in situations of armed conflict and/or touch upon some of their consequences. These include treaties on matters such as internally displaced persons, the rights of persons with disabilities and the rights of the child.

In order for a State to become a party to a treaty, it will need to complete a series of steps in accordance with domestic constitutional law and practice. These are covered in the following checklists, which are intended to facilitate a comprehensive ratification and/or accession process.

### CHECKLIST 1.1: PRELIMINARY ASSESSMENT (BEFORE RATIFICATION OR ACCESSION)

- Is there a “lead entity for IHL” (a designated body or institution responsible for IHL-related treaties)?**
  - The following entities can play this role: the national committee or similar entity on IHL<sup>4</sup> (see [Checklist 3.4: National IHL committees](#)), an ad hoc interministerial/interdepartmental or legislative working group, or a designated staff or unit within the competent government ministry or department.
  
- Is there an existing report or study on the State’s participation in IHL treaties? Does it include a list of IHL treaties to which the State is ready to become a party?**
  - This type of report – often referred to as a voluntary report or a compatibility study – can help to identify not only the treaties to which a State is a party, but also whether the domestic legal system presents gaps in comparison to existing IHL treaties and the State’s obligations.
  - The report should also include a list of treaties to which the State is ready to become a party. This can support priority-setting by identifying the treaties that the State can quickly ratify or accede to, including the Additional Protocols.
  - If the report determines that the State is not ready to become a party to particular treaties, assessing the concerns or obstacles and opening a debate with relevant ministries/departments on ways to address them can help to generate the political will to join the treaties in the future.
  
- Is there an existing plan of action to guide the State in the ratification or accession process?**
  - A plan of action can provide a timeline for ratification or accession to the treaties in question.
  - It can also highlight some of the steps the State should take to comply with its international obligations deriving from the newly or soon-to-be ratified treaty.
  - The lead entity may also decide to translate the relevant instruments into the national language in order to facilitate the discussion at the domestic level.

<sup>4</sup> National committees and similar entities on IHL are hereafter referred to generically as “national IHL committees” for the sake of brevity.

## CHECKLIST 1.2: PRELIMINARY LEGISLATIVE STEPS (BEFORE RATIFICATION OR ACCESSION)

- Has the lead entity for IHL identified who is in charge of approving the ratification of, or accession to, international instruments?**
  - The lead entity (see [Checklist 1.1: Preliminary assessment \(before ratification or accession\)](#)) should identify who, at the national level, is in charge of approving the ratification of, and/or accession to, international instruments. This will usually be the legislative branch (parliament as a whole or one chamber of parliament) or the executive branch (the head of State or the head of government).
  
- Has the lead entity for IHL identified the constitutional process for approving the ratification of, or accession to, international instruments?**
  - The lead entity for IHL should also identify the domestic procedure for seeking such approval. In some countries, for instance, the legislative branch has the authority to make such a decision, but the executive branch still needs to be consulted. Conversely, authority may rest with the executive branch while the legislative branch needs to be informed or consulted, even if its formal approval is not required.
  - A judicial review may also be necessary in some countries. Where this applies, the review will usually be undertaken by the constitutional court, which will determine whether the treaty is consistent with the State's constitution.
  - The lead entity for IHL can then seek approval for ratification by this competent authority, which will provide the basis for the issuance of an instrument of ratification.
  
- Have the necessary laws been adopted to ensure that the domestic legal system complies with the treaty's obligations?**
  - Before ratifying a treaty, States are strongly advised to analyse their current legislation to determine whether it is in line with the treaty's obligations, and to adopt all necessary laws to that effect. That way, States can ensure that the domestic legal system complies with its obligations as soon as they enter into force.

## CHECKLIST 1.3: WHEN RATIFYING OR ACCEDING TO A SPECIFIC TREATY

- Has the State or organization acting as the depositary of the treaty in question been identified?**
  - The depositary may differ depending on the treaty in question, but is typically the United Nations or an individual State.
  - Switzerland is the depositary State for the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1997 and 2005.
  
- If the treaty includes requirements for an additional declaration, has the State considered submitting such a declaration as part of the ratification/accession process?**
  - By way of an example, a State does not automatically recognize the competence of the International Humanitarian Fact-Finding Commission (IHFFC) by signing or ratifying Additional Protocol I. In order to do so, it should submit a separate declaration of recognition to the depositary State (in this case, Switzerland).
  
- Have the instrument of ratification and the additional declarations (if any) been deposited?**
  - Ratification/accession only becomes effective upon deposit of the relevant instrument.
  - If instruments are drafted in languages other than French or English, the State may, where feasible, provide courtesy translations into one or both of these languages in order to facilitate the processing of the ratification.

### **Example: Papua New Guinea**

Papua New Guinea's National Committee on International Humanitarian Law was established in 2017. In its first year, the committee met three times and developed a work plan, in which it prioritized working with the government on ratifying and implementing three key IHL instruments. The committee submitted a formal request for training from the ICRC and produced a plan of action to guide Papua New Guinea towards becoming a party to and implementing the Additional Protocols.

### **Example: China**

On 20 June 2020, at its 19th session, the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China adopted a decision on acceding to the Arms Trade Treaty (ATT). On 6 July 2020, China's permanent representative to the United Nations deposited the country's instrument of accession to the treaty to the UN Secretary-General. The ATT entered into force for China on 4 October 2020 without reservations.

#### **Key resources**

[Treaties, States Parties and Commentaries](#)

[The International Humanitarian Fact-Finding Commission – Model declaration of acceptance](#)

[National implementation of IHL: Ratification kits](#)

[Additional Protocols to the Geneva Conventions of 1949 – Ratification kit](#)

[Third Additional Protocol to the Geneva Conventions of 1949: Model instrument of ratification/accession](#)

#### **Examples of pledges**

- European Union (EU) Member States have [pledged to work towards further participation in the principal IHL instruments](#) and other relevant international legal instruments by considering ratification of those instruments to which they are not yet party.
- As part of their action plan, the Republic of Peru and the Republic of Ecuador have [pledged to review the IHL treaties](#) to which they are not yet party and to evaluate the relevance of promoting their ratification.
- Several States have [pledged to consider recognizing the competence of the IHFFC](#), while States that have already recognized its competence have pledged to encourage States that have not yet done so to make a declaration of recognition.

## CHECKLIST 2: DOMESTIC LEGISLATION

The resolution “*calls upon States to adopt necessary legislative, administrative and practical measures at the domestic level to implement IHL*”. (OP2)

Domestic legislation plays a vital role in creating an environment that is conducive to respect for IHL, by ensuring that its rules and principles are given effect in domestic law and that the relevant actors at the national level are governed by a framework in accordance with IHL.

Strengthening domestic laws helps to ensure that a State’s framework complies with its international legal obligations. But doing so also addresses more practical needs – for instance, helping to foster a sense of ownership among practitioners such as judges and lawyers. Domestic law may also be relevant – and is often necessary – for establishing institutions and organizations that can contribute to the implementation of, and respect for IHL, such as National Information Bureaux, National Societies and civil defence organizations (see also [Checklist 3.3: Measures related to the creation of relevant institutions](#)).

The following checklists are designed to ensure that the domestic legal framework is in line with international legal obligations as they apply to the State in question.

### CHECKLIST 2.1: PRELIMINARY ASSESSMENT

- Is implementing legislation required?**
  - In monist constitutional systems, an international treaty automatically becomes binding domestic law when it enters into force for the State. This means that the treaty creates rights and obligations for national actors even without implementing legislation.
  - In dualist constitutional systems, an international treaty does not automatically become binding domestic law and needs to be transformed into national legislation first through implementing legislation (or legislation of application).
  - However, even in monist systems, there may be good reasons to adopt implementing legislation even if it is not required:
    - Some provisions within the treaty may not be self-executing, meaning that they may not be specific enough to allow direct application at the domestic level. Implementing legislation or regulations will then be needed to clarify the rights and obligations of national actors.
    - On a more practical level, the judicial sector might feel more comfortable referring to and working with their own domestic legislation, as opposed to international treaties with which they may not be familiar.
    - Finally, domestic legislation may provide more detailed definitions than international treaties, or may go beyond the treaty obligations and create additional protections in line with the treaty’s object and purpose.
  
- Is there a designated body or institution responsible for assessing and recommending the adoption of IHL-related domestic legislation?**
  - For example, the national IHL committee (see [Checklist 3.4: National IHL committees](#)) or an ad hoc interministerial/interdepartmental or legislative working group can play this role.
  
- Are there pre-existing analyses of the domestic legal system and the implementation of IHL?**
  - Such analyses can help to determine which areas of legislation need to be supplemented or amended as a matter of priority in order to bring domestic law in line with a State’s IHL obligations.
  - Thematic compatibility studies, focusing on the discrepancies between the State’s international legal obligations and its domestic legal framework in a particular area, can also help to shed light on those requiring more urgent implementation.

## CHECKLIST 2.2: CONTENT OF DOMESTIC LEGISLATION

- Are the core aspects of IHL covered by domestic legislation? Is additional legislation required?**
- Some of the core aspects that should be reflected in domestic legislation include:
    - protection of the emblem
    - criminalization of grave breaches of IHL and other war crimes in international armed conflict, and of war crimes in non-international armed conflict
    - suppression of other violations of IHL
    - protection of marginalized and at-risk groups affected by armed conflict (such as children, victims of conflict-related sexual violence, internally displaced persons and missing persons and their families)
    - protection of the environment in armed conflict
    - arms transfers.
- Have additional cross-cutting aspects relevant to domestic legislation been considered?**
- Depending on the treaty or rules in question, States may need to look at additional issues such as the extraterritorial application of domestic legislation, international mutual legal assistance, reparation for victims and State responsibility for internationally wrongful acts.
- Are the institutions responsible for the implementation of IHL clearly identified in the law?**
- Jurisdiction clauses should be clear and unambiguous, especially where competing jurisdictions (between military and civilian courts and tribunals) is a potential issue. For instance, the following provisions of the Geneva Conventions and their Additional Protocols call upon specific entities to play a role, which should be attributed to an existing or a new entity through legislation:

Type of armed conflict	Theme	Role of the body or institution	Type of body or institution	Source
International armed conflict	Prisoners of war	Determination of prisoner-of-war status	“ <b>competent tribunal</b> ”	Art. 5(2) GC III
		Adjudication of the claim to prisoner-of-war status by a person who has fallen into the power of an adverse party (but is not held as a prisoner of war) and is to be tried by that party for an offence arising out of the hostilities	“ <b>judicial tribunal</b> ”	Art. 45(1) AP I
		Criminal prosecution of a prisoner of war for violation of IHL	“ <b>military court</b> ” (unless the existing laws of the detaining power expressly permit the civil courts to try a member of its own armed forces for a similar offence)	Art. 84(1) GC III
	Protected civilians	Reconsideration of the refusal to grant permission to a protected person to leave the territory of a party to the conflict	“ <b>appropriate court or administrative board</b> designated by the Detaining Power for that purpose”  The same applies to applications made by protected persons who are not nationals of an occupied territory in order to leave that territory	Art. 35 GC IV  Art. 48 GC IV

Type of armed conflict	Theme	Role of the body or institution	Type of body or institution	Source
International armed conflict	Civilian internees	Periodic reconsideration of the decision to place a protected person in internment or assigned residence in the territory of a party to the conflict	<b>“appropriate court or administrative board</b> designated by the Detaining Power”	Art. 43(1) GC IV
		Periodic review of the appealed decision to place a protected person in internment or assigned residence in an occupied territory	<b>“competent body”</b> set up by the occupying power	Art. 78(2) GC IV
		Procedure regarding penal provisions enacted by an occupying power	<b>“properly constituted, non-political military courts”</b> established by the occupying power, which should sit in the occupied territory	Arts 64(2) and 66 GC IV
	Non-protected persons in international armed conflict	Penal or criminal procedure against a person other than a prisoner of war or a protected person, for an offence related to the armed conflict	<b>“impartial and regularly constituted court</b> respecting the general recognized principles of regular judicial procedure”	Art. 75(4) AP I
Non-international armed conflicts	Persons taking no active part in the hostilities	Passing of sentences and carrying out of executions to take place only after a judgment has been pronounced by such a court	<b>“regularly constituted court,</b> affording all the judicial guarantees which are recognized as indispensable by civilized peoples”	Article 3 common to the Geneva Conventions
	Prosecution and punishment of criminal offences related to the armed conflict	Passing of sentences and execution of penalties to take place only pursuant to a conviction pronounced by such court	<b>“court offering the essential guarantees of independence and impartiality”</b>	Art. 6(2) AP II, which uses slightly different wording to common Article 3 and only applies to non-international armed conflicts under strict conditions

### CHECKLIST 2.3: QUALITY OF LEGAL DRAFTING

*Are the definitions provided by domestic legislation adequate?*

- Many of the terms and expressions found in international treaties are not expressly defined by the text of the treaties and have subsequently been interpreted and developed in case law and/or scholarly writings. Domestic legislation may therefore include agreed-upon definitions that are not explicitly found in international treaties, in order to provide judges and lawyers with clear and unambiguous tools to work with.
- In other contexts, however, certain expressions and definitions should not be too narrow or too detailed, as they may unnecessarily exclude some protected persons or objects from the legislation’s scope.
- It is therefore important to strike a balance when drafting domestic legislation, depending on the nature of the law, its provisions and its purpose.

### Example: Mexico

In February 2013, the ICRC signed a memorandum of understanding (MoU) with the Ministry of Interior of Mexico to provide technical support to address the plight of missing persons. As part of the MoU, a working group – comprising various government agencies and supported by the ICRC – was created and mandated to establish a federal mechanism for coordinating the missing persons file at the national level. The working group set up various specialized sub-working groups, including a legal one, which was tasked with carrying out a legal compatibility study on missing persons. The terms of reference for the study were based on the ICRC's Model Law on the Missing. Members' specialized contributions were compiled and consolidated by the ICRC and discussed by the sub-working group which, in 2015, submitted recommendations to the main working group. The study and its recommendations informed the process that led to the adoption of the General Law on Missing Persons in 2017.

### Example: Bahrain

On 22 June 2020, the National Committee for International Humanitarian Law (NCIHL) of Bahrain adopted decree no. 8 of 2020 regulating the use of the protective emblems provided for in the Geneva Conventions of 12 August 1949. The decree was discussed and drafted by the NCIHL, which comprises representatives from the Ministries of Defence, Interior, Foreign Affairs, Education, Health and Information, as well as from the National Institute for Human Rights, the University of Bahrain and the Bahrain Red Crescent Society. The draft was then submitted to the First Deputy Prime Minister, who promulgated the decree. The ICRC supported the NCIHL throughout the process, for instance by sharing its Model Law on the Emblems and providing comments on earlier drafts.

#### Key resources

[Geneva Conventions of 1949 and Additional Protocols, and their Commentaries](#) (in particular for provisions related to specific entities)

[International Humanitarian Law – Handbook for Parliamentarians](#)

[The Domestic Implementation of International Humanitarian Law: A Manual](#) (Chapter 2: IHL Treaties and National Implementation, and Chapter 4: The Geneva Conventions and their Additional Protocols)

[National implementation of IHL: Documentation](#) (including documents, tools, model laws and factsheets)

#### Examples of pledges

- Burkina Faso has [pledged to adopt the necessary legislative measures](#) in order to ensure the protection of cultural heritage.
- ECOWAS member countries have [pledged to analyse their respective legal frameworks](#), taking into account their regional and international obligations, in order to formulate recommendations aimed at filling potential legal gaps.



## CHECKLIST 3: ADMINISTRATIVE AND PRACTICAL MEASURES

The Resolution “calls upon States to adopt necessary legislative, administrative and practical measures at the domestic level to implement IHL”. (OP2)

Practical measures are probably the most accessible and versatile category of actions that States can take to better implement IHL. They can range from very simple measures to more sophisticated procedures. They also complement other implementation measures, such as the adoption of domestic legislation.

### CHECKLIST 3.1: MEASURES RELATED TO THE ACCESSIBILITY OF LEGAL INFORMATION

In practice, if the law is to serve as an effective implementation tool, States cannot be content with merely ratifying treaties and adopting implementing legislation. They should also make legal instruments – both international and domestic – accessible to professionals such as lawyers, judges, diplomats and government officials, as well as to members of the public.

For legal information to be accessible, it must be easy to find and written in a language that practitioners – as well as people affected by conflict and the public in general – can understand. States have an important role to play in this process. But National Societies can also contribute to making legal information more accessible.

- Are treaties and domestic legislation easily accessible to practitioners, people affected by conflict and the general public?**
  - Legal information can be collated and published on a central webpage or website, including all domestic laws adopted for the purpose of implementing IHL, as well as relevant case law, international treaties that have been ratified and the associated instrument(s) of ratification.
  - A search function could be included to facilitate legal research.
  - Where connectivity is an issue, legal information could also be made available via mobile apps that only require a connection for the initial download rather than for every visit (e.g. the ICRC’s [IHL Digital App](#)).
- Are treaties and domestic legislation available in the language(s) used by professionals, people affected by conflict and the general public?**
  - IHL treaties, and in particular those to which the State is a party, should be translated into national language(s). The same applies to the implementing legislation, if any.
  - Translations of IHL treaties should be forwarded to the relevant authority (such as the Swiss Federal Council for the Geneva Conventions) and to the ICRC.

#### Example: Sri Lanka

The Sri Lanka Red Cross Society has published a [webpage](#) about the emblems, where it details the rules that apply to their use. The page gives visitors a quick overview of the applicable law, explained in plain language, and helps promote compliance.

#### Key resources

[Geneva Conventions for the protection of war victims \(12 August 1949\)](#), a compendium of translations of the Geneva Conventions held by the ICRC Library

[National Implementation Database](#)

The [IHL Digital App](#), which provides access, via tablet, desktop and smartphone, to more than 75 treaties and other documents relating to IHL

### Examples of pledges

- The Czech Republic has [pledged to create and develop a website to promote IHL, and to prepare a Czech translation of the executive summary of UNESCO's \*Protection of Cultural Property: Military Manual\*](#).
- Finland and the Finnish Red Cross have [pledged to translate the ICRC's \*Guidelines on the Protection of the Natural Environment in Armed Conflict\*](#).

## CHECKLIST 3.2: MEASURES RELATED TO THE IDENTIFICATION AND MARKING OF PERSONS AND OBJECTS PROTECTED UNDER IHL

The identification of persons and marking of objects protected by IHL are important implementation measures. It is equally vital that the general public understands what the various emblems and signs used to identify them mean.

- Is the use of the red cross, red crescent and red crystal emblems adequately regulated within the State?***
- Generally, the emblems can be authorized to designate health-care providers protected under IHL. These include armed forces medical services and, in wartime, civilian medical personnel and facilities, including those of National Societies, provided that certain conditions are met. As a protective device, the emblems may also be used by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the ICRC for humanitarian activities. Additionally, they can be used to show that a person or object is linked to the International Red Cross and Red Crescent Movement (including National Societies, the IFRC and the ICRC).
  - States should adopt domestic measures regulating the use of the emblems. Among other things, these measures should state:
    - what the emblems are, including their identification and definition
    - which entities and organizations have permission to use the emblems and under what conditions
    - which national authority is responsible for regulating the use of the emblems
    - the fact that it is prohibited to use the emblems without authorization, and what sanctions apply in cases of unauthorized use.
  - In addition to these measures, training and awareness-raising sessions should be arranged. These sessions should cover the special meaning and the proper use of the emblems, and should be designed for the general public, as well as for other audiences such as businesses and the medical community.
- Are medical and religious personnel identified and provided with identity cards?***
- Under the Geneva Conventions and Additional Protocol I, the following personnel should be provided with identity cards:
    - permanent military medical personnel<sup>5</sup>
    - auxiliary military medical personnel<sup>6</sup>
    - chaplains attached to the armed forces<sup>7</sup> and civilian religious personnel<sup>8</sup>
    - staff and volunteers of National Societies when employed as auxiliaries to military medical services<sup>9</sup>
    - hospital staff who are regularly and solely engaged in the operations and administration of civilian hospitals<sup>10</sup>
    - personnel of civil defence organizations<sup>11</sup> and members of the armed forces and military units assigned to civil defence organizations.<sup>12</sup>

<sup>5</sup> See Arts 24 and 40 GC I, and Annex II to GC I. See also Arts 36 and 41 GC II and Annex II to GC II regarding the personnel of hospital ships.

<sup>6</sup> See Arts 25 and 41 GC I and Annex II to GC I.

<sup>7</sup> See Arts 24 and 40 GC I and Annex II to GC I.

<sup>8</sup> See Art. 18(3) AP I.

<sup>9</sup> See Arts 26 and 40 GC I and Annex II to GC I.

<sup>10</sup> See Arts 18 and 20 GC IV for the definition of civilian hospital. See also Art. 18(3) AP I regarding civilian medical personnel.

<sup>11</sup> See Art. 66 AP I.

<sup>12</sup> See Art. 67 AP I.

- Are medical zones and facilities authorized to use the emblem properly identified and marked?**
- The list of protected properties and places should include:
    - medical zones and facilities subject to the restrictions and regulations governing the use of the emblems in peacetime
    - hospital zones, neutralized zones and demilitarized zones.
  - These should be properly marked according to the rules and conditions established by domestic regulations, by the Geneva Conventions and by Additional Protocol I.
- Are persons responsible for protecting cultural property identified?**
- Under Article 21 of the 1954 Hague Convention, persons responsible for protecting cultural property may carry a special identity card bearing the distinctive emblem, the stamp of the competent authorities and the holder's personal information, including their:
    - surname and first name(s)
    - date of birth
    - title or rank, and function
    - photograph
    - signature or fingerprints (or both).
- Are protected cultural objects and places listed in an inventory? Are they properly identified, marked and protected?**
- Different protection regimes may apply depending on the treaties to which a State is a party. The 1954 Hague Convention provides for general and special protection regimes, while its Second Protocol provides for an enhanced protection regime:
    - Under the general protection regime, cultural property benefits from a minimum level of protection, which all States Parties must respect in times of armed conflict.
    - Under the special and enhanced protection regimes, eligible cultural property is granted a higher level of protection than that afforded under the general protection regime.
- Are works and installations containing dangerous forces marked?**
- States should mark objects containing dangerous forces and protected under Art. 56 AP I with a special sign consisting of a group of three bright orange circles (see Art. 16 Annex I to AP I).
- Are civil defence personnel identified and installations and vehicles marked?**
- As per Art. 66(4) AP I and Art. 16 Annex I to AP I, the international distinctive sign of civil defence is an equilateral blue triangle on an orange ground, which should be as large as appropriate under the circumstances.
- Are the other specific categories of persons protected under IHL identified and provided with identity cards?**
- Under the Geneva Conventions and Additional Protocol I, the following should be provided with identity cards:
    - prisoners of war<sup>13</sup>
    - children who are being evacuated to a foreign country<sup>14</sup>
    - journalists.<sup>15</sup>
  - Also under the Geneva Conventions, capture and internment cards should be issued to prisoners of war<sup>16</sup> and civilian internees.<sup>17</sup>
- Does the general public understand the special meaning of these signs and of the emblems?**
- The general public, as well as other audiences such as businesses and the medical community, should be informed about the special meaning and the proper use of these signs.

<sup>13</sup> See Art. 17 GC III and Annex IV to GC III.

<sup>14</sup> See Art. 78 AP I.

<sup>15</sup> See Art. 79 AP I and Annex II to AP I.

<sup>16</sup> See Art. 70 GC III and Annex IV to GC III.

<sup>17</sup> See Art. 106 GC IV and Annex III to GC IV.

### Example: Belarus

In 2010, the Commission on the Implementation of International Humanitarian Law under the Council of Ministers of the Republic of Belarus carried out a **compatibility study** on the 1954 Hague Convention and its Protocols of 1954 and 1999 (which it joined in 1957 and 2000 respectively). In 2011, the Commission started working on **filling identified gaps in domestic legislation** and on bringing it into line with the country's international obligations. Measures included **amending the criminal code** and working with the Ministry of Culture on **registration procedures**. Belarus has also adopted the decision to **mark cultural property** and plans to begin the process.

#### Key resources

[The Protection of the Red Cross, Red Crescent and Red Crystal Emblems – Factsheet](#)

[The Domestic Implementation of International Humanitarian Law: A Manual](#) (Chapter 4: The Geneva Conventions and their Additional Protocols)

[Practical Advice for the Protection of Cultural Property in the Event of Armed Conflict – Guidelines](#)

#### Examples of pledges

- Burkina Faso has [pledged to identify and mark cultural property and to provide training](#) to the actors and institutions responsible for protecting cultural property at the domestic level.

### CHECKLIST 3.3: MEASURES RELATED TO THE CREATION OF RELEVANT INSTITUTIONS

IHL includes provisions on creating specific institutions in order to facilitate and coordinate certain measures related to the protection of individuals affected by armed conflicts. For instance, under the Third and Fourth Geneva Conventions, States are required to set up National Information Bureaux to receive and forward information related to protected persons in the power of one of the parties to the armed conflict. These Bureaux may also be established in situations of non-international armed conflict.

In other contexts, the decision on whether to establish certain institutions is left to States' discretion. Yet these institutions can be instrumental in helping States fulfil their international obligations. National Societies, for instance, as auxiliaries to the public authorities in the humanitarian field, play a key front-line and supporting role in disseminating IHL. They also cooperate with their governments on ensuring respect for IHL and on protecting the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols. Civil defence organizations can also have a major role to play in protecting civilians and in helping the population recover from the immediate effects of hostilities, as well as from natural disasters.

- Do these institutions already exist in the State in question? If so, what is the legal basis for their existence?**
  - These institutions should be established through domestic legislation, regulation or decree, in order to ensure that they have a permanent status and a strong legal basis.
  - They should also be adequately resourced to carry out their activities sustainably.
- Are members and volunteers working for these institutions adequately trained to perform their duties?**
  - Members of these institutions should have sufficient knowledge of IHL and of how IHL rules may apply to them.
- Do the general public and members of the armed forces know and recognize the emblems used by the National Society and the signs used by civil defence organizations?**
  - The general public, and other audiences such as businesses and the medical community, should be informed about the special meaning and the proper use of the emblems and of other signs (see also [Checklist 3.2: Measures related to the identification and marking of persons and objects protected under IHL](#)).

### Key resources

[\*The Protection of the Red Cross, Red Crescent and Red Crystal Emblems – Factsheet\*](#)

[\*Civil defence in international humanitarian law – Factsheet\*](#)

[\*International Humanitarian Law – Handbook for Parliamentarians\*](#) (“Protect the emblems”, p. 43)

[\*The Domestic Implementation of International Humanitarian Law: A Manual\*](#) (Chapter 4: The Geneva Conventions and their Additional Protocols)

### Examples of pledges

- Denmark and the Danish Red Cross have [pledged to explore the feasibility of establishing a National Information Bureau](#), including by establishing a Task Force in charge of identifying the process and steps necessary for the establishment of the Bureau.
- Poland and the Polish Red Cross have pledged to set up a dialogue platform to strengthen the legal protection of the red cross emblem, and to continue their training and promotional activities regarding the protection of the emblem.

## CHECKLIST 3.4: NATIONAL IHL COMMITTEES

The resolution “*acknowledges the effective role and increasing number of national committees and similar entities on IHL involved in advising and assisting national authorities in implementing, developing and spreading knowledge of IHL, and encourages States that have not yet done so to consider establishing such an entity*”. (OP5)

National IHL committees play an important role in advising and assisting the government in implementing, developing and disseminating IHL. There are no specific rules on how to set up such a committee, although ICRC guidance can be found in the list of references below.

#### **Is there an existing national IHL committee in the State in question?**

- National IHL committees should have a permanent status, a strong legal basis (e.g. they should be established by legislation or government decree), clearly established working methods and a plan of action. They should also be adequately resourced to carry out their activities sustainably.
- The committee should be organized in such a way as to ensure continuity in its work on IHL, so that the matter remains a topical item on the government’s agenda.

#### **Does the national IHL committee involve all relevant stakeholders?**

- The entity should include representatives from ministries/departments concerned with IHL,<sup>18</sup> as well as military personnel, members of the National Society and, if appropriate, experts on IHL and related issues such as legal advisers, doctors, university professors and researchers, and civil society members.
- The committee should meet regularly, and as often as is necessary, with all members duly convened and present.

<sup>18</sup> This typically includes the defence, foreign affairs, interior, culture, health and education ministries/departments, plus others as relevant.

**Does the national IHL committee have an adequate mandate?**

- National IHL committees are generally involved in implementing, developing and disseminating IHL.
- More precisely, their mandate should include some or all of the following functions:
  - facilitating the ratification of, and/or accession to, humanitarian treaties
  - supporting the national implementation of treaties to which the State is party
  - studying and assessing the domestic legal system
  - spreading knowledge of IHL
  - coordinating IHL initiatives and facilitating exchanges
  - providing advice on, and making recommendations and proposals in relation to, IHL implementation issues
  - tracking, monitoring and reporting on developments and progress in IHL implementation.

**Does the national IHL committee liaise and cooperate with other, similar committees?**

- National IHL committees have found it helpful to liaise and cooperate with entities in other countries facing similar challenges, since doing so gives them an opportunity to share good practices, tools and experience.
- A committee can work with counterparts in the same sub-region or region, or even further afield, or with entities in countries with similar legal systems and traditions or with a particular bilateral interest in exchange.
- The cooperation arrangement can be formal (based on agreements between committees) or informal, and can involve virtual or face-to-face meetings or correspondence.

**Is the committee part of the online community?**

- Committees can communicate and exchange via the [online community for national committees and similar entities on IHL](#), which was officially launched at the 33rd International Conference of the Red Cross and Red Crescent in 2019.

#### Key resources

[National Committees](#), an ICRC webpage containing resources for national IHL committees

[National Committees for the Implementation of International Humanitarian Law – Factsheet](#)

[International Humanitarian Law – Handbook for Parliamentarians](#) (“National IHL committee”, p. 51)

[National Committees and Similar Entities on International Humanitarian Law: Guidelines for Success](#)

[Online community for national committees and similar entities on IHL](#)

#### Examples of pledges

- Austria and the Austrian Red Cross pledged to host a regional conference of European national IHL committees in Vienna.
- ECOWAS member countries [have pledged to create national IHL committees where they do not exist already, and to reinforce existing ones, including by providing sufficient financial resources as well as strengthening cooperation between existing committees.](#)
- Portugal and the Portuguese Red Cross have pledged to [establish a national committee on IHL in Portugal.](#)
- The Government of the Republic of the Philippines has pledged to [establish a permanent IHL Committee in the Philippines.](#)

**Example: Indonesia**

In Indonesia, the Permanent Committee on the Implementation and Research of International Humanitarian Law was established in 1980 to study and disseminate IHL and to recommend implementation measures. The Ministry of Law and Human Rights, which acts as the committee's secretariat, hosts two or three coordination meetings a year, at which representatives of relevant ministries debate and discuss IHL implementation and promotion issues. In early 2020, following the adoption of Resolution 1 at the 33rd International Conference of the Red Cross and Red Crescent, the committee adopted its first road map to guide its IHL implementation and promotion work for the period 2020–2023.

The committee also has a long track record of learning from and sharing its experiences with other countries. In 2018–2019, for instance, it held bilateral exchanges with other national IHL committees on establishing, running and maintaining a committee. These exchanges took place with the ICRC's support.

**Example: African Committee of Experts on the Rights and Welfare of the Child**

In September 2020, the African Committee of Experts on the Rights and Welfare of the Child adopted a new General Comment on Article 22 of the African Charter on the Rights and Welfare of the Child on Children in Situations of Conflict. The General Comment includes a paragraph related to the role of national IHL committees:

95. In complement to National Human Rights Institutions, many State Parties have established National Committees and similar entities on international humanitarian law ('National IHL Committees'). These bodies have a role to advise and assist governments in their actions to enable compliance with the Article 22 obligation to respect and ensure respect for rules of international humanitarian law affecting the child. In particular, these bodies can advise and assist national authorities in implementing, developing and spreading knowledge of the IHL obligations requiring that children are afforded special respect and protection.

**CHECKLIST 3.5: MEASURES RELATED TO THE CREATION OF RELEVANT PROCESSES AND PROCEDURES**

As well as establishing relevant institutions, States can introduce processes and procedures designed to ensure IHL is given appropriate consideration. The following recommendations are not exhaustive, but are meant to highlight some important processes and procedures not mentioned in previous sections.

- Is there a dedicated procedure or mechanism for the legal review of new weapons, means and methods of warfare?***
  - It is in the interest of every State to review the legality of new weapons, means and methods of warfare prior to their deployment. Carrying out such reviews also flows from the obligation to ensure respect for IHL.
  - States party to Additional Protocol I to the Geneva Conventions should determine the legality of any new weapons, means or methods of warfare that they study, develop, acquire or adopt, for instance through standing national procedures, mechanisms or other measures.
  
- Are processes and procedures in place to ensure arms transfers comply with IHL?***
  - States should assess whether arms they transfer risk being used to commit IHL violations. If there is a clear risk of this happening, they should refrain from transferring the arms. They should also do everything reasonably within their power to prevent and bring to an end violations of IHL committed by the arms recipient.
  - States party to the ATT should establish and maintain an "effective and transparent" national control system, including procedures to ensure respect for IHL in arms transfer decisions governed by Articles 6 and 7 of the treaty.



- Is there a procedure or mechanism for investigating systemic issues occurring during the conduct of hostilities?**
- States may adopt a procedure (such as an administrative investigation) to investigate systemic issues occurring during the conduct of hostilities.
  - Systemic issues can derive, for example, from insufficient training, from the use of a specific weapon (such as a weapon that malfunctions) or from the conduct of hostilities in certain contexts (such as in densely populated area).
  - The procedure may help to identify lessons learned and good practices, which can then be replicated in other contexts or shared with other States.

#### **Key resources**

[Checklist: Domestic measures to implement the Anti-Personnel Mine Ban Convention](#)

[Checklist: Domestic measures to implement the Convention on Cluster Munitions](#)

[New weapons – Factsheet](#)

[2013 Arms Trade Treaty – Factsheet](#)

[A Guide to the Legal Review of New Weapons, Means and Methods of Warfare: Measures to Implement Article 36 of Additional Protocol I of 1977](#)

[Guidelines on investigating violations of IHL: Law, policy and good practice](#)

[Guidelines on the Protection of the Natural Environment in Armed Conflict](#)

[Arms Transfer Decisions: Applying International Humanitarian Law and International Human Rights Law Criteria – a Practical Guide](#)

[Understanding the Arms Trade Treaty from a Humanitarian Perspective](#)

### **CHECKLIST 3.6: MEASURES RELATED TO ADEQUATE PLANNING AND BUDGETING**

The implementation of IHL should be taken into consideration when planning and adopting budgets. This applies to budgeting at various levels: the justice and defence ministries, legislative bodies and committees, and individual courts and tribunals. Since effective planning and budgeting underpin the success of all decisions, these recommendations should be kept in mind for all aspects covered in these guidelines.

- Are sufficient funding and material resources allocated to IHL implementation for the State to fulfil its obligations, both in peacetime and in situations of armed conflict?**
- Budgeting exercises at ministry/department, parliament or court level should take into consideration the costs associated with implementing IHL. These may include:
    - funding for institutions and procedures related to the implementation of IHL (such as the national IHL committee, the legal review of weapons, academic research on IHL and dissemination of IHL)
    - material resources, ranging from training materials (such as IHL manuals for armed forces and soldiers' pocket cards) to the equipment and facilities staff require to perform their duties (such as offices, meeting rooms and communication systems).
- Are sufficient human resources allocated to IHL implementation, and are those human resources adequately trained in IHL?**
- Human resources dedicated to IHL implementation may include:
    - legal advisers for armed forces (see Art. 82 AP I and Rule 141 of the ICRC's *Study on Customary International Humanitarian Law*)
    - legal experts within legislative committees tasked to work on IHL-related issues
    - legal experts within ministries/departments covering IHL-related issues.



- Allocated staff should receive appropriate training on IHL so that they possess the requisite procedural and thematic expertise:
  - procedural expertise: carrying out tasks ranging from assessing the relevance and benefit for the State of ratifying or joining a new treaty, to navigating the State’s legislative process in order to ensure that its international obligations are incorporated into the various layers of its legislative, administrative and practical frameworks
  - thematic expertise: spanning issues from, for instance, domestic legislation on the protection of cultural property, to accession to the Convention on Cluster Munitions.

### CHECKLIST 3.7: MEASURES TO SHARE GOOD PRACTICES ON NATIONAL IMPLEMENTATION

The resolution “invites States to share examples of and exchange good practices of national implementation measures taken in accordance with IHL obligations as well as other measures that may go beyond States’ IHL obligations, including by making use of existing tools and of national committees and similar entities on IHL, where they exist, consistent with International Conference resolutions, including this road map”. (OP13)

- Are measures in place to publicly share good practices on national implementation?**
  - Examples may include creating and maintaining a dedicated website compiling relevant information (see [Checklist 3.1: Measures related to the accessibility of legal information](#)), regularly briefing civil society representatives on IHL implementation activities, and presenting at IHL-related conferences, workshops and similar events.
- Is there a regional initiative to present the state of IHL implementation?**
  - The ICRC publishes regular reports on the state of IHL implementation in a particular region, working with regional organizations such as the League of Arab States and ECOWAS.
- Is there a regional conference for States to present the state of IHL implementation?**
  - The ICRC, in conjunction with regional organizations and/or partner States, organizes regional conferences and seminars where States can present progress on IHL implementation and outline what steps they have taken to implement domestic plans of action (if any), regional plans of action and/or pledges made at International Conferences of the Red Cross and Red Crescent.
- Is the State reporting on implementation of International Conference resolutions and pledges?**
  - To coincide with the International Conference of the Red Cross and Red Crescent, members may submit voluntary reports detailing their progress on implementing resolutions and pledges.
- Has a voluntary report on the state of IHL implementation at the domestic level been published?**
  - The State may consider publishing a voluntary report, which outlines key domestic measures on IHL implementation. The report should showcase specific examples of successful implementation, and identify areas where further implementation is required. It should also include details of the domestic processes in place and the entities involved in IHL implementation.
  - Drafting of the report may be led by the national IHL committee as part of its mandate.
  - The report should be made public in order to foster and inform dialogue on domestic implementation, and to encourage other States to publish their own voluntary reports.
- If a voluntary report has already been published, are regular updates planned?**
  - Since domestic implementation of IHL is a constant process, the authorities should plan to update the report on a regular basis. The updated report could take stock of steps taken in areas previously identified as requiring further implementation and/or address the implementation of new obligations that have become binding upon the State since the last report.
  - The voluntary report could, for instance, be updated to coincide with the International Conference of the Red Cross and Red Crescent (every four years) or with a regional forum organized to share good practices on domestic implementation of IHL.

**Example: Mali**

In 2018, the ICRC carried out a **stakeholder mapping exercise for the Malian judicial sector**. The resulting map, developed with input from the sector, was used to analyse the **domestic legal framework**, as well as **national and sub-regional dynamics** surrounding the Malian judiciary's response to violations of IHL. It also **highlighted potential overlaps and contradictions between IHL and terrorism in domestic law** and the impact that these may have on the prosecution of IHL violations.

Another aim of the exercise was to **identify IHL-related training needs** in the sector, and to integrate the views of legal practitioners into the design of an ongoing training workshop. The National Institute of Judicial Training subsequently organized a workshop, reflecting these needs and views, for **judges in northern and central Mali** and at the specialized **judicial centre for terrorism and transnational organized crime**. This example was later **shared with other States** in the region during the Annual Review Meeting on the Implementation of International Humanitarian Law in West Africa, organized by the ICRC and ECOWAS.

## CHECKLIST 4: MEASURES RELATED TO THE PROTECTION OF PERSONS FACING PARTICULAR RISKS IN ARMED CONFLICTS

The resolution “*calls upon States to protect the most vulnerable people affected by armed conflicts, in particular women, children and persons with disabilities, and to provide that they receive timely, effective humanitarian assistance*”. (OP9)

The resolution recognizes “*that women, men, girls and boys of different ages, disabilities and backgrounds can be affected differently by armed conflict, and that these differences need to be considered when implementing and applying IHL, in order to safeguard adequate protection for all*”. (PP5)

The resolution further stresses “*that the best interests of the child as well as the specific needs and vulnerabilities of girls and boys should be duly considered when planning and carrying out military training and humanitarian actions, as appropriate*”. (PP6)

States should implement specific measures to better understand and respond to the varied needs of certain groups of people, and the particular risks they face, such as arranging dedicated training and capacity-building activities, or introducing humanitarian assistance and other policies. Other examples include adopting a dedicated budget and appointing a focal point within the relevant ministries/departments, enacting domestic legislation, introducing specific military operational orders and standard operating procedures, and adding specific content to military manuals.

Another way to better assess the varied needs of these groups is to ensure that those who may come into contact with them receive adequate training before the needs or humanitarian crises arise. Recipients of this training could include members of the armed forces who might come into contact with children or persons with disabilities (in the conduct of hostilities, in detention or elsewhere), impartial humanitarian organizations that may be involved in providing assistance to marginalized or at-risk groups, and members of National Societies.

- Are the individuals with potential influence over the protection and assistance provided to people affected by armed conflict adequately trained so that they are sensitive to the specific risks that some groups face (such as children, persons with disabilities and victims of sexual violence)?***
- Since different individuals have different needs, it is important that those who may interact with them (as well as those who have obligations under IHL) understand what these differentiated needs are.
  - For example, individuals who might come into contact with children affected by armed conflict should be properly trained on the principle of the best interest of the child. They should also receive specific training on how to interact with particularly vulnerable children, including unaccompanied minors.
  - Individuals who are likely to interact with victims of sexual violence should also be specifically trained to avoid secondary victimization.

- Individuals with potential influence over the protection and assistance provided to persons with disabilities should be trained in the physical, communication, attitudinal, institutional and other barriers they face to equal access to protection under IHL. They should also be trained in the importance of collecting and analysing disability–disaggregated data while carrying out these activities, to ensure that the needs of persons with disabilities are duly considered.
- Are sufficient human, material, financial and other resources allocated to fulfilling obligations towards marginalized and at-risk groups in the event of an armed conflict? Are the needs of these groups taken into consideration in the budget for humanitarian assistance and military operations (such as where members of these groups are detained)?***
- Examples of resourcing and budgeting considerations may include:
    - funding humanitarian programmes for marginalized and at-risk groups
    - funding specific training on the needs of these groups
    - hiring experts
    - planning appropriate and suitably staffed detention facilities (for instance, armed forces should ensure there are enough female staff to supervise potential female detainees).
  - Existing resources, experts and policies on the protection of women, children and persons with disabilities should also be mapped. This exercise can help to identify, understand and address any gaps between the needs of these groups and current provision in terms of protection and assistance.
- Is there a mechanism or procedure for assessing whether the needs of groups facing particular risks have been taken into consideration during past military operations and humanitarian assistance programmes?***
- Such a mechanism is a potentially useful way to gather good practices and lessons learned for subsequent sharing with other States or organizations.

### **Example: Colombia**

On 3 June 2014, the Parliament of Colombia adopted a law providing access to justice for victims of sexual violence, and of conflict-related sexual violence in particular. The law expands the definition of sexual violence against protected persons as defined by IHL to include offences such as forced prostitution, sterilization, pregnancy, abortion and nudity. Article 16 also states that there is no statute of limitations for war crimes, crimes against humanity and genocide – including for sexual violence that constitutes such a crime.

The law adopts a **multifaceted approach** to addressing the needs of victims of sexual violence. For example, chapter 4 states that victims of these crimes are entitled to psychosocial support and free medical care.

#### **Key resources**

[Checklist: Domestic Implementation of International Humanitarian Law Prohibiting Sexual Violence](#)

[Internally Displaced Persons and International Humanitarian Law – Factsheet](#)

[Legal Protection of Children in Armed Conflict – Factsheet](#)

[Missing persons and their families – Factsheet](#)

[Prevention and Criminal Repression of Rape and Other forms of Sexual Violence during Armed Conflicts – Factsheet](#)

[Domestic implementation of a comprehensive system of protection for children associated with armed forces or armed groups – Guiding principles](#)

[How law protects persons with disabilities in armed conflict](#)

[International Humanitarian Law and the Challenges of Contemporary Armed Conflicts – Recommitting to Protection in Armed Conflict on the 70th Anniversary of the Geneva Conventions](#) (Chapter 3: Needs of the civilian population in increasingly long conflicts: Selected issues – “Internally displaced persons”, “The protection of persons with disabilities” and “Access to education”)

### Examples of pledges

- The Government of Burkina Faso and the Burkinabe Red Cross Society have pledged to take measures to [better disseminate IHL rules on the protection of vulnerable groups](#) (such as women, children, persons deprived of liberty, internally displaced persons and refugees).
- Italy has [pledged to integrate into its military training and into all levels of military planning and decision-making the due consideration of the needs of children affected by armed conflicts](#), including by organizing specific training sessions for the national military forces on the rights of children in armed conflicts.
- Spain and the Spanish Red Cross have [pledged to support the deployment of child protection advisers](#) in peacekeeping operations.
- The United Kingdom and the British Red Cross have [pledged to improve access to holistic care for all survivors of sexual and gender-based violence](#).

## CHECKLIST 5: CRIMINAL REPRESSION AND SUPPRESSION OF VIOLATIONS OF IHL

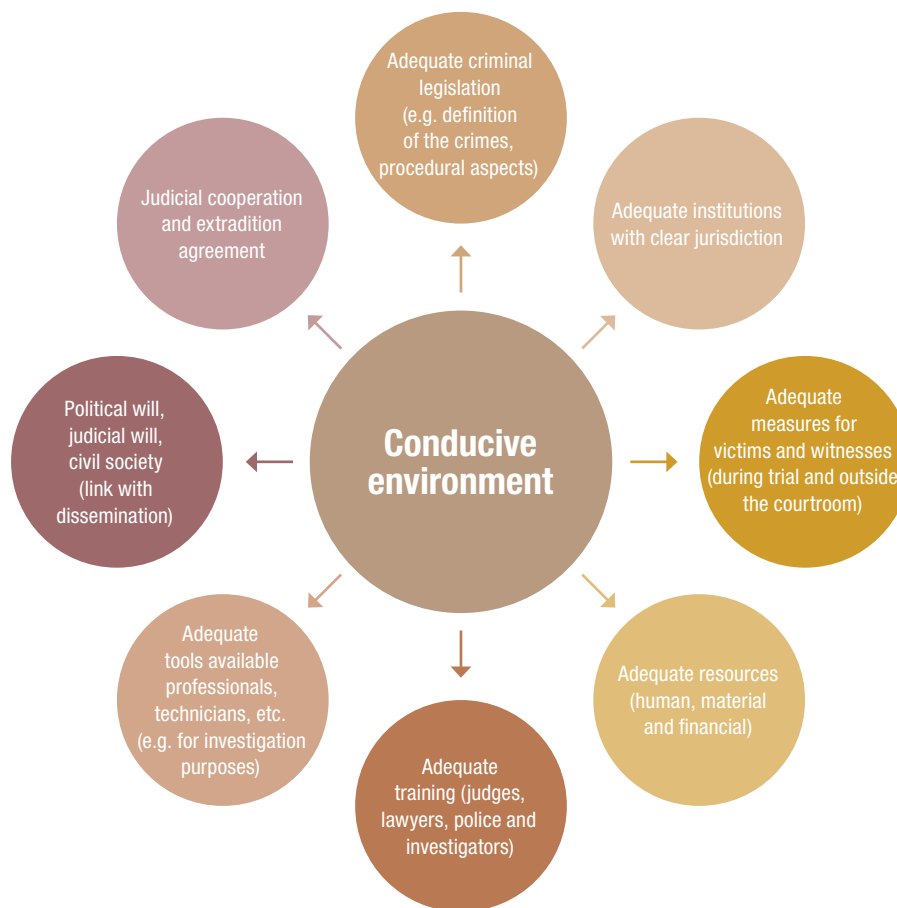
The resolution “recalls the obligations of High Contracting Parties to the Geneva Conventions and Additional Protocol I to enact any legislation necessary to provide **effective penal sanctions for persons committing, or ordering to be committed, any grave breaches of the Geneva Conventions and Additional Protocol I, as applicable**”. (OP11)

The resolution “recalls the obligations ... to search for persons alleged to have committed, or have ordered to be committed, such grave breaches, and to **bring such persons, regardless of their nationality, before its own courts or, in accordance with provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned**”. (OP12)

States have different obligations regarding the criminal repression and suppression of IHL violations. These obligations stem from the IHL treaties they have ratified or acceded to, and from customary IHL. For instance, the Geneva Conventions of 12 August 1949 and Additional Protocol I expressly require States to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, grave breaches of IHL. Meanwhile, Additional Protocol III requires States to ensure that their domestic legislation adequately prevents and punishes the misuse of the red cross, red crescent and red crystal emblems. Under customary IHL, States must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and prosecute the suspects if appropriate. They must also investigate and, if appropriate, prosecute persons suspected to have committed war crimes over which they have jurisdiction. Furthermore, States have an obligation to address all other violations of the Geneva Conventions. This means that States may take a wide range of measures to bring violations to an end and to prevent their reoccurrence.

In practice, adopting adequate criminal legislation is not in itself sufficient. As is the case with implementing IHL in general, effectively prosecuting grave breaches and other serious violations of IHL requires a conducive environment. In other words, States should take a series of steps and measures relating to the criminal justice system – involving a wide range of different actors – even before violations occur.

The constituent elements of a conducive environment are shown in the diagram below and explained in further detail in the checklists that follow.



## CHECKLIST 5.1: LEGISLATIVE ASPECTS

### Adequate criminal legislation

#### Definition of crimes and penalties

- Does domestic legislation prohibit grave breaches of IHL committed in international armed conflict, as well as serious violations of IHL committed in both international and non-international armed conflict?
- States should adopt legislation detailing and criminalizing grave breaches committed in international armed conflict, as well as other serious violations of IHL committed in both international and non-international armed conflict.
  - This can be done by passing a new piece of legislation (such as a “Geneva Conventions Act” or a “War Crimes Act”) or by including grave breaches and other serious violations of IHL in the existing criminal code.
- Does domestic legislation provide detailed penalties that reflect the severity of the crimes?
- Domestic legislation should, at the very least:
    - define each crime and its constituent elements
    - define the nature and severity of applicable criminal penalties
    - designate the bodies responsible for pronouncing and implementing penalties.

#### Modes of criminal liability

- Does domestic legislation permit different modes of liability, such as individual, commander and superior responsibility?
- Domestic legislation should recognize the individual criminal liability not only of those who commit the crimes, but also of those who order their commission and of those who fail to take proper measures to prevent their subordinates from committing them.

### **Statutes of limitation**

**Does domestic legislation ensure that grave breaches and other serious violations of IHL can be prosecuted at any time, without being subject to a statute of limitation?**

- Under customary IHL, statutes of limitation do not apply to war crimes committed in both international and non-international armed conflict. This should be explicitly provided for in domestic legislation and reflected in military manuals, especially if other domestic crimes are generally subject to statutes of limitation.

### **Judicial guarantees**

**Does domestic legislation ensure that any person tried for a grave breach or other serious violation of IHL has the right to a fair trial in compliance with judicial guarantees?**

- Domestic legislation should, at a minimum, reflect the main judicial guarantees:
  - No one may be convicted or sentenced, except pursuant to a fair trial affording all essential judicial guarantees.
  - The procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against them and shall afford the accused before and during their trial all necessary rights and means of defence.
  - No one shall be convicted of an offence except on the basis of individual penal responsibility.
  - No one shall be accused or convicted of a criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law to which they were subject at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
  - Anyone charged with an offence is presumed innocent until proved guilty according to law.
  - Anyone charged with an offence shall have the right to be tried in their presence.
  - No one shall be compelled to testify against themselves or to confess guilt.
  - Anyone charged with an offence shall have the right to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them.
  - No one shall be prosecuted or punished by the same party for an offence in respect of which a final judgment acquitting or convicting that person has been previously pronounced under the same law and judicial procedure.
  - Anyone prosecuted for an offence shall have the right to have the judgment pronounced publicly.
  - A convicted person shall be advised on conviction of their judicial and other remedies and of the time-limits within which they may be exercised.

### **Adequate legislation regarding the suppression of violations of IHL**

**Does domestic legislation provide adequate measures to suppress violations of IHL other than grave breaches?**

- States have an obligation to adopt the measures necessary to suppress (i.e. to stop and prevent) violations of IHL other than grave breaches. These may include:
  - administrative measures
  - disciplinary measures
  - financial measures
  - the issuing of instructions.
- States may also decide to go beyond their obligation to criminalize grave breaches by also criminalizing other violations of IHL.



**Key resources**

[\*Judicial guarantees and safeguards – Factsheet\*](#)

[\*Methods of incorporating punishment into criminal law – Factsheet\*](#)

[\*Universal jurisdiction over war crimes – Factsheet\*](#)

[\*International Humanitarian Law – Handbook for Parliamentarians\*](#) (“What measures can parliamentarians take to ensure that violations of IHL are punished?”, p. 49)

**CHECKLIST 5.2: JURISDICTIONAL AND PROCEDURAL ASPECTS****Adequate institutions with clear jurisdiction**

- Are jurisdiction clauses clear and unambiguous?**
  - In cases of competing jurisdictions (for instance between military and civilian courts, or between courts and tribunals established in different regions of the same country), domestic legislation should be clear on the procedure to determine which court is competent.
- Does domestic legislation establish a universal jurisdiction basis for the prosecution of grave breaches and other serious violations of IHL?**
  - Under customary IHL, States have the right to vest universal jurisdiction over war crimes in their national courts. This right is without prejudice to the obligation of States party to the Geneva Conventions and Additional Protocol I to provide for universal jurisdiction over grave breaches in their domestic legislation.
- Does domestic legislation provide domestic courts with the means to extradite suspects, at least in cases involving grave breaches of IHL?**
  - In addition to providing a legal basis in domestic legislation for the extradition of alleged perpetrators, extradition agreements with other States should be concluded in order to facilitate the process.

**Adequate criminal investigation**

- Does the entity responsible for conducting criminal investigations meet the requirements in terms of independence and impartiality, both in practice and in the law?**
  - Both the entity responsible for conducting criminal investigations and the individuals conducting such investigations should be independent and impartial. They should be able to conduct their investigations without outside interference, including from States and/or parties to the conflict, and without political pressure.
  - The principles of independence and impartiality should be provided for in domestic legislation. Adequate guarantees should be provided for in the law and put in place in practice.
- Are adequate and sufficient procedures in place to preserve the integrity of evidence?**
  - Adequate measures to preserve the integrity of evidence should be adopted and implemented in advance, i.e. before the need to collect evidence arises. In other words, there should be:
    - an appropriate and differentiated strategy or protocol for collecting, analysing, preserving and storing different types of evidence (such as testimonial evidence, video evidence, digital evidence and autopsy reports)
    - a strategy or protocol for protecting the confidentiality of sensitive information (such as the identity of victims and witnesses)
    - a system for preserving and tracing the chain of custody, including the list of individuals who may have or had access to evidence, and the criteria by which such individuals are granted access.
  - Investigators should familiarize themselves with these procedures before collecting any evidence.
  - Evidence should be collected in a way that will ensure its admissibility in a criminal trial.

### **Adequate measures for victims and witnesses**

- Does domestic legislation provide protection measures for victims and witnesses outside the courtroom and court proceedings?***
  - Such protection measures should be designed to protect the physical and psychological safety and integrity of victims and witnesses, including through psychological support.
  - In addition to general protection measures, States may adopt specific measures to protect groups at particular risk or with specific needs, such as children and victims of sexual violence.
  
- Does domestic legislation provide protection measures for victims and witnesses during an investigation and any legal proceedings taking place in a courtroom?***
  - Such measures should, for instance, protect victims and witnesses from intimidation and reprisals, protect their identity, and prevent lawyers acting for the defendant from asking certain types of inappropriate question.
  - Again, in addition to general protection measures that may apply during court proceedings, States may adopt specific measures to protect groups at particular risk or with specific needs, such as children and victims of sexual violence.
  
- Are investigators, police officers, lawyers, prosecutors, judges and other court officials adequately trained to interview and otherwise interact with victims and witnesses? Does this training specifically cover interactions with particular groups of victims and witnesses, such as children and victims of sexual violence? Is this training mandatory or optional?***
  - Such training can help to minimize the risk of secondary victimization and avoid additional harm being caused to victims and witnesses.
  
- Does domestic legislation foresee the possibility of victims receiving adequate reparation, including financial compensation?***
  - As a good practice, victims should be able to seek reparation for grave breaches and other serious violations of IHL, through either administrative programmes or judicial proceedings.

#### **Key resources**

[Checklist: Domestic Implementation of International Humanitarian Law Prohibiting Sexual Violence](#)

[Universal jurisdiction over war crimes – Factsheet](#)

[Guidelines on investigating violations of IHL: Law, policy and good practice](#)

## **CHECKLIST 5.3: ADEQUATE TOOLS, RESOURCES AND WILL TO PROSECUTE OR SUPPRESS**

### **Adequate training**

- Do investigators, police officers, prosecutors, judges and other court officials receive regular and adequate training on IHL?***
  - Adequate training on IHL should be made available not only to judges, but also to court officials and other participants in the criminal justice system (such as investigators and police officers). Ideally, such training should not be a one-off, but rather a continuous learning process.
  
- Is legal training available for practitioners who plead and litigate IHL-related court cases?***
  - Lawyers working in private practice should also receive IHL training, since they might represent alleged perpetrators or potential victims in legal proceedings.

### **Adequate resources and tools**

- Are investigative authorities adequately resourced (in terms of financial, human and material resources, including forensic and investigative tools, methods and technologies)?**
  - Investigating violations of IHL, including criminal investigations of grave breaches and other serious violations of IHL, may require particular expertise and specific investigation methods. These should be taken into account in the budgetary planning process.
- Are courts and tribunals with jurisdiction over grave breaches and other serious violations of IHL adequately resourced (in terms of financial, human and material resources)?**
  - Prosecuting grave breaches and other serious violations of IHL may generate additional costs (for instance, if part of the investigation takes place in another State) and often requires a certain level of expertise. Again, this should be taken into account in the budgetary planning process.
- Are domestic legislation and case law easily accessible and available to legal practitioners, academics and the general public?**
  - Lawyers, academics, victims' organizations, civil society and the general public should have access to relevant legal information (see also [Checklist 3.1: Measures related to the accessibility of legal information](#)).

### **Political will, judicial will, civil society**

- Do participants in the criminal justice system (including the justice ministry/department, lawyers, judges, prosecutors, investigators and police officers) and civil society understand the importance of prosecuting war crimes?**
  - In order for the repression of criminal offences to be effective and systematic (instead of a one-off procedure), participants in the criminal justice system should believe in the importance of such proceedings. Arranging dissemination sessions and opportunities to share experiences can help to foster political and institutional will.
  - Civil society may also play an important role by reporting grave breaches and serious violations of IHL that should be investigated and, if appropriate, prosecuted.

## **CHECKLIST 5.4: COOPERATION BETWEEN ACTORS**

### **Judicial cooperation**

- Does domestic legislation foresee the possibility of judicial cooperation with other States?**
  - To the extent possible and where relevant, States should cooperate with other States on the investigation, prosecution and trial of suspected war criminals in both international and non-international armed conflicts.
  - Examples of judicial cooperation and assistance include:
    - providing mutual assistance in criminal proceedings conducted abroad
    - facilitating investigations
    - exchanging documents
    - gathering, evaluating and preserving evidence
    - arresting, prosecuting and/or extraditing suspects
    - executing criminal sentences handed down in other jurisdictions.
- Have cooperation agreements been signed with other States or organizations?**
  - States may sign cooperation and information-sharing agreements with other States.
- Is there a platform or mechanism that allows States to share good practices on the investigation, prosecution and trial of war criminals?**
  - Regular regional, sub-regional and/or international conferences, meetings and other events may provide an opportunity for States to share good practices.

### **Example: Canada**

In 2014, the Court of Appeal of Quebec upheld a conviction for seven counts of genocide, crimes against humanity and war crimes committed during the 1994 Rwandan genocide. In doing so, it affirmed the **universal jurisdiction of the Canadian courts over these crimes**. The charges against the accused were brought under Canada's Crimes Against Humanity and War Crimes Act, which was adopted in 2000. This trial was made possible thanks to the **Crimes Against Humanity and War Crimes Program**, introduced by the Department of Justice to facilitate cooperation with the immigration and other departments on identifying alleged perpetrators and, where appropriate, considering criminal prosecution or extradition.

The outcome of this case received extensive **media coverage** in Canada and was the subject of much debate and discussion among **scholars**. More recently, **civil society organizations** published a report on the programme, advocating for additional funding for the prosecution of war crimes.

#### **Key resources**

[Cooperation in extradition and judicial assistance in criminal matters – Factsheet](#)

[Universal jurisdiction over war crimes – Factsheet](#)

#### **Examples of pledges**

- Belgium and the Belgian Red Cross have pledged to [conduct a mapping exercise to identify the various judges who might come across IHL related cases, and to take stock of the IHL-related training available to them](#). They have also pledged to include an optional module on IHL in the compulsory training course for judges.
- The United Kingdom and the British Red Cross have pledged to step up action to prevent and respond to sexual and gender-based violence, including by [strengthening the provision of safe, accessible and survivor-centered reporting channels to tackle impunity](#).

## CHECKLIST 6: INTEGRATION OF IHL INTO MILITARY DOCTRINE, EDUCATION, TRAINING AND SANCTION SYSTEMS

The resolution “*strongly encourages States to make every effort to further integrate IHL into military doctrine, education and training, and into all levels of military planning and decision-making, thereby ensuring that IHL is fully integrated into military practice and reflected in military ethos*”. (OP7)

The resolution recognizes “*the positive impact that the integration of IHL into military practice can have on battlefield behaviour, for example, through issuance of doctrine, procedures that incorporate IHL principles and concepts, legal advisers advising commanders on IHL during military operations, and training on IHL*”. (PP12)

The resolution “*recalls the importance of the availability within States’ armed forces of legal advisers to advise commanders, at the appropriate level, on the application of IHL*”. (OP7)

If IHL is to be fully respected, those waging war should be aware of its rules and principles so they can incorporate them into their behaviour. There should also be processes in place to check compliance, incorporate effective remedial measures and apply lessons learned. IHL implementation should therefore take place within both the formal structures and processes of the armed forces, and within more informal structures (such as the socialization process and general culture of the armed forces).

### CHECKLIST 6.1: INTEGRATION OF IHL INTO MILITARY EDUCATION AND TRAINING

- Do military manuals and other documents used for education and training comply with IHL, including its most recent developments?**
  - Military manuals and documentation should be regularly reviewed to check whether they comply with the obligations of IHL or whether they need to be revised.
- Are IHL-related educational materials accessible to members of the armed forces?**
  - Accessibility can be improved by providing all members of the armed forces with a soldier’s pocket card or similar document summarizing and explaining the basic principles of IHL.
- Is IHL training available to all members of the armed forces irrespective of rank?**
  - All members of the armed forces should receive IHL training appropriate to their rank or function, including officers.
- Is IHL integrated into military training exercises?**
  - IHL can be integrated into training exercises in various ways. These include:
    - ensuring that regular military instruction programmes reflect the principles of IHL
    - providing all members of the armed forces engaged in armed conflict in their own territory or abroad (including peacekeeping operations) with IHL training tailored to the requirements of their mission and to real-life operational situations
    - organizing dedicated exercises, such as manoeuvres in which IHL-related issues are explicitly considered at each phase
    - ensuring that the legal advisers made available to the armed forces play a central role in dispensing instruction.
- Does the culture and socialization process of the armed forces foster respect for IHL?**
  - Socialization processes in the military should not contradict IHL values – they should reinforce them.

### CHECKLIST 6.2: MILITARY OPERATIONS

- Is IHL fully integrated into the planning of military operations?**
  - IHL should be considered in the planning of military operations, including when selecting military sites and developing weapons and military tactics.
- Is IHL included in pre-operation briefings and post-operation debriefings?**
  - Respect for IHL should be addressed in military operations as a matter of routine. Lessons learned should be adopted and implemented following debriefings.

### CHECKLIST 6.3: LEGAL ADVISERS IN THE ARMED FORCES

- Are legal advisers made available to the armed forces?**
  - These advisers should be made available to the armed forces during the planning and conduct phases of operations.
- Are legal advisers appropriately trained in IHL?**
  - Legal advisers should be appropriately trained and should receive regular updates on the application of IHL.

### CHECKLIST 6.4: MILITARY JUSTICE

- Does an effective accountability system exist, both in peacetime and in wartime?**
  - The accountability system should include an effective investigation procedure.
- Are military judges appropriately trained in IHL?**
  - Military judges should be appropriately trained and should receive regular updates on the application of IHL.

### CHECKLIST 6.5: ADEQUATE PLANNING AND BUDGETING

- Are the armed forces adequately resourced (in terms of financial, human and material resources) for IHL implementation?**
  - Regular reviews should be carried out to determine whether sufficient resources and time are allocated to ongoing IHL training for officers.

### CHECKLIST 6.6: ASSESSMENT OF IHL INTEGRATION

- Is there a mechanism or process for assessing the degree of IHL integration?**
  - The degree of integration of IHL achieved by members of the armed forces should be assessed on a regular basis.

#### Key resources

[\*Behaviour in Combat: Code of Conduct for Combatants and First Aid Manual\*](#)

[Dialogue with weapon bearers](#), an ICRC webpage with links to IHL training programmes of varying levels for State armed forces

[Handbook on International Rules Governing Military Operations](#)

The [IHL Digital App](#), which provides access, via tablet, desktop and smartphone, to more than 75 treaties and other documents relating to IHL

[International Humanitarian Law – Handbook for Parliamentarians](#) (“Integrate IHL into doctrine, education and training, and instructing the armed forces”, p. 46)

[Introduction to International Humanitarian Law \(IHL\)](#) (e-learning course)

### Examples of pledges

- Belgium has pledged to work towards the development of a revised operational law manual for its armed forces, to consult the Belgian Red Cross for comments on the IHL part of the manual, to further disseminate the manual within its armed forces, and to provide the manual as part of the training package of the course for advisers in the law of armed conflict.
- The Indonesian Red Cross has pledged to carry out a comprehensive review of existing military and police regulations to assess their conformity with IHL treaties to which Indonesia is a party, as well as with other relevant norms of customary international law.
- Finland and the Finnish Red Cross have pledged to incorporate information on the IHL rules applicable to the protection of the natural environment in armed conflict into military education material, including relevant guidance documents related to the conduct of hostilities.
- The United States has pledged to institute an effective programme within its armed forces to help ensure compliance with IHL obligations, and to share legal interpretations and good practices with other States, non-governmental organizations and the public.

## CHECKLIST 7: DISSEMINATION OF IHL

The resolution “*strongly encourages* the intensification” of “States’ efforts and initiatives taken to disseminate IHL knowledge and promote respect for IHL, by raising awareness among civilians and military personnel”. (OP3)

The resolution encourages dissemination actors to pay “particular attention to those called upon to implement or apply IHL, such as military personnel, civil servants, parliamentarians, prosecutors and judges, while continuing to disseminate IHL at the domestic level as widely as possible to the general public, including to youth”. (OP8)

The resolution encourages the exploration of “new innovative and appropriate methods to promote respect for IHL, including using digital and other means, such as video games, and where possible to consider therein the voices of people affected by armed conflict and their perception of IHL”. (OP10)

IHL treaties require States to spread knowledge of the treaties as widely as possible, both within the armed forces and among the general public. This dissemination process should begin in peacetime to ensure that the rules are known, understood and integrated in times of armed conflict.

If the rules of IHL are to be respected, they must be known not only to those who must apply them directly but also – at least to varying degrees – to the entire population. This process is indispensable to creating a conducive environment and can easily support and reinforce other implementation measures.

Dissemination activities can also contribute to the creation of new partnerships and help build bridges between different actors involved in IHL implementation.

### CHECKLIST 7.1: PRELIMINARY ASSESSMENT

- Are the specific needs in terms of IHL dissemination in a given context identified?**
  - IHL dissemination needs should be mapped, and existing efforts and initiatives at the domestic level should be analysed. This exercise, which could be carried out by the national IHL committee as part of its mandate, will help to avoid overlaps and potential gaps.
  - The mapping exercise could also look at available dissemination materials and resources – such as posters, television and cinema adverts, and content published online and on social media – and identify areas where such resources are lacking.
  - The exercise should also cover the relevant actors and the audiences that could benefit from dissemination sessions (including their rank, position and role within a given system or institution).
  - States can include the outcomes of this exercise in their voluntary reports (see [Checklist 3.7: Measures to share good practices on national implementation](#)).
  - See [Annex I](#) of this document for a list of dissemination materials arranged by actor and audience.



### CHECKLIST 7.2: CONTENT OF DISSEMINATION SESSIONS

- Are the contents of IHL dissemination sessions adapted to their intended audience?**
  - IHL can only provide effective protection if members of the relevant audience understand the key rules and their role in implementing them. Dissemination sessions should therefore be tailored to the needs of the intended audience.
- Is the material used for dissemination purposes accessible to the audience?**
  - Where necessary, studies and documents should be translated into the national language(s) to make sure they are accessible.
- Does the content of the dissemination sessions give due consideration to the voices of people affected by armed conflict and their perception of IHL?**
  - There are various ways to consider the voices of people affected by armed conflict and their perception of IHL in the design of dissemination session content. These include:
    - organizing events where people affected by armed conflict can share their experiences and opinions
    - including their voices in existing dissemination materials (including various media formats)
    - involving people affected by armed conflict in designing and/or testing dissemination materials and resources, and in dissemination activities.

### CHECKLIST 7.3: ORGANIZATION OF DISSEMINATION SESSIONS

- Are the dissemination sessions delivered by the adequate persons? Are more trainers needed?**
  - Additional trainers may need to be trained, including within a National Society. Networks of trained volunteers can also be established to disseminate IHL within their local communities and the wider public.

### CHECKLIST 7.4: EVALUATION OF DISSEMINATION SESSIONS

- Are the dissemination sessions being evaluated? If so, do they meet the previously identified needs?**
  - Evaluation can help to answer questions such as whether the sessions met the needs of the intended audience, whether more sessions are needed and what kind of additional support could be provided. It can also inform future mapping and help to identify potential gaps and overlaps.

#### Example: Turkey

In September 2020, the Istanbul Center of International law (ICIL) and Türk Kızılayı (the Turkish Red Crescent Society) held their first **Advanced Summer School** on IHL, which was followed by a **role-play competition**. These events gave students from different parts of the world an opportunity to deepen their knowledge of specific topics and to experience live interactions and negotiations on the same themes afterwards.

The Advanced Summer School and the subsequent competition were held online. Students were able to participate from their home country, which made the programme more affordable and attracted a more diverse audience. Some attendees also received internet access support. The fact that the organizers took the **specific needs** of students into account resulted in a better experience for everyone and allowed all teams to participate on an equal footing.

Because the role-play competition involved a fictitious case study based on the topics covered in the Advanced Summer School, it allowed participants cement their theoretical knowledge with practical insights. Moreover, the online format provided an opportunity to come up with creative ways to engage with participants, including via social media.

### Key resources

#### [The Obligation to Disseminate International Humanitarian Law – Factsheet](#)

The [IHL Digital App](#), which provides access, via tablet, desktop and smartphone, to more than 75 treaties and other documents relating to IHL

#### [International Humanitarian Law: A Comprehensive Introduction](#)

The [Training Centre](#), which centralizes on-site training and e-learning modules on IHL and other areas of the ICRC's work

#### [Introduction to International Humanitarian Law \(IHL\) \(e-learning course\)](#)

### Examples of pledges

- Brazil has [pledged to promote greater dissemination of the rules and principles of IHL by organizing seminars and other activities in academic, diplomatic and military circles.](#)
- Iceland and the Icelandic Red Cross have [pledged to support the dissemination of IHL both nationally and internationally,](#) especially within government and the academic community, with the aim of supporting professionals, scholars and students in creating interest and expertise in IHL that can benefit global respect for and compliance with IHL.
- Switzerland has [pledged to strengthen efforts to disseminate](#) the 1949 Geneva Conventions, their Additional Protocols and other relevant legal bases on IHL, and to promote the dissemination of IHL within the Swiss parliament.

# ANNEX I. RESOURCES

## General resources for all actors

[National implementation of IHL: Documentation](#) (including documents, tools, model laws and factsheets)

The [IHL Digital App](#), which provides access, via tablet, desktop and smartphone, to more than 75 treaties and other documents relating to IHL

[Introduction to International Humanitarian Law \(IHL\)](#) (e-learning course)

[The Domestic Implementation of International Humanitarian Law: A Manual](#)

## Key resources for government officials

[National implementation of IHL: Documentation](#) (including documents, tools, model laws and factsheets)

[National implementation of IHL: Ratification kits](#)

## Key resources for parliamentarians

[National implementation of IHL: Documentation](#) (including documents, tools, model laws and factsheets)

[International Humanitarian Law – Handbook for Parliamentarians](#)

[The Role of Parliamentarians in Implementing IHL – Factsheet](#)

[National implementation of IHL: Ratification kits](#)

## Key resources for national IHL committees

[National Committees](#), an ICRC webpage containing resources for national IHL committees

[National Committees for the Implementation of International Humanitarian Law – Factsheet](#)

[National Committees and Similar Entities on International Humanitarian Law: Guidelines for Success](#)

## Key resources for judges and legal professionals

[Cooperation in extradition and judicial assistance in criminal matters – Factsheet](#)

[Methods of incorporating punishment into criminal law – Factsheet](#)

[Universal jurisdiction over war crimes – Factsheet](#)

[Guidelines on investigating violations of IHL: Law, policy and good practice](#)

## Key resources for armed forces and military personnel

[Behaviour in Combat: Code of Conduct for Combatants and First Aid Manual](#)

[Dialogue with weapon bearers](#), an ICRC webpage with links to IHL training programmes of varying levels for State armed forces

[Handbook on International Rules Governing Military Operations](#)

The [IHL Digital App](#), which provides access, via tablet, desktop and smartphone, to more than 75 treaties and other documents relating to IHL

[International Humanitarian Law – Handbook for Parliamentarians](#) (“Integrate IHL into doctrine, education and training, and instructing the armed forces”, p. 46)

## Key resources for media professionals

[Glossary: IHL for media professionals](#)

### **Key resources for medical personnel**

[Health Care in Danger](#), a website about the International Red Cross and Red Crescent Movement initiative aimed at addressing the issue of violence against patients, health-care workers, facilities and vehicles, and ensuring safe access to and delivery of health care in armed conflict and other emergencies.

[Health Care in Danger Resource Centre](#), which includes:

[The Implementation of Rules Protecting the Provision of Health Care in Armed Conflicts and Other Emergencies: A Guidance Tool](#)

[Protecting Healthcare: Guidance for the Armed Forces](#)

[Health Care in Danger: The Responsibilities of Health-Care Personnel Working in Armed Conflicts and Other Emergencies](#)

[Protecting Health Care: Key Recommendations.](#)

[Health Care in Danger e-learning module](#) on the rights and responsibilities of health-care personnel working in armed conflict and other emergencies

### **Key resources for academic circles**

[Advanced IHL Learning Series](#), a resource for lecturers and trainers

[Promoting the Teaching of IHL in Universities: Overview, Successes and Challenges of the ICRC's Approach](#)

[ICRC IHL Toolkit](#), which contains references to introductory, advanced and thematic resources on IHL from the ICRC

[IHL Casebook: How does law protect in war?](#), a compendium of case studies, documents and teaching materials on contemporary practice in IHL

[Teaching, Debating, Researching International Humanitarian Law, Action and Policy in Universities](#)

[Ready-to-use workshops](#), a webpage containing links to resources to support the teaching of IHL

### **Key resources for civil society**

[National implementation of IHL: Documentation](#) (including documents, tools, model laws and factsheets)

The [IHL Digital App](#), which provides access, via tablet, desktop and smartphone, to more than 75 treaties and other documents relating to IHL

[Introduction to International Humanitarian Law \(IHL\)](#) (e-learning course)

### **Key resources for children and young people**

[ICRC IHL Toolkit](#), which contains references to introductory, advanced and thematic resources on IHL from the ICRC

[Mini Exploring Humanitarian Law: The Essence of Humanitarian Law](#), a resource kit that introduces young people to the principles and basic rules of IHL

[Exploring Humanitarian Law \(EHL\)](#), a resource pack for teachers to introduce students aged 13 to 18 to the basic rules of IHL

### **Key resources for National Societies**

[Red Cross and Red Crescent Societies and the implementation of international humanitarian law: Guiding principles](#)

# ANNEX II. RESOLUTION

Bringing IHL home: A road map for better national implementation of international humanitarian law,  
Resolution 1 adopted by the 33rd International Conference of the Red Cross and Red Crescent (33IC/19/R1)

**Power of humanity**  
33rd International Conference  
of the Red Cross and Red Crescent  
9-12 December 2019, Geneva



**EN**

**33IC/19/R1**  
**Original: English**  
**Adopted**

**33rd INTERNATIONAL CONFERENCE  
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland  
9–12 December 2019

**Bringing IHL home: A road map for better national implementation  
of international humanitarian law**

**Resolution**

33IC/19/R1

## RESOLUTION

### **Bringing IHL home: A road map for better national implementation of international humanitarian law**

The 33rd International Conference of the Red Cross and Red Crescent,

*reaffirming* that international humanitarian law (IHL) remains as relevant today as ever before in international and non-international armed conflicts, even as contemporary warfare presents new developments and challenges,

*recalling* that IHL, as applicable, must be fully applied in all circumstances, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the conflict,

*recognizing* that the efforts carried out by States and the components of the International Red Cross and Red Crescent Movement (Movement) to eliminate or minimize dire humanitarian consequences of armed conflicts could also contribute to addressing the root causes of conflict and its various consequences,

*recalling* that persons taking no active part in the hostilities shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria,

*recognizing* that women, men, girls and boys of different ages, disabilities and backgrounds can be affected differently by armed conflict, and that these differences need to be considered when implementing and applying IHL, in order to safeguard adequate protection for all,

*stressing* that the best interests of the child as well as the specific needs and vulnerabilities of girls and boys should be duly considered when planning and carrying out military training and humanitarian actions, as appropriate,

*highlighting* that 2019 marks the 70th anniversary of the adoption of the 1949 Geneva Conventions, *welcoming* their universal ratification, and *expressing* the hope that other IHL treaties will also achieve universal acceptance,

*stressing* that parties to armed conflicts have taken measures in many instances to ensure during their military operations that IHL is respected, such as when cancelling or suspending attacks on military objectives because the expected incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, would be excessive in relation to the concrete and direct military advantage anticipated; when enabling civilians to exchange personal news with family members, wherever they may be; or when treating detainees humanely,

*deeply concerned* nevertheless that there continue to be violations of IHL, which can cause dire humanitarian consequences, and *stressing* that better respect for IHL is an indispensable prerequisite for minimizing negative humanitarian consequences and thereby improving the situation of victims of armed conflict,

*recalling* that domestic implementation of international obligations plays a central role in fulfilling the obligation to respect IHL, and *recognizing* the primary role of States in this regard,

**33IC/19/R1**

*noting* the significant role and mandates of the components of the Movement in promoting the application of IHL and in accordance with the Statutes of the Movement, in particular the unique role of National Red Cross and Red Crescent Societies (National Societies) as auxiliaries to the public authorities in the humanitarian field, based on which they disseminate and assist their governments in disseminating IHL and take initiatives in this respect, and cooperate with their governments to ensure respect for IHL and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols,

*recognizing* the positive impact that the integration of IHL into military practice can have on battlefield behaviour, for example, through issuance of doctrine, procedures that incorporate IHL principles and concepts, legal advisers advising commanders on IHL during military operations, and training on IHL commensurate with individuals' military duties and responsibilities,

*stressing* the basic value of respect for human dignity in times of armed conflict, which is not only enshrined in IHL but also in the rules and principles of different faiths and traditions, as well as military ethics, and *recognizing* the importance of dialogue among relevant actors and ongoing efforts in this respect,

*emphasizing* the vital importance of building on existing efforts to achieve more effective implementation and dissemination of IHL and of demonstrating the benefits of IHL for all parties to armed conflict and for the protection of all victims of armed conflict,

*convinced* that the measures recommended below provide a useful road map for effective implementation of IHL at the national level,

1. *urges* all parties to armed conflicts to fully comply with their obligations under IHL;
2. *calls upon* States to adopt necessary legislative, administrative and practical measures at the domestic level to implement IHL, and *invites* States to carry out, with the support of the National Society where possible, an analysis of the areas requiring further domestic implementation;
3. *acknowledges with appreciation* States' efforts and initiatives taken to disseminate IHL knowledge and promote respect for IHL, by raising awareness among civilians and military personnel, and to put in place implementation measures, and *strongly encourages* the intensification of such measures and initiatives;
4. *encourages* all States that have not already done so to consider ratifying or acceding to IHL treaties to which they are not yet party, including the Protocols additional to the Geneva Conventions, and *recalls* that States may declare that they recognize the competence of the International Fact-Finding Commission as established under Article 90 of Protocol I additional to the Geneva Conventions and that this may contribute to an attitude of respect for IHL;
5. *acknowledges* the effective role and increasing number of national committees and similar entities on IHL involved in advising and assisting national authorities in implementing, developing and spreading knowledge of IHL, and *encourages* States that have not yet done so to consider establishing such an entity;

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6. *recalls* the outcomes of the fourth universal meeting of national committees and similar entities on IHL held in 2016, and *calls for* the strengthening of cooperation between such entities on the international, regional and cross-regional levels, in particular by attending and actively participating in the universal, regional and other regular meetings of such entities, as well as through the new digital community for national committees and similar entities on IHL, created on the basis of the recommendations made by the participants in the 2016 universal meeting;
7. *strongly encourages* States to make every effort to further integrate IHL into military doctrine, education and training, and into all levels of military planning and decision-making, thereby ensuring that IHL is fully integrated into military practice and reflected in military ethos, and *recalls* the importance of the availability within States' armed forces of legal advisers to advise commanders, at the appropriate level, on the application of IHL;
8. *encourages* States and the components of the Movement, in particular National Societies, to take concrete, and where appropriate, coordinated activities, including through partnerships with academics and practitioners where suitable, to disseminate IHL effectively, paying particular attention to those called upon to implement or apply IHL, such as military personnel, civil servants, parliamentarians, prosecutors and judges, while continuing to disseminate IHL at the domestic level as widely as possible to the general public, including to youth;
9. *calls upon* States to protect the most vulnerable people affected by armed conflicts, in particular women, children and persons with disabilities, and to provide that they receive timely, effective humanitarian assistance;
10. *encourages* States and the components of the Movement, while continuing to rely on proven effective methods of dissemination of IHL, to explore new innovative and appropriate methods to promote respect for IHL, including using digital and other means, such as video games, and where possible to consider therein the voices of people affected by armed conflict and their perception of IHL;
11. *recalls* the obligations of High Contracting Parties to the Geneva Conventions and Additional Protocol I to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any grave breaches of the Geneva Conventions and Additional Protocol I, as applicable, and to take measures necessary for the suppression of all other acts contrary to those Conventions or to other applicable IHL obligations, and further *recalls* obligations with respect to the repression of serious violations of IHL;
12. *also recalls* the obligations of the High Contracting Parties of the Geneva Conventions and Additional Protocol I to search for persons alleged to have committed, or have ordered to be committed, such grave breaches, and to bring such persons, regardless of their nationality, before its own courts or, in accordance with provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case;
13. *invites* States to share examples of and exchange good practices of national implementation measures taken in accordance with IHL obligations as well as other measures that may go beyond States' IHL obligations, including by making use of existing tools and of national committees and similar entities on IHL, where they exist, consistent with International Conference resolutions, including this road map.



# ANNEX III. BACKGROUND DOCUMENT

[Background document](#) (33IC/19/12.1) to Bringing IHL home: A road map for better national implementation of international humanitarian law, Resolution 1 adopted by the 33rd International Conference of the Red Cross and Red Crescent (33IC/19/R1)

**Power of humanity**  
33rd International Conference  
of the Red Cross and Red Crescent  
9-12 December 2019, Geneva



**EN**

**33IC/19/12.1**  
**Original: English**  
**For information**

**33rd INTERNATIONAL CONFERENCE  
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland  
9–12 December 2019

**Bringing IHL Home: A Road Map for Better National Implementation  
of International Humanitarian Law**

**Background document**

**Document prepared by**

**The International Committee of the Red Cross**

Geneva, October 2019

## EXECUTIVE SUMMARY

Protecting people affected by armed conflict is at the heart of international humanitarian law (IHL). IHL is as relevant today as ever, and we can all do more to implement it effectively and reduce suffering in armed conflict. The proposed resolution therefore aims to re-energize national commitment and boost efforts to implement IHL and better protect affected people.

The draft zero of the IHL resolution proposed for adoption at the 33rd International Conference of the Red Cross and Red Crescent sets out a road map for better national implementation of IHL. It focuses on concrete actions that States and National Societies can take domestically, including in cooperation with other actors, to reinvigorate implementation of IHL at all relevant levels.

### 1) INTRODUCTION

Recent years have seen many shocking and egregious violations of IHL. The capacity of IHL to protect the victims of today's complex armed conflicts has been questioned by some and significant challenges lie ahead. Yet, every day, in armed conflicts across the world, many belligerents are actually fighting by the rules. IHL continues to govern their behaviour, successfully protecting victims and restricting the way hostilities are conducted.

Every day, the achievements of IHL – a wounded person allowed through a checkpoint, a child who receives the food they need, detainees able to send a message to their families, and many other examples – may not always be visible to the public. However, in every instance, they prove that IHL is respected. Created for the worst of times, IHL preserves the core of our common humanity. And respecting IHL prevents human suffering that would otherwise be felt not only years but possibly decades after conflicts have ended.

Members of the International Conference are heartened by the many examples of respect for the law that we witness, but are equally dismayed by frequent instances of non-respect, especially as their consequences are so dire. All the States party to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement (the Movement) can and must do more to ensure that IHL is respected.

This year marks the 70th anniversary of the adoption of the 1949 Geneva Conventions, which are universally ratified. The 33rd International Conference therefore presents an opportune moment for the members of the Conference to reaffirm their commitment to IHL and to work towards its full application and implementation, especially at the national level.

The proposed resolution therefore sets a general direction for the members of the Conference to follow and provides them with guidance in the form of key practical measures to strengthen national implementation of IHL. The proposed resolution consciously does not focus on specific themes, to enable States and National Societies to tailor it to their context. Nevertheless, members of the Conference are strongly encouraged to submit thematic pledges, if possible with demonstrable outcomes, linked to the measures proposed in this resolution.

## 2) BACKGROUND

National measures to implement IHL have been a recurring topic on the agendas of the International Conferences since at least the 20th International Conference in 1965.<sup>1</sup> Members of the International Conference have regularly committed to strengthening their efforts to implement IHL, including by adopting both resolutions focusing on national implementation and specific plans of action.<sup>2</sup>

Reports on past action plans, while noting the progress made towards achieving the plans' respective objectives, have highlighted that much work remains to be done to ensure IHL is effectively implemented, and they have urged for continued collective commitment and action.

## 3) ANALYSIS

For the rules and principles of IHL to effectively protect people in armed conflict, they must be known, implemented and complied with, whenever and wherever they apply. The effective implementation of IHL requires that appropriate national legislation be adopted and that a culture of respect for the law be fostered.

States must take action domestically to incorporate IHL into laws, regulations and directives; ensure that all relevant levels of armed forces and other national stakeholders understand and respect the rules; and adopt concrete measures to ensure that the law is respected and any violations are appropriately handled.<sup>3</sup> In so doing, States are encouraged to consider reinforcing the impact of the work of, and promoting cooperation between, national committees and similar entities on IHL, exploring new ways of disseminating IHL to bolster knowledge and influence behaviour, and generally seizing all relevant opportunities to engage in dialogue on good practices in ensuring respect for IHL. Given the broad range of issues associated with this responsibility, coordination among different government agencies and sectors, the armed forces and civil society is essential.

The components of the Movement play an important complementary role in working towards respect for IHL, as per IHL treaties and the Statutes of the International Red Cross and Red Crescent Movement. National Red Cross and Red Crescent Societies are mandated to cooperate with their governments to ensure respect for IHL and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols. The International Committee of the Red Cross (ICRC) is mandated by IHL treaties and the Statutes

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<sup>1</sup> Resolution XXVI of the 20th International Conference, "Repression of violations of the Geneva Conventions"; Resolution V of the 25th International Conference, "National measures to implement international humanitarian law"; Resolution I of the 26th International Conference, "International humanitarian law: From law to action, report on the follow-up to the International Conference for the Protection of War Victims"; Resolution 1 of the 27th International Conference, "Adoption of the Declaration and the Plan of Action"; Resolution 1 of the 28th International Conference, "Adoption of the Declaration and Agenda for Humanitarian Action"; Resolution 3 of the 30th International Conference, "Reaffirmation and implementation of international humanitarian law: Preserving human life and dignity in armed conflict"; Resolution 2 of the 31st International Conference, "4-year action plan for the implementation of international humanitarian law".

<sup>2</sup> Resolution 1 of the 27th International Conference, "Adoption of the Declaration and the Plan of Action"; Resolution 1 of the 28th International Conference, "Adoption of the Declaration and Agenda for Humanitarian Action"; Resolution 3 of the 30th International Conference, "Reaffirmation and implementation of international humanitarian law: Preserving human life and dignity in armed conflict"; Resolution 2 of the 31st International Conference, "4-year action plan for the implementation of international humanitarian law".

<sup>3</sup> IHL treaties themselves contain a number of provisions designed to ensure their implementation by States: First Geneva Convention, Articles 47, 48, 49 and 54; Second Geneva Convention, Articles 45, 48, 49 and 50; Third Geneva Convention, Articles 127, 128 and 129; Fourth Geneva Convention, Articles 144, 145 and 146. These provisions are supplemented by Additional Protocol I, Articles 18, 83, 84 and 85; Additional Protocol II, Article 19; and Additional Protocol III, Articles 6 and 7.

of the Movement to work towards the faithful application of international humanitarian law; it acts as the guardian of IHL. The International Federation of Red Cross and Red Crescent Societies is mandated to help the ICRC promote and develop IHL and collaborate with it on disseminating the law and the Movement's Fundamental Principles among the National Societies.

The actions suggested in the resolution build on recommendations from relevant meetings as well as on evidence from reports and research carried out by the ICRC. The resolution also encourages Movement components to make use of some of these recent recommendations and tools.

Some recommendations from the [fourth Universal Meeting of National Committees and Similar Bodies on International Humanitarian Law](#),<sup>4</sup> held in 2016, have been incorporated into the resolution's suggested operational paragraphs. Participants recommended encouraging cooperation and partnership among national committees and similar entities on IHL and promoting networks through which they would be able to exchange expertise. Furthermore, the Universal Meeting found that establishing national committees and similar entities on IHL should be encouraged. The recent ICRC publication [National Committees and Similar Entities on International Humanitarian Law: Guidelines for Success – Towards Respecting and Implementing International Humanitarian Law](#)<sup>5</sup> aims to provide existing national committees and similar entities on IHL with guidance to ensure that their efforts are effective both domestically and abroad. The publication also encourages the establishment of more such entities as needed and provides assistance to national authorities for doing so.

Another important study feeding into the resolution is [The Roots of Restraint in War](#), which demonstrates empirically that IHL training, in particular its intensity and quality, has an impact on battlefield behaviour, especially when tailored to the audience. The research offers insight into how both formal and informal norms condition behaviour in armed forces and armed groups and indicates ways to identify sources of influence for promoting restraint.

In conflicts across the world we see violations of IHL, demonstrating that there are terrible failures to protect people every day. These violations can lead to a perception that the rules are never respected or that they are not relevant. But it would be wrong – and indeed dangerous – to believe that IHL is never respected and is therefore useless. Focusing only on violations of the law risks delegitimizing it over time and overlooks the many situations where the law is effectively respected – the hospitals and water systems left standing, the civilians spared, the detainees treated humanely.

This is why the ICRC believes that there is a need for a more balanced discourse, one which – while of course not downplaying violations – gives more visibility to examples of IHL being respected. In this regard, the resource [IHL in Action: Respect for the Law on the Battlefield](#), an online collection of case studies based on publicly available information that document compliance with IHL in modern warfare, aims to raise public awareness of instances of respect for IHL.

#### 4) RESOURCE IMPLICATIONS

Implementing this resolution would not involve any financial burden beyond what is already imposed on States in their existing IHL obligations and on components of the Movement in the exercise of their regular functions and mandates.

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<sup>4</sup> The meeting report is currently available in English and French. Additional translations forthcoming.

<sup>5</sup> Translations forthcoming.

## **5) IMPLEMENTATION AND MONITORING**

National implementation of IHL is an ongoing endeavour. The road map for better national implementation of international humanitarian law therefore does not set a specific time frame. Nevertheless, many of the concrete measures mentioned in the proposed resolution are readily achievable, and States are invited to share examples of and exchange good implementation practices adopted in accordance with this road map, with their IHL obligations or with International Conference resolutions, as well as other measures that go beyond IHL obligations. This may be done in a number of ways, including at the International Conference, by making use of existing tools and through national committees and similar entities on IHL, where applicable.

## **6) CONCLUSION AND RECOMMENDATIONS**




This year marks the 70th anniversary of one of the greatest achievements of IHL – the adoption of the 1949 Geneva Conventions. The draft zero resolution “Bringing IHL home: A road map for better national implementation of international humanitarian law” is a vivid reminder to States and the Movement that they should neither dismiss the ongoing endeavour to ensure respect for IHL as ineffective nor take their obligations lightly. Based on the belief that national implementation of IHL is both a long-term enterprise and one that requires constant adaptation to rapidly evolving environments, actors and technology in armed conflicts, the draft resolution identifies concrete actions that members of the International Conference can take, bearing in mind their respective obligations and mandates. These actions would make use of both well-established and more recent tools with a view to respecting and ensuring respect for IHL in all circumstances. The ICRC is convinced that undertaking these actions seriously and effectively will have a lasting impact on the protection of people affected by armed conflict.





## MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

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