

ICRC DATABASE ON NATIONAL IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW



The Database provides documentation concerning the implementation of international humanitarian law at the national level.

It is available online at the following address: www.icrc.org/ihl-nat

IMPLEMENTATION

National implementation, meaning the process of giving effect to international obligations at the domestic level, is essential to ensuring full compliance with international humanitarian law (IHL).

The International Committee of the Red Cross (ICRC) plays a key role in the national implementation and enforcement of IHL.

Working worldwide through a network of legal advisers, the ICRC Advisory Service on IHL supports governments' own resources by:

- encouraging and supporting adherence to IHL and related legal instruments;
- providing specialist advice and assistance to States on the adoption of legal and administrative measures to give effect to their IHL and other relevant international obligations; and
- collecting and facilitating the exchange between States of information on national IHL implementation laws and other measures adopted.

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BACKGROUND

The Intergovernmental Group of Experts for the Protection of War Victims, endorsed in 1995 by the 26th International Conference of the Red Cross and Red Crescent, recommended that measures be taken to promote the exchange of information on implementation measures.

To this end, the ICRC Advisory Service created the Database on National Implementation of IHL.

The Database is one of a series of ICRC databases on IHL, which include the Treaties and States Parties Database and the Customary IHL Database.

PURPOSE

The Database is designed to be a research resource for government officials, lawmakers, academics, and other interested parties. As previously mentioned, it is also intended to facilitate the exchange of information. It may furthermore provide a useful resource for identifying and analysing trends and tracking State practice in IHL national implementation.

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SCOPE

Initially, the Database was merely meant to be an up-to-date repository of national implementation measures required by the core IHL treaties. Over time, however, its scope and content gradually expanded to include measures relating to other international instruments considered relevant to the protection of people and objects affected by armed conflict. In addition, the Advisory Service found it necessary to include other national measures related to IHL.

CONTENT

The Database contains laws and case law that implement IHL and other relevant international instruments. The information is drawn from sources available to the ICRC Advisory Service.

The content of the Database illustrates possible approaches to incorporating IHL in national legal and administrative frameworks. It does not seek to be exhaustive, but it is a dynamic tool that is continuously updated in light of the information made available to the Advisory Service.

The Database is organized by State and by topic.

Topics covered by the database include: criminal repression of IHL violations; cultural property protection; regulations on the use of the red cross, red crescent and red crystal emblems and other protected signs; fundamental guarantees of protected persons; domestic legal order; national IHL committees; National Red Cross, Red Crescent and Red Crystal Societies; persons protected by IHL (including children, internally displaced persons, missing persons, prisoners of war, and other protected persons); protection of health care; and weapons regulations (including anti-personnel mines, chemical and biological weapons, cluster munitions, conventional weapons and other types of weapons). Finally, a generic category entitled “Other topics relating to IHL” completes the list.

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Information in the Database includes:

- texts of domestic legislation adopted by States. This may take a variety of forms, including: constitutional provisions; specific laws, statutes and acts (e.g. Geneva Conventions Acts); parts of more general laws (e.g. criminal codes); administrative regulations; and executive decrees;
- relevant case law from national courts.

Most of these documents are entered into the Database with a summary to help users wishing to consult them.

The Database is only available in English. Documents in the Database are either in English or in their original language or both. Wherever possible, official texts and translations are used.

By 2021, data had been incorporated for 196 States.

COLLECTING INFORMATION

To compile this Database the Advisory Service relies on contributions by national authorities, its network of regional legal advisers, experts with knowledge of both IHL and their national legal systems, and other existing sources, such as officially published laws and case law collections.

All information obtained from these contributors is collected and compiled at ICRC headquarters in Geneva.

Any comments on the Database are welcome and should be sent to:

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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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