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31st International Conference of the Red Cross Red Crescent
Geneva, 28 November–1 December – For humanity



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**31st INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland
28 November – 1 December 2011

**4-Year Action Plan
for the Implementation of
international humanitarian Law**

Draft resolution

**Document prepared by
The International Committee of the Red Cross**

Geneva, October 2011

DRAFT RESOLUTION

Adoption of the Plan of Action

31st International Conference of the International Red Cross and Red Crescent Movement, Geneva, 28 November-1 December 2011

The 31st International Conference of the Red Cross and Red Crescent ("the Conference"),

1. *adopts* the Action Plan in annex 1,
2. *urges* all members of the Conference to implement the actions set out in the Action Plan, in accordance with their respective powers, mandates and capacities, with a view to reaching the objectives defined in the Action Plan,
3. *reminds* States of the auxiliary roles of National Societies to the public authorities in the humanitarian field, in particular where they work in the framework of National International Humanitarian Law Committees or similar bodies, and *encourages* States to cooperate with them, as appropriate, in implementing the actions set out in the Action Plan,
4. *takes note* of existing initiatives by other humanitarian actors and organizations in certain areas covered by this Action Plan and *stresses* the need to ensure synergies between such initiatives and this Action Plan,
5. *invites* all members of the Conference to submit pledges, either individually or jointly, in relation to the recommendations contained in the Action Plan,
6. *invites* international and regional organizations to implement the actions contained in the Action Plan which relate to their activities,
7. *requests* all members of the Conference to make every possible effort to ensure that all actors concerned implement, as appropriate, the Plan of Action,
8. *requests* all members of the Conference to inform the ICRC on progress made on implementation of the Action Plan, with a view to the presentation of a report on implementation to the 32nd International Conference in 2015,
9. *requests* the members of the Conference to report to the 32nd International Conference in 2015 on the follow-up to their pledges.

Annex 1: Action Plan for Implementing International Humanitarian Law

Objective 1: Enhanced access by civilian populations to humanitarian assistance in armed conflicts

States reaffirm the right of civilian populations in need to benefit from impartial humanitarian relief in accordance with international humanitarian law. States make every possible effort to provide the civilian population with all goods and services essential for its survival.

States will also allow and facilitate safe, rapid and unimpeded passage of impartial humanitarian relief for civilian populations in need and will respect and protect humanitarian personnel and objects, in accordance with international humanitarian law.

Components of the Movement must be able to deliver humanitarian assistance at all times in conformity with the Fundamental Principles of Humanity, Impartiality, Neutrality and Independence. States shall respect the adherence by all components of the Movement to these Fundamental Principles.

a) Remove administrative barriers to the rapid delivery of humanitarian assistance for victims of armed conflicts

States consider, including through enacting domestic legislation or concluding agreements with components of the Movement:

- facilitating the rapid issuance of valid documents allowing the mission of members of components of the Movement across the international borders of the State and within the State concerned;
- expediting procedures for monitoring the entry and distribution of humanitarian goods of components of the Movement;
- exempting personnel and goods of components of the Movement from taxes, duties and fees, where necessary.

States make available the necessary telecommunication facilities to components of the Movement, taking into account the need of the Movement for two-way wireless telecommunication means when normal communication facilities are interrupted or not available, in accordance with Resolution 10 of the 2000 World Radiocommunication Conference. They assign to the components of the Movement the minimum number of necessary working frequencies in accordance with the Radio Regulations and take all practicable steps to protect such communications from harmful interference. States which have not already done so consider acceding to the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations.

b) Establishing and maintaining an environment conducive to dialogue

The ICRC and the host National Society concerned will establish and maintain a constructive dialogue with all parties to armed conflicts, including non-state armed groups, in order to obtain access to victims and the necessary security guarantees for its staff. States respect the need for such dialogue and reaffirm the unique position and contribution of the ICRC and National Societies in this regard.

Components of the Movement will continue to ensure that in the planning, delivery and monitoring of humanitarian assistance the specific needs of victims of conflicts as well as local capacities are taken into account.

States and components of the Movement continue their dialogue to ensure a better complementarity between different humanitarian actors, taking into account their respective roles and mandates.

c) Implementation and enforcement

States ensure that instruction is provided to members of their armed forces to respect the physical integrity and unimpeded passage of humanitarian personnel in accordance with international humanitarian law.

States adopt adequate measures at a domestic level, including national legislation, to prevent and sanction arbitrary obstruction of humanitarian assistance and attacks on humanitarian personnel and objects.

States ensure that perpetrators of attacks against humanitarian personnel, including personnel using the distinctive emblems in accordance with the Geneva Conventions and their Additional Protocols, are held accountable, by encouraging disciplinary measures and national criminal prosecutions or referral to competent international justice mechanisms.

Objective 2: To enhance the specific protection afforded to certain categories of persons, in particular children, women and persons with disabilities

Specific protection is due to certain categories of persons in recognition of factors such as age, gender or disabilities, which make such persons more vulnerable in times of armed conflicts. To safeguard adequate protection for victims of armed conflicts, without discrimination, such factors must be taken into account.

Objective 2.1: To enhance the protection of children in armed conflict

States, National Societies and the ICRC will raise awareness of the protection of children in armed conflict by international law, in particular international humanitarian law.

a) Prevention of recruitment of children in armed forces or armed groups

States take effective measures to register children immediately after birth and endeavour to establish supplementary identification and registration systems for all children, including for particularly vulnerable children like internally displaced children and refugee children to protect them from unlawful recruitment.

States consider establishing domestic inspection regimes independent from the armed forces, such as ombudspersons or annual external inspections commissioned by civilian governmental authorities, to monitor the compliance of armed forces with the prohibition of child recruitment.

States, in cooperation with National Societies and the ICRC, design and set up educational and vocational training programmes, where possible, in combination with employment opportunities, to offer boys and girls viable alternatives to recruitment.

b) *Ratification, national implementation and enforcement of international law relevant to the prevention and repression of participation in hostilities by children and the recruitment of children into armed forces or armed groups*

States which have not already done so consider ratifying or acceding to the 2000 Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.

States which have not already done so also consider adhering to the 2007 Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups.

States which have not already done so consider enacting national legislation to regulate the minimum age of recruitment into armed forces and armed groups and to prevent the involvement of children in armed conflict in accordance with the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.

States ensure that those who unlawfully recruit children are held accountable for their acts by national courts or by referring them to competent international justice mechanisms.

c) *Protection of education in armed conflict*

States reaffirm that attacks against civilians, including children and teachers, as well as civilian buildings dedicated to education, are prohibited. In case of doubt whether civilians or civilian objects lose protection from attack, States treat them as civilians and civilian objects.

States take all feasible precautions to protect children and teachers, as well as civilian buildings dedicated to education from the effects of attacks in accordance with international humanitarian law.

States take all feasible measures to avoid that civilian buildings dedicated to education are used for purposes that could turn them into military objectives.

d) *Rehabilitation of children affected by armed conflicts*

States ensure that specific provisions for the release of children associated with armed forces and armed groups, for disarmament, demobilization and reintegration of such children, for the care of IDP children, and for medical care, psycho-social support and economic inclusion of all children affected by armed conflicts, are included in peace agreements. The different needs of boys and girls are given particular attention in such agreements.

Donor States endeavour to ensure long-term funding for reintegration of children formerly associated with armed forces or armed groups.

e) *Juvenile justice*

States consider children who have been unlawfully recruited by armed forces or armed groups and are accused of committing domestic or international crimes associated with a conflict primarily as victims, not only as alleged perpetrators.

States consider granting children formerly associated with armed forces or armed groups amnesty from prosecutions brought solely on account of their membership in armed forces or armed groups.

Whenever appropriate and desirable, States resort to measures other than judicial proceedings for dealing with alleged child offenders.

States foster gender-sensitive rehabilitation and reintegration of children formerly associated with armed forces or armed groups when sentencing them and consider alternatives to imprisonment, such as care, guidance and supervision orders, probation, foster care or education and vocational training programmes.

Objective 2.2: To enhance the protection of women in armed conflict

a) Ratification, implementation and enforcement of relevant international law

States take appropriate legislative, judicial and administrative measures to implement their obligations regarding the protection of women and girls under international humanitarian law.

States take all feasible measures to reduce the impact of armed conflict on women and girls, and to ensure their specific protection and assistance needs are met.

States commit themselves to putting an end to impunity and to prosecute serious violations of international humanitarian law involving sexual and other forms of violence against women and girls, and for this purpose, enhance their capacity to prevent, monitor and document acts of sexual violence and other serious violations of international humanitarian law.

b) Prevention of sexual and other gender-based violence against women

States ensure that all feasible measures are employed to prevent all serious violations of international humanitarian law involving sexual and other forms of gender-based violence against women. Such measures include:

- Pre-deployment and in-theatre training of armed forces on their responsibilities, as well as the rights and particular needs of women and girls;
- Military disciplinary measures and principles of responsible command such as reporting requirements on incidents of sexual violence to avoid impunity;
- Ensuring that female detainees and internees are guarded by women and are separated from male detainees and internees, except where families are accommodated as family units;
- Ensuring, whenever possible, that female personnel are present during the interrogation of female detainees.

c) Displaced women

Recognizing the great number of women among displaced persons, including in their role as heads of households, States take appropriate measures to ensure their physical and mental integrity, as well as to respect their dignity. Particular attention should be paid to ensuring their meaningful participation in decision-making, to protective measures for internally displaced persons against gender-based violence, such as location and protection of shelter, identified support and reporting systems, as well as access to female and child health care services and those who provide it.

Objective 2.3.: To enhance the protection of persons with disabilities during armed conflicts

States recognise that under international humanitarian law, persons with disabilities may fall under the wounded and sick or civilians enjoying particular respect and protection such as the infirm.

States take all possible measures to ensure access by persons with disabilities to the specific medical care and attention, physical rehabilitation, as well as socio-economic inclusion required by their condition, especially in remote rural areas.

States, in cooperation with components of the Movement, facilitate steps taken to search for, collect and evacuate persons with disabilities to ensure the appropriate medical care and attention, physical rehabilitation, as well as socio-economic inclusion, required by their condition, in accordance with international humanitarian law.

States and components of the Movement take the specific needs of persons with disabilities into account in the planning, delivery and monitoring of their humanitarian assistance efforts, including with regard to access to shelter, water, sanitation, food distribution, education, medical care, physical rehabilitation, transportation, communication, and socio-economic inclusion programmes. They consult at all relevant stages of planning and implementation of their humanitarian assistance activities with the persons themselves, their families or local organizations of persons with disabilities.

Donor States consider the specific needs of persons with disabilities with regard to accessibility of humanitarian assistance in their funding guidelines.

Objective 3: Enhanced protection of journalists and the role of the media with regard to international humanitarian law

States and components of the Movement recognise that the work of journalists, other media professionals and associated personnel (hereinafter: journalists) may make an important contribution to the public knowledge about and the recording of information on violations of international humanitarian law. Thereby, journalists may assist in preventing violations of international humanitarian law as well as facilitating the fight against impunity for such violations. States and components of the Movement also recognise that journalists may affect the respect for international humanitarian law in other ways, such as the obligation to protect detainees against public curiosity.

States reaffirm that journalists engaged in dangerous professional missions in areas of armed conflict are civilians and shall not be the object of attacks, unless and for such time as they are directly participating in hostilities. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in Article 4.A.4 of the Third Geneva Convention.

States also reaffirm that media equipment and installations shall be considered as civilian objects and in this respect shall not be the object of attack, unless they make an effective contribution to military action by their nature, location, purpose or use, such as by the transmission of military intelligence or military orders, and their total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

States integrate in the international humanitarian law training of members of their armed forces specific components on the protection of journalists in armed conflicts.

States and components of the Movement continue their efforts to disseminate relevant international humanitarian law on rights and responsibilities of journalists, as well as to provide security training to journalists to prepare them for eventualities arising in armed conflicts.

States take adequate measures in their domestic legal orders, including criminal legislation, to prevent and sanction serious violations of international humanitarian law against civilians, including against journalists, and ensure that such violations do not go unpunished.

Objective 4: To improve the incorporation and repression of serious violations of international humanitarian law

a) National incorporation

States, where applicable with the assistance of National International Humanitarian Law Commissions or similar bodies, identify the extent of all their international obligations related to repression of serious violations of international humanitarian law and ensure their incorporation into the domestic legal order in a comprehensive manner.

States recognise the right of families to know the fate of their relatives. States consider enacting appropriate legislation to ensure adequate participation and representation of victims and their families and protection of victims and witnesses, especially of women and children, in proceedings before their courts and in other transitional justice mechanisms concerning serious violations of international humanitarian law.

States consider providing an appropriate remedy to victims of violations of international humanitarian law in their national legislation and appropriate resources for the implementation of these mechanisms.

States recognise the importance of complementary approaches to criminal sanctions and put in place mechanisms for the effective application of disciplinary, financial or other sanctions on violations of international humanitarian law.

b) Roles of Movement and States

National Societies, within their mandate and in their role as auxiliaries to the public authorities in the humanitarian field, assist States in the incorporation of serious international humanitarian law violations into the domestic legal orders, in particular where they work in the framework of National International Humanitarian Law Commissions or similar bodies. The ICRC continues to provide technical assistance for the incorporation of such crimes.

States, in cooperation with the ICRC and National Societies, pay special attention to dissemination of international humanitarian law to legal professionals, including prosecutors and judges.

The ICRC will continue its efforts to make the content of international humanitarian law accessible to non-state armed groups and to provide appropriate training to them so that the consequences of non-compliance are adequately internalized by their members.

States cooperate with one another and with international criminal tribunals, in accordance with international law, to ensure:

- adequate knowledge of international humanitarian law by legal professionals, including prosecutors and judges;
- gathering and sharing of evidence;
- provision of information to victims and their communities on their rights and the protection of victims and witnesses;
- respect for rights of fair trial of the accused;
- provision of an appropriate remedy to victims;
- enforcement of sentences.

Objective 5: To strengthen controls on arms transfers

The ICRC and National Societies promote public awareness of the human cost of poorly regulated transfers of conventional arms and ammunition.

The ICRC and National Societies encourage States to adopt a strong and comprehensive Arms Trade Treaty that includes effective criteria so that arms do not end up in the hands of those who may be expected to use them to violate international humanitarian law.

States participate actively in the July 2012 United Nations Conference on the Arms Trade Treaty to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms.

In light of their obligation to respect and ensure respect for international humanitarian law, States strengthen controls on the transfer of weapons so that they do not end up in the hands of those who may be expected to use them to violate international humanitarian law, and, in this context recall Resolution 3 of the 30th International Conference of the Red Cross and the Red Crescent of 2007 and Final Goal 2.3. of the Agenda for Humanitarian Action, adopted by the 28th International Conference of the Red Cross and the Red Crescent of 2003

Reaffirming Final Goal 2.3. of the Agenda for Humanitarian Action, adopted by the 28th International Conference of the Red Cross and the Red Crescent of 2003, States continue to make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed. States make efforts to incorporate such criteria into national laws or policies and into regional and global norms on arms transfers.