

2019 REPORT

IMPLEMENTATION OF IHL IN WEST AFRICA

**PARTICIPATION OF WEST AFRICAN COUNTRIES
IN INTERNATIONAL HUMANITARIAN LAW (IHL)
TREATIES AND THEIR IMPLEMENTATION AT THE
NATIONAL LEVEL**



ICRC

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REPORT OF ECOWAS AND ICRC ON THE 16TH ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA

24 - 26 SEPTEMBER 2019, ECOWAS COMMISSION, ABUJA, NIGERIA

CONTEXT OF ECOWAS AND ICRC COLLABORATION

This report was jointly prepared by the International Committee of the Red Cross (ICRC) and the Economic Community of West African States (ECOWAS) Commission. The ICRC and the ECOWAS Commission have worked closely together on the implementation of international humanitarian law (IHL) for almost two decades and have made significant progress during this period. The Memorandum of Understanding (MoU) between the ICRC and the ECOWAS Commission was signed in February 2001 and established three main areas of operation: the organisation of conferences and other meetings; the conduct of joint activities to achieve common objectives; and the development of technical cooperation, including technical studies on topics of common interest.¹

At the heart of this partnership is the ECOWAS–ICRC Annual Review Meeting on the Implementation of IHL in West Africa, which was held for the sixteenth time in September 2019. The objective of these Annual Meetings is to promote key IHL treaties and provide technical support for their implementation within ECOWAS Member States. They also serve as a platform for participants and experts from ECOWAS Member States to network and exchange views and experiences on IHL issues and contemporary humanitarian challenges in the region.

Over the years, citizens of ECOWAS Member States have suffered the humanitarian consequences of increased armed conflicts and other situations of violence in the region, leading their governments to realise the need to ensure better protection of victims. As a result, IHL treaties, like customary IHL, impose obligations on parties to armed conflict (whether state or non-state actors) to reduce the effects of armed conflict on those not or no longer taking part in hostilities and to restrict the means and methods of warfare they use.

Ratification of IHL treaties is only the first step, however, and must be followed by additional measures to ensure the effective implementation and full compliance with treaty obligations. Member States must

¹ Another memorandum of understanding was signed between the ECOWAS Parliament and the ICRC in 2010, which invites the ICRC to participate in parliamentary sessions as an observer. The ICRC has been in this observer role since 2011 and has sought to develop this relationship with the Parliament by making a presentation on IHL at the December 2018 plenary.

therefore take concrete measures to ensure the integration of these treaties into their national systems and ensure their implementation. In particular, they must adopt national legislation that is consistent with the international obligations to which they have consented through the ratification of these treaties.

In addition to its collaboration with the ECOWAS Commission, the ICRC also works closely with ECOWAS Member States at the national level to provide technical support for the transposition, integration and dissemination of IHL. This work is complemented by the ICRC's operational activities, particularly in the area of assistance and protection.

The 16th Annual ECOWAS-ICRC Review Meeting on the Implementation of IHL in West Africa was held from 24 to 26 September 2019 at the ECOWAS Commission. It was attended by representatives from 12 of the 15 ECOWAS Member States², the ICRC and the ECOWAS Commission. The meeting allowed participants to report on the successes and challenges in achieving their IHL implementation priorities for 2019 and to define IHL priorities for 2020. Unlike the previous meeting which was mainly focused on the review and adoption of the five-year action plan (2019–2023) for the implementation of IHL in the ECOWAS space, this 16th edition focused on sharing experiences and good practices around the issues of detention and sexual violence, as well as on the upcoming 33rd International Conference of the Red Cross and Red Crescent (hereafter 33rd International Conference), from 9 to 12 December 2019. The meeting allowed the validation of a commitment by ECOWAS Member States on “Implementation, Domestication and Dissemination of IHL in West Africa³.” It concluded with the reading and adoption of the meeting report.

MEETING OBJECTIVES

The fundamental objective of the Annual IHL Review Meetings is to contribute to ensuring compliance with IHL treaties and then to promote their integration into national arrangements followed by the adoption of concrete measures by Member States.

Specifically, this 16th Meeting had the following objectives:

1. to take stock of the progress made by ECOWAS Member States in the implementation of IHL treaties over the past year, based on the national IHL priorities defined for 2019 in line with the ECOWAS IHL Action Plan (2019–2023);
2. promote peer-to-peer exchanges on good practices in IHL implementation and assistance both bilaterally between Member States, and between Member States and ECOWAS, ICRC, and possibly other organisations;
3. deepen participants' knowledge and facilitate exchanges of experiences on the two themes identified for the 16th Meeting, namely detention and sexual violence;
4. promote the active participation of ECOWAS Member States in the 33rd International Conference and adopt a common commitment in relation to *Resolution 1 “Bringing IHL home: A road map for better national implementation of international humanitarian law”* subsequently adopted at the said conference.

At the end of this meeting, the objectives were achieved. The presentations by Member States and discussions among peers allowed for a deepening of knowledge and highlighting of good practices, advances, challenges and specific recommendations related to the implementation of IHL in general and to issues related to detention and sexual violence in particular. The meeting also allowed for the validation, by ECOWAS Member States, of a commitment to the 33rd International Conference.

2 The representatives of Benin, Cabo Verde and Ghana were unable to attend due to a combination of conflicting agendas and logistical problems.

3 The 33rd International Conference of the Red Cross and Red Crescent, Implementation, Domestication and Dissemination of IHL in West Africa, undertaken by the ECOWAS Commission, SP20190001, available online: <https://rcrcconference.org/fr/pledge/mise-en-oeuvre-transposition-dans-les-lois-nationales-et-diffusion-du-droit-international-humanitaire-dih-en-afrique-de-louest/>

MEETING FORMAT

In addition to the usual exchanges on the challenges and priorities related to the implementation of IHL, the innovations of this 16th Annual Meeting resided in the exchanges on the 33rd International Conference and the validation of the commitment of ECOWAS Member States in this framework.

Member States thus had the opportunity, during the first day, to present their respective achievements and challenges in the implementation of national IHL priorities during 2019, as well as to present their priorities for the year 2020.

Each thematic session was then chaired by an expert from Member States, who opened the discussion by providing an overview of their country's experience with that theme. Other Member States then had the opportunity to ask questions and share their experiences. A technical expert from ECOWAS or the ICRC was also available to provide additional information on the theme and relevant tools to support implementation. Exchanges focused on the following themes:

1. Sexual violence and the protection of vulnerable persons
2. Sexual violence in detention
3. Conditions of detention
4. Detention in Non-International Armed Conflicts (NIAC)

Thereafter, the sessions on the introduction and groundwork for the 33rd International Conference of the Red Cross and Red Crescent were moderated and facilitated by the ICRC and ECOWAS:

1. Introduction to the 33rd International Conference and overview of the draft Resolutions
2. Review and validation of the draft commitment of ECOWAS Member States to the 33rd International Conference and discussion on joint and individual commitments.

OPENING SESSION

The opening ceremony was chaired by the representative of Niger and moderated by the Director of Humanitarian and Social Affairs of the ECOWAS Commission, Dr. Sintiki Ugbe.

In her welcoming address, the representative of the Commissioner for Social Affairs and Gender of the ECOWAS Commission thanked all the experts from Member States for accepting the invitation to the Meeting. She introduced the Meeting as the cornerstone of the partnership between the ECOWAS Commission and the ICRC on the promotion and national implementation of IHL, endorsed by the February 2001 Memorandum of Understanding. She described IHL as the rule of law in armed conflict and drew participants' attention to the catastrophic humanitarian impact of armed conflict in West Africa, acknowledging that appropriate legislations and their dissemination are needed to ensure respect for IHL and promote a culture of peace.

The Commissioner's representative then recalled the importance of making the ECOWAS Action Plan on the implementation of IHL in West Africa (2019–2023) effective at the level of each Member State. She emphasised the need for continued collaboration between Member States and then with the ECOWAS Commission and the ICRC within and outside of this Annual Meeting to implement each of the thematic sections of the Plan of Action. She also indicated the need to measure and report to ECOWAS on the level of implementation based on the indicators included in the Plan of Action.

The Commissioner's representative finally stressed that during this meeting, the ECOWAS Commission will consider for the first time ever submitting a commitment to the 33rd International Conference of the Red Cross and Red Crescent. The draft commitment submitted to the Member States in preparation for this meeting will be studied and submitted to them for validation on the last day.

The ICRC accredited representative to ECOWAS, Head of the ICRC Delegation in Nigeria, Mr. Eloi Fillion, began his address by thanking the representatives of the Member States for their participation and the ECOWAS Commission for their collaboration. He indicated that the strong capacity of the ECOWAS Commission to convene such a large number of experts from the sub-region to deal with the implementation of IHL is no longer in question. He then explained that the ECOWAS Plan of Action on the implementation of IHL in West Africa (2019–2023) is intended to be a guide for Member States to facilitate the implementation of IHL and the report on the progress of implementation by Member States to the ECOWAS Commission. To support these efforts, the ICRC representative recalled the importance of promoting the Plan of Action, which has been effective since 2018, to senior management at both the ECOWAS Commission and Member State levels.

The ICRC representative then mentioned that a new approach was adopted by ECOWAS and the ICRC for the 16th edition of the Annual IHL Meeting, which is to focus on two themes: sexual violence and detention. He stressed that a regional approach to overcome the challenges related to these two issues in the sub-region is necessary to ensure that these issues do not arise in the future. While some Member States are currently facing these issues, others may not be facing them or may have faced them in the past. This meeting will be an opportunity for Member States to share their experiences in this regard.

Finally, Mr. Fillion impressed on participants the importance of preparing for the 33rd International Conference of the Red Cross and Red Crescent, before and during this Annual Meeting. This international conference brings together the largest humanitarian network in the world, including the ICRC, the International Federation of Red Cross and Red Crescent Societies, as well as States and National Societies. Several international and regional organisations are also participating as observers. ECOWAS will also be represented as an observer for the first time at this 33rd edition. The ICRC representative also referred to the draft commitment of ECOWAS Member States to the International Conference which will be considered by them during this meeting. He indicated that this was an important opportunity, especially since, if validated and submitted, it would be the first regional commitment submitted by African States to the International Conference.

The Nigerian Permanent Representative to ECOWAS then made his opening remarks, commending the convening of this 16th edition of the Annual Meeting, which enables both ECOWAS and the Member States to measure the implementation of IHL in the sub-region and to coordinate efforts in this regard. The representative stressed that the ratification of IHL treaties is necessary, but not sufficient. National implementation and domestication are essential for the practical application of IHL on the ground.

Following the validation of the ECOWAS Plan of Action on the implementation of IHL in West Africa (2019–2023) at the 15th Annual Meeting, the active involvement of Member States is required to ensure meaningful results towards effective implementation. He welcomed the validation of the Plan of Action, which effectively provides technical guidance to Member States on each of the issues it covers.

He then indicated that Nigeria has experienced several violent clashes that have severely impacted not only the national economy, but especially the civilian population. The collective and coordinated efforts of all ministries and partners are indeed necessary to ensure compliance with IHL. He indicated that Nigeria remains particularly committed to taking the necessary steps to implement the ECOWAS IHL Plan of Action and will continue to consult and collaborate with the ECOWAS Commission and ICRC delegations in West Africa to this end.

He concluded his opening remarks by inviting Member States to seize the opportunity of this Annual Meeting to network and share ideas and experiences among peers to help make the world a safer and better place for all.

REPORTS BY STATE REPRESENTATIVES ON IHL IMPLEMENTATION

Following the opening session, each Member State was invited to conduct its annual review of its IHL implementation measures by presenting any successes recorded in the implementation of IHL between 2018 and 2019 and to identify its IHL priorities set for the year 2020. With regards to setting national IHL priorities for 2020, Member States were reminded to strive to align their priorities with the ECOWAS Plan of Action on IHL (2019–2023).

The purpose of this annual review exercise is not only to take stock of national progress, but also to encourage comparison of IHL achievements, obstacles, and priorities among Member States and vis-à-vis the ECOWAS Commission. Comparative tables 1 and 2 below compare Member States' recent achievements and outstanding priorities for 2019 and national IHL priorities for 2020.

These comparative tables contain information provided by Member States. All other comparative tables on Member States' legislation are compiled from Member States' reports and, information made available to the ICRC by them. The tables are not an exhaustive list and legislation may have been adopted that was not included in the Member States' reports. Member States are requested to communicate any updates to the tables to the ECOWAS Commission and the ICRC.

COMPARATIVE TABLE 1: IMPLEMENTATION OF THE 2019 NATIONAL IHL PRIORITIES IDENTIFIED AT THE 15TH ANNUAL IHL IMPLEMENTATION REVIEW MEETING

ACHIEVEMENTS 2019

	BENIN	BURKINA FASO	CABO VERDE	CÔTE D'IVOIRE	GHANA	GAMBIA	GUINEA	GUINEA-BISSAU
Achievements 2019	No representation in 2019	<p>1. Training in IHL for civil society, judicial actors and armed and security forces.</p> <p>2. Updating of the training manual on the protection of children in armed conflict as a reference document in the State.</p> <p>3. Partnership with the African Center for International Criminal and Humanitarian Law (CADIPH) for the dissemination of IHL to the public.</p> <p>4. Inventory of national measures necessary for national implementation of the Geneva Conventions and adoption of an IHL action plan in line with the ECOWAS plan.</p>	No representation in 2019	Restructuring/reactivation of the national IHL commission	No representation in 2019	<p>1. Reactivation of the national IHL commission.</p> <p>2. IHL training for military and police personnel, as well as members of the bar.</p>	<p>1. briefing of the MINUSMA contingent on sexual violence, gender and the protection of vulnerable persons in armed conflict</p> <p>Deposit of instruments of ratification of the Convention on Conventional Weapons and the Convention on Bacteriological Weapons</p>	No achievements

Achievements 2019	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
	<p>1. Validation of a bill on the implementation of the Geneva Conventions and the Additional Protocols.</p> <p>2. Validation of the bill for the integration of the Kampala Convention</p>	<p>1. Capacity building in IHL for the armed and security forces.</p> <p>2. Revision of the penal code to include the repression of offenses committed in NIAC, the recruitment of child soldiers, and the responsibility of the hierarchical superior.</p> <p>3. Expand the jurisdiction of the specialized judiciary pool to include international crimes.</p> <p>4. Adoption of a bill for the implementation of the Kampala Convention on internally displaced persons</p> <p>5. Operationalizing the ATT</p>	<p>1. Training, awareness-raising and workshops on IHL organized for the armed and security forces</p> <p>2. Adoption of legislation on IDPs making Niger the first state to implement the Kampala Convention.</p> <p>3. Creation of a national commission on IHL (NHRC).</p> <p>4. Revision of the military statute prohibiting the recruitment of children under the age of 18 into the military.</p>	No achievements	<p>1. Establishment of an Advisory Council on Human Rights and IHL under the Ministry of Justice</p> <p>2. Training in IHL for the armed and security forces and integration of an IHL module in the training of magistrates at the National Judicial Training Center.</p>	<p>1. IHL training and awareness-raising for the armed and security forces.</p> <p>2. Amendment of the legislation on sexual offenses, which increases the penalties in this area.</p>	No achievements

REMAINING PRIORITIES FOR 2019

Remaining priorities for 2019	BENIN	BURKINA FASO	CÔTE D'IVOIRE	GAMBIA	GHANA	GUINEA	GUINEA-BISSAU
	<div>1. Reactivate the national IHL commission and train its members</div> <div>2. Establish a three-year national plan of action for the implementation of IHL</div> <div>3. Organize a workshop on IHL dissemination and implementation for government officials and academics to evaluate the national plan of action for IHL implementation.</div> <div>4. Publish a compilation of all IHL-related treaties and conventions.</div>	<div>1. Identification of cultural property at the national level (deferred from 2018 and a plan of action on this matter is currently being prepared)</div>	<div>1. Implementation of the ATT (deferred from 2018)</div>	<div>1 Signature, ratification and implementation of the ATT</div>	<div>1. Continue to advocate for better functioning of the National IHL Committee (the new government has not fully defined its IHL priorities)</div>	<div>1. Ratification of the Convention on Conventional Weapons and the Convention on Bacteriological Weapons</div> <div>2 Ratification of the Kampala Convention on Internally Displaced Persons in Africa</div> <div>3. Creation/reactivation of a National IHL Commission</div> <div>4. Continued capacity building of the defense and security forces in respect of IHL</div> <div>5. Follow-up on the process of revising the Children's Code in order to adapt it to the requirements of protecting the rights of the child.</div>	<div>1. Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Rights of the Child; the Kampala Convention; the ECOWAS Convention on SALW.</div> <div>2. Review of the penal code.</div> <div>3. Study on the status of IHL implementation in the country</div> <div>4. Finalization of the bill on the protection of the emblem to be submitted to the National Assembly</div>

	LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Remaining priorities for 2019	<ol style="list-style-type: none"> 1. Implementation of the Kampala Convention 3. Ratification of the Convention on Cluster Munitions 4. Integration of IHL into the training of the National Police and Immigration Service using the army's integration model 5. Promotion of structured collaboration and cooperation among the Mano River Union Member States (Côte d'Ivoire, Guinea, Sierra Leone, and Liberia) for the implementation and integration of IHL in the region. 6. Resumption of the ATT implementation process, including the development of a national arms transfer bill 	<ol style="list-style-type: none"> 1. Continuation and intensification of IHL training for military defense and security forces (deferred from 2018) 2. Continuation of the revision of the Penal Code and the Code of Criminal Procedure. 3. Continuing the operationalization of the working group on IHL to ensure its effectiveness. 4. Signature/ratification of the Nuclear Weapons Treaty. 	All 2019 achieved priorities	<ol style="list-style-type: none"> 1. Ratification of the Convention on Cluster Munitions 2. Training of members of the National IHL Commissions 3. Strategic visit of the National IHL Commission to the National Assembly 4. Adoption of legislation on the implementation of the Geneva Conventions and Additional Protocols. 	<ol style="list-style-type: none"> 1. Adoption of a national plan of action on IHL 	<ol style="list-style-type: none"> 1. Development and coordination of a plan of action for the protection and assistance of IDPs 2. Resumption of awareness-raising sessions on IHL for the Sierra Leonean armed forces 3. Revitalize the National IHL Commission 	<ol style="list-style-type: none"> 1. Reactivate the national IHL commission (deferred from 2018) 2. Complete the adoption of the Code of Criminal Procedure in accordance with the new Penal Code (Act No. 2015-10 of 24 November 2015) (deferred from 2018) 3. Accession to other IHL treaties

COMPARATIVE TABLE 2: NATIONAL IHL PRIORITIES ESTABLISHED FOR 2020

	BENIN	BURKINA FASO	CABO VERDE	CÔTE D'IVOIRE	GAMBIA	GHANA	GUINEA	GUINEA-BISSAU
National IHL Priorities for 2020	<ol style="list-style-type: none"> 1. Reactivate the national IHL committee, and train its members 2. Set out a three year national plan of action for IHL implementation 3. Organize a workshop on the dissemination and implementation of IHL, for government officials and academics, to evaluate the national IHL implementation plan of action. 4. Publish a compilation of all IHL related treaties and conventions. 	<ol style="list-style-type: none"> 1. Implementation of the ECOWAS IHL Plan of Action 2019-2023 2. Capacity building in IHL for national security and defense forces, particularly on the protection of children in armed conflict and sexual violence 3. Dissemination of IHL to the civilian population 4. Implementation of the Plan of Action for the identification of cultural property 	<ol style="list-style-type: none"> 1. Advocacy to assure effective national implementation of IHL 2. Ratification of the Convention for the Protection of Cultural Property and its protocols, 1954 and 199 3. Setting up of an IHL Committee as part a consultative body on national IHL implementation 4. Training of the members of the IHL Committee 5. Delivering courses on IHL to the armed forces, as set forth in the Plan of Action 	<ol style="list-style-type: none"> 1. Adoption of legislation on the protection of the emblem 2. Ratification of Additional Protocol III to the Geneva Conventions 3. Development by the IHL Commission of a national Plan of Action for the implementation of IHL. 	<ol style="list-style-type: none"> 1. Implementation of the Arms Trade Treaty (ATT) 	<ol style="list-style-type: none"> 1. Continue enabling the operation of the National IHL Committee (The new government has not fully set out its IHL priorities) 	<ol style="list-style-type: none"> 1. Establishment of a National IHL Commission 2. IHL awareness sessions for the armed forces 3. Strengthen prison medical care. 4. Ratification of the Kampala Convention 	<ol style="list-style-type: none"> 1. Ratification of the Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. 2. Adoption of a legislation to implement the Rome Statute, to be incorporated into the new penal code. 3. Conduct a study on the status of implementation of IHL in Guinea-Bissau 4. Adoption of legislation on the emblem by the National Assembly 5. Establishment of an internal coordination mechanism between actors working in the field of IHL

LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
<p>1. Amendment of the Penal Code to include the repression of violations of the Geneva Conventions</p> <p>2. Dissemination of IHL within the armed and security forces</p> <p>3. Implementation of the Kampala Convention.</p> <p>4. Implementation of the ATT</p>	<p>1. Continuation and intensification of training of armed and security forces, as well as judicial actors, to update them on IHL (carried over from 2018)</p> <p>2. Continuing the operationalization of the working group on IHL housed within the Human Rights Commission</p> <p>3. Further work on the review of the Codes (Penal Code and Code of Criminal Procedure)</p> <p>4. Ratification of IHL instruments not yet ratified</p> <p>5. Adoption of the legislation implementing the Kampala Convention</p>	<p>1. Adoption of legislation on weapons (postponed from 2018)</p> <p>2. Adoption of an implementing decree for the IDP legislation</p> <p>3. Promotion of IHL rules in the armed forces through the appointment of legal advisors</p> <p>4. Capacity building of the newly created IHL Commission for the implementation of the ECOWAS PoA</p> <p>5. Development of a strategy and Plan of Action for the implementation of IHL</p>	<p>1. Ratification of the Convention on Cluster Munitions</p> <p>2. Training of members of the National IHL Commission</p> <p>3. Strategic visit of the National IHL Commission to the National Assembly</p> <p>4. Adoption of the bill (2005) on the implementation of the Additional Protocols to the Geneva Conventions</p>	<p>1. Creation of a National IHL Commission</p>	<p>1. Restructuring of the national IHL committee</p> <p>2. Development of a national plan of action in line with the ECOWAS Plan of Action</p> <p>3. Disseminate IHL</p> <p>4. Implementation of already ratified IHL treaties.</p>	<p>1. Reactivation of the national IHL commission (deferred from 2018)</p> <p>2. Completion of the adoption of the Code of Criminal Procedure in accordance with the new Penal Code (Law No. 2015-10 of 24 November 2015) (postponed from 2018)</p> <p>3. Adoption of legislation on weapons</p> <p>4. Ascertain the status of unratified IHL conventions</p>

National IHL Priorities for 2020

SESSION 1: SEXUAL VIOLENCE AND PROTECTION OF VULNERABLE POPULATIONS

ECOWAS PLAN OF ACTION ON INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA (2019-2023) - SECTION E: SEXUAL VIOLENCE

ECOWAS PLAN OF ACTION ON INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA (2019-2023)

STRATEGIES / ACTIVITIES	SUCCESS INDICATORS	INSTITUTION IN CHARGE	SOURCES OF VERIFICATION	TIMELINE
ECOWAS Member States				
Sexual violence : a. Integrate measures to prevent and criminalise rape and other forms of sexual violence during armed conflict in domestic legislation, with special protections for the most vulnerable groups, e.g. women and children. b. Create dissemination programs on the prevention of sexual violence to the general public and to armed forces c. Establish specialised training for the judicial sector on the prosecution of IHL violations related to sexual violence d. Ensure military and security authorities establish strong and sensitive internal systems for monitoring and responding to sexual violence, taking into account the different needs of each survivor.	a. Legislation and measures preventing and criminalising rape and other forms of sexual violence during armed conflict; b. Number of judicial proceedings and decisions on IHL violations related to sexual violence c. Number of dissemination programs, with civilian component, receiving equal priority d. Participation of civil society groups and community leaders in dissemination programs e. Number of judges going through the specialised judicial training	Legislative, executive and judicial branches of government – Relevant ministries, including the Ministries of justice, health, and defense; – Armed and security forces Commanders and military courts; – State prosecutors and the judiciary. – Relevant governmental and private institutional personnel – National Societies of the Movement	– Gazetted legislation; – National policies and statistics; – Reports on dissemination initiatives; – Literature/ manuals and other materials used for dissemination and specialised trainings; – Reports on specialised training for the judicial sector – Reports from national agencies, civil society and international organizations monitoring sexual violence – Judicial decisions – Annual reports from military and security authorities' findings on the work monitoring and response system – Training manuals and assessment results of specialised training – Surveys of survivors – Reports from National Society	2019-2022

ECOWAS PLAN OF ACTION ON INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA (2019-2023) [Continued]

STRATEGIES / ACTIVITIES	SUCCESS INDICATORS	INSTITUTION IN CHARGE	SOURCES OF VERIFICATION	TIMELINE
ECOWAS Member States				
<p>e. Provide specialized training for personnel in all institutions who may respond to sexual violence in armed conflict, stressing the importance of sensitivity to the needs of survivors</p> <p>f. Work with National Red Cross and Red Crescent Societies and civil society organisations to ensure that survivors of sexual violence have consistent access to any non-discriminatory assistance they need (healthcare services, rehabilitation, psychological, socio-economic, and/or spiritual). All while ensuring the privacy, dignity, and safety of survivors, and working to combat social stigma that may exist</p>	<p>f. Number of survivors assisted as a result of the authorities' monitoring and response system</p> <p>g. All personnel responding to survivors of sexual violence in armed conflict benefit from specialised training for treatment of survivors</p> <p>h. Percentage of survivors who receive ongoing assistance in all areas of need.</p> <p>i. Number and quality of joint initiatives by the government with the National Society</p>			

COMPARATIVE TABLE 3: NATIONAL MEASURES TO COMBAT SEXUAL VIOLENCE IN ARMED CONFLICT IN WEST AFRICA

BENIN	BURKINA FASO	CÔTE D'IVOIRE	GAMBIA	GUINEA	LIBERIA
Legislation passed: Act n°2018-16 on the penal code in the Republic of Benin Articles 466 2), 3), 4) and 467	Legislation passed: Act n°052-2009 /AN determining the jurisdictions and the procedure for the implementation of the Rome Statute relating to the International Criminal Court by the courts of Burkina Faso. Articles 19 (war crimes) 1. b), c)/ 2. m) y) z) / 3. a) b) 4. f) and 20	Legislation passed: Act n°2015-134 of March 9, 2015, amending and supplementing Act 61-640 of July 31, 1981, establishing the Criminal Code Article 139 new Decree n°2016-373 of June 3, 2016, on the establishment, powers, organization and operation of the National Committee on Fighting against Conflict-Related Sexual Violence (CNLVSC), led by the Chief of the General Staff of the Armed Forces (CGS) National measures: In 2017, the Armed Forces of Côte d'Ivoire were removed from the United Nations list on sexual violence in armed conflict, following efforts made by the country on this issue, such as the development of a plan of action, the signing of commitments by army commanders, the revision of the Code of Conduct of the Armed Forces of Côte d'Ivoire (FACI) to include specific prohibitions on sexual violence, the training of FACI on sexual violence in situations of armed conflict, the creation of a joint mechanism with UNOCI to follow up on allegations of sexual violence, etc. Pending bills: Draft Penal Code including definition and punishment of war crimes, which include acts of sexual violence committed during armed conflict.	Legislation passed: Penal Code Articles 121 and 122 Sexual Offences Act 2013 criminalizing sexual violence.	Legislation passed: Constitution of May 7, 2010 Articles 5, 6 and 8 Criminal Code of 2016 Articles 194, 789 and 792 Decree D/2011/289/PRG/SGG of November 28, 2011 on the code of conduct of the defense forces Decree D/293 of 2012 Decrees on the creation of IHL offices within the armed and security forces Pending bills: Terrorism Bill	Legislation passed: Rape Law Amendment of the 2006 Act National measures: Established the Gender Based Violence Unit in the Ministry of Women's Affairs and Development in 2008. Opening of a Criminal Court E - a room in the criminal court exclusively dedicated to the prosecution of crimes

MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO
Legislation passed: Act No. 01-079 of August 20, 2001, as amended by Law No. 2005-45 of August 18, 2005 and Law No. 2016-39 of July 7, 2016 Chapter 3 War crimes Article 31 b) c) i) 21°, 22° and Article 32	Legislation passed: Act No. 2003-025 of June 13, 2003 amending Act No. 61-27 of July 15, 1961, establishing the Penal Code, Special Official Gazette No. 4 of April 7, 2004 Section 3 - War crimes Art 208. 3 2) 3) 9) Art 208. 4	Legislation passed: Criminal Code (which applies in the south), Penal Code (in the north). The 2017 Anti-Torture Act defines torture as including rape and sexual abuse. The 2015 VAPP Act includes a more comprehensive regulation of sexual violence. The act is only applicable in the FCT and three other states (states are required to adopt it into their laws). The Geneva Convention Act 1960 incorporates certain provisions of the four Geneva Conventions, namely those relating to grave breaches (serious violations of IHL applicable in IAC). The Armed Forces Act prohibits acts of sexual violence, such as rape and defilement (sexual intercourse) of a girl under the age of 16.	Legislation passed: Act No. 2007-02 of February 12, 2007, amending the Criminal Code Article 431-3 - War crimes Article 431-6 - (penalties) National measures: Senegal adopted the National Plan of Action for the implementation of United Nations Security Council Resolution 1325 (2000) in May 2011.	Legislation passed: Act No. 7 of August 18, 2005 on the fight against human trafficking. Paragraph 2 (1) and (2) Article 2 (3)	Legislation passed: Act No. 2015-10 of November 24, 2015 on the new criminal code Article 145 ... (2) (3) Article 146 ... 1) 12) 16) Article 147 1) 2) 10) 15) Article 148

In summary:

- Given the stigma and fear of stigmatisation and reprisals associated with sexual violence that still persists in the subregion, the Member States recognised the importance of paying **special attention to this issue and providing special protection to vulnerable populations, starting with recognition of the prevalence of this issue in armed conflicts.**
- In order to prevent and respond to acts of sexual violence in situations of armed conflict, Member States agreed on the importance of adopting an approach that includes **policy, institutional and legislative measures.**
 - In addition to legislative reforms, the integration of IHL into the mandatory training of defense and security forces, the establishment of effective disciplinary and criminal sanction mechanisms, and consultation with national institutions and civil society with the support of technical and financial partners.
- The Member States also agreed that it is **necessary to prevent and punish acts of sexual violence in times of peace as well as in times of armed conflict** (before, during and after situations of armed conflict), especially since otherwise, in times of armed conflict, sexual violence would be exacerbated.

1. INTRODUCTION TO THE ISSUE AND THE CURRENT SITUATION

Although the stigma surrounding sexual violence and its impact on vulnerable people remains a reality in the ECOWAS region, this issue is increasingly recognised, compared to the silence that used to surround it.

The sharing of experiences from Côte d'Ivoire and Sierra Leone by the representatives of these countries made it possible to take stock of the problem in the ECOWAS region and to open the discussions moderated by the representative of Liberia.

The representative of Côte d'Ivoire began by explaining that 478 cases of sexual violence committed during the political crisis that turned into armed conflict between 2010 and 2011 were documented by the Special Investigation and Training Unit (CSEI) in the city of Abidjan, the western part of the country (Duékoué, Toulepleu, Guiglo) and in Sassandra.⁴ This assessment initially resulted in the Armed Forces of Côte d'Ivoire being placed on the United Nations list of sexual violence in armed conflict until 2017.⁵

As for Sierra Leone, its representative indicated that according to the report of the Truth and Reconciliation Commission, which is the authoritative report in Sierra Leone for the 1999–2001 period of armed conflict, 275,000 cases of sexual violence were documented in the country.⁶ However, during the armed conflict, sexual violence was not only perpetrated by parties to the conflict, according to the report,⁷ it was also perpetrated by humanitarian workers in refugee and/or IDP camps against vulnerable persons, namely women and children, especially girls.⁸

The representative of Sierra Leone also emphasised that while there is no doubt that many cases of sexual violence occurred during the armed conflict, the phenomenon dates back to the pre-war period and continued after the end of the war. He said the Commission's report recognises that vulnerable populations, including

4 Data presented during the presentation by the representative of Côte d'Ivoire.

5 See *2017 Annual Report of the UN Team of Experts Rule of Law/Sexual Violence in Conflict*, pp. 18–19, available online: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/Team-of-Experts-on-Rule-of-Law-Sexual-Violence-in-Conflict-Annual-Report-2017.pdf>

6 Reference to the HRW report, *We'll Kill You if you Cry: Sexual Violence in the Sierra Leone Conflict*, 2003, available online: <https://www.hrw.org/report/2003/01/16/well-kill-you-if-you-cry/sexual-violence-sierra-leone-conflict> in Sierra Leone, Truth and Reconciliation Commission, Volume 3 B, Chapter 3: *Women and the Armed Conflict in Sierra Leone*, p.86, available online: <https://www.sierraleonetr.com/downloads/Volume3bChapter3.pdf>

7

8 Id.

women and children, were indeed victims of sexual violence long before the armed conflict. Acts of sexual violence were committed before, during and after the armed conflict.

The presentation of this data allowed the ICRC to emphasise the importance of special protection for vulnerable people (including women, children, refugees, displaced persons and also migrants). The ICRC asserted that the prevention and eradication of sexual violence do indeed begin with the recognition of its existence and the examples presented by Côte d'Ivoire and Sierra Leone illustrated such recognition.

The ICRC noted that sexual violence remains one of the most prevalent forms of violence in armed conflict. However, it is not always easy for governments to recognise it, nor for victims to report it for fear of stigmatization or reprisals. Special attention must therefore be paid to sexual violence in order to respond to and prevent it. Some Member States representatives also highlighted the challenges associated with (under) reporting of sexual violence by those who have experienced it and stressed the importance of increasing prevention efforts.

Responding to cases of sexual violence requires a multidisciplinary approach (health, psychological, judicial, among others). The prevention and repression of sexual violence require the adoption of political, institutional and legislative measures in the Member States.

In relation to the exacerbation of sexual violence during armed conflicts presented by Sierra Leone, ECOWAS indicated that Member States are constantly called upon to take measures to maintain peace in the region as provided for in the ECOWAS Treaty.⁹ It also emphasised the relevance of human rights measures as detailed in the Protocol on Conflict Prevention, Management, Resolution, Peacekeeping and Security.¹⁰

ECOWAS has also put in place a Policy Framework for Security Sector Reform and Governance, which aims, among other things, to reduce sexual violence committed by defense and security forces.¹¹ In addition, its Directorate of Humanitarian Affairs is primarily concerned with all issues related to the protection and assistance of women, children and the elderly in times of peace and armed conflict.

Regarding vulnerabilities, the United Nations High Commissioner for Refugees (UNHCR) emphasized the particular situation of refugees and displaced persons exposed to the risk of sexual violence. In concrete terms, the question arises as to how to avoid sexual violence when we know that the displacement of populations exposes them to such a risk. In addition, once settled in camps, several factors continue to expose these refugees or displaced populations to the risk of sexual violence. For example, the lack of doors and/or sanitary facilities, as well as lighting in most refugee camps. Similarly, the fact that women are forced to walk a long way to get firewood puts them at risk of sexual violence.

For UNHCR, beyond the means of subsistence and material assistance related to living conditions, medical, psychological and legal assistance is more than necessary. The effectiveness of protection for vulnerable people will depend on the proper coordination of all these actions between the different partners involved.

Sierra Leone has indicated that since the end of the armed conflict, the government has addressed the problem by guaranteeing medical assistance to the populations concerned, as acts of sexual violence have exposed the victims to unwanted pregnancies and sexually transmitted diseases (STDs), including HIV.

9 ECOWAS, *Revised ECOWAS Treaty*, Cotonou, 24 July 1993, available online: <https://www.ecowas.int/wp-content/uploads/2015/02/Traite-Revise.pdf>

10 ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*, Lomé, December 10, 1999.

11 ECOWAS, *ECOWAS Policy Framework for Security Sector Reform and Governance*, Section IV: Gender Mainstreaming in SSR, p. 24, available online: <https://www.ecowas.int/wp-content/uploads/2018/08/ecowas-policy-framework-on-ssrg-french-adopted.pdf>, : “Reaffirm the policy of zero tolerance for all forms of gender-based violence in the security sector or perpetrated by security personnel against civilians, ensuring the establishment and/or support of existing laws, regulations, mechanisms and institutions to punish perpetrators of violence against women and protect victims. This Policy Framework reaffirms that violence against women can constitute war crimes, crimes against humanity and genocide in accordance with the Rome Statute establishing the International Criminal Court.”

While recognising the vulnerability of women and girls to sexual violence, the representative of the Gambia noted during the discussions the need not to overlook sexual violence against young men in times of armed conflict, which must also be taken into account when analysing the problem.

It was clear from the exchanges between the representatives of ECOWAS Member States that an effective fight against sexual violence in situations of armed conflict in the sub-region requires a multidisciplinary approach and must take into consideration its commission in all phases of a Nation's history: already in times of peace, during periods of internal unrest and tensions and during armed conflicts, and then after the occurrence of the latter.

Acts of sexual violence often pre-exist armed conflicts and are therefore not specific to these situations of extreme violence, even if they certainly contribute to exacerbating them. With this in mind, Member States were able to consider solutions and measures to effectively respond to and prevent acts of sexual violence in times of peace and in times of armed conflict.

2. PREVENTION OF SEXUAL VIOLENCE: POLICY, INSTITUTIONAL AND LEGISLATIVE MEASURES

The scale of sexual violence has led national authorities to become involved in finding solutions to prevent and eradicate this problem through the adoption of policy, institutional and legislative measures.

Political measures

In terms of political measures, the representative of Côte d'Ivoire stated that with the support of civil society and technical and financial partners, the government is committed to fighting sexual violence. In 2017, the Armed Forces of Côte d'Ivoire were effectively removed from the United Nations list of sexual violence in armed conflict following efforts Côte d'Ivoire has made on this issue including: development of a plan of action, signing of commitments by army commanders, revision of the Code of Conduct of the Armed Forces of Côte d'Ivoire (FACI), training of defense and security forces on the issue, creation of a joint mechanism with UNOCI to follow up on allegations of sexual violence, etc.¹²

As an example of other policy measures, the representative of Sierra Leone presented that in addition to the Strategic Plan on Gender (2010–2013), the President of Sierra Leone has himself committed to the issue of sexual violence in particular. On February 7, 2019, the President declared a national emergency around rape and sexual violence, lamenting a culture of indifference and impunity around these crimes.¹³ Legislative measures followed with, for example, the amendment of the Sexual Offences Act which now provides for life imprisonment for child rape.¹⁴

This presidential commitment was also linked to the “*Hands Off Our Girls*” campaign launched by the First Lady of Sierra Leone in 2018 against early marriage and rape in an effort to prevent and punish acts of sexual violence against women and girls more generally.¹⁵

12 See 2017 Annual Report of the UN Team of Experts Rule of Law/Sexual Violence in Conflict p. 18–19, available online: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/Team-of-Experts-on-Rule-of-Law-Sexual-Violence-in-Conflict-Annual-Report-2017.pdf>

13 See, for example: State of House Media and Communications Unit, *President Julius Maada Bio Declares Rape and Sexual Violence as a National Emergency in Sierra Leone*, Press release, Freetown, February 7, 2019, available online: <https://statehouse.gov.sl/president-julius-maada-bio-declares-rape-and-sexual-violence-as-a-national-emergency-in-sierra-leone/>

14 Sierra Leone, *Sexual Offences (Amendment) Act 2019*, available online: <https://sierralii.org/sl/legislation/act/2019/8>.

15 See, for example: State of House Media and Communications Unit, *Sierra Leone's First Lady « Hands Off Our Girls » campaign to the United Nations*, Press Release, New York, September 25, 2019, available online: <https://statehouse.gov.sl/sierra-leones-first-lady-takes-hands-off-our-girls-campaign-to-the-united-nations/>

The Sierra Leonean representative once again made the link between sexual violence committed in times of peace and violence exacerbated in times of armed conflict. Many have linked the national emergency declared in Sierra Leone to the large number of rape cases committed during the 1991–2002–armed conflict.¹⁶

Institutional measures

Under institutional measures, in Côte d'Ivoire, a Committee to Combat Sexual Violence was established in 2016.¹⁷

This Committee is composed of several Ministries that coordinate their prevention efforts and is tasked with the capacity building of members, eradicating sexual violence related to armed conflict and increasing the fight against impunity for these crimes. The Committee also has a pool of experts headed by the Chief of the General Staff of the Armed Forces (CGS) and including the Government Commissioner to the Military Court, the office of the public prosecutor attached to the court of first instance of Abidjan, the Director of Health and Social Action of the Armed Forces, and members of the Gendarmerie and the Customs Department. The Committee's actions, including the training of more than 20,000 members of the armed forces and the imposition of disciplinary and criminal sanctions, have had an effective deterrent impact on the future commission of acts of sexual violence.

All actions of this Committee were carried out in a coordinated manner based on a three-year plan. It was the combination of these measures that led to the delisting of the FACI from the UN list in 2017. These measures were also accompanied and supported by other measures to combat sexual and gender-based violence taken by the Ministry of Family and Women and the Ministry of National Education. The representative of Côte d'Ivoire then indicated that although sexual violence could not be avoided during the last armed conflict, the Government succeeded in doing so through a concerted effort by national institutions and civil society, which allowed all measures to be taken to prevent sexual violence and its impact on vulnerable populations.

The representatives of Burkina Faso then asked the representative of Côte d'Ivoire how it could be said that measures to prevent sexual violence in armed conflict had been put in place when there was no longer any armed conflict in Côte d'Ivoire. The representative responded that while most measures have indeed prevented sexual violence in peacetime, they also aim to suppress and prevent such violence in times of armed conflict. For example, in addition to training the military to prevent such acts in the future, all 478 cases documented during the conflict were prosecuted. Thus, the measures were intended to ensure that sexual violence did not occur again, either in peacetime or in times of armed conflict. There was no need to wait for a new armed conflict to occur before putting preventive measures in place.

In Sierra Leone, in terms of institutional measures, the post-conflict Truth and Reconciliation Commission had already suggested the establishment of an adequate legal and institutional framework to address human rights violations, including sexual violence.¹⁸ This suggestion led to the adoption of an act in 2004 establishing the Human Rights Commission, whose mandate included investigating allegations of human rights violations.¹⁹

Legislative Measures

In terms of legislative reforms, the representatives of Côte d'Ivoire, Sierra Leone and other Member States once again adopted a holistic approach by addressing the issue of sexual violence at all stages of the nation's history. They noted that the more attention is paid to this problem in peacetime by thinking of solutions to eradicate it, the greater the chances of seeing less systematic recourse to this type of violence during armed conflicts.

16 State of House Media and Communications Unit, *President Julius Maada Bio Declares Rape and Sexual Violence as a National Emergency in Sierra Leone*, Press release, Freetown, February 7, 2019.

17 Côte d'Ivoire, *Decree No. 2016-373 of June 3, 2016, on the creation, powers, organization, and operation of the National Committee to Combat Conflict-Related Sexual Violence*.

18 Sierra Leone, Truth and Reconciliation Commission, Volume 2, *Chapter 3: Recommendations*, para 98–103, available online: https://www.sierraleonetr.com/index.php/view-report-text-vol-2/item/volume-two-chapter-three?category_id=20

19 Sierra Leone, *The Human Rights Commission of Sierra Leone Act, 2004*, available online: <http://www.sierra-leone.org/Laws/2004-9p.pdf>.

Côte d'Ivoire thus presented the adoption of several laws aimed at eradicating sexual violence starting with articles 137 to 140 of the new penal code adopted on June 26, 2019, which criminalise acts of sexual violence in various forms: war crimes, violence and assault, torture, indecent assault, rape, pedophilia, forced marriage, sexual exploitation of enslaved persons.²⁰ The representative also pointed out that an act on the fight against trafficking in persons was adopted on December 8, 2016.²¹

Sierra Leone then reported that marital rape in marriage has been recognised only since the adoption of sexual crimes act in 2012, amended in 2019.²² With the same act, criminalisation of forced marriage of a girl under the age of 18 is now effective and minors cannot marry each other. However, the representative acknowledged that a shortcoming of the act is that it still allows customary authorities and parents to give consent on behalf of minors for the marriage to be validated, in the absence of consent from the principals involved.

On this point, the representative from The Gambia was keen to share the experience of her country where a 2016²³ amendment to the Children's Act now provides that a child cannot enter into marriage. Any adult who comes to contract it on their behalf would, be liable to a 20-year prison sentence, as would the accomplice and any person who fails to report such behaviour.

In response to the concern expressed by the representative of Liberia as to how Sierra Leone is addressing the problem of female genital mutilation, a practice rooted in local customs which he said remains a form of sexual violence, the representative of Liberia said that particular emphasis was being placed on awareness-raising and training.

Nevertheless, when, despite legal provisions, the texts are violated, adequate repression is necessary to discourage the future commission of such acts.

3. REPRESSION OF CASES OF SEXUAL VIOLENCE

From the point of view of the repression of cases of sexual violence, the experiences of Côte d'Ivoire and Sierra Leone have also provided food for thought on appropriate measures in this area.

In addition to the training provided to the armed forces and the awareness campaigns that have been conducted, the response of Côte d'Ivoire has also consisted of toughening criminal sanctions before the military courts. The representative of Côte d'Ivoire recalled that the 478 cases documented during the conflict were prosecuted.

The representative of Burkina Faso then pointed out that while the existence of a legal framework for the protection of vulnerable persons in all ECOWAS states is not in doubt, the problem remains that of its effectiveness. Taking the example of an experience presented by Côte d'Ivoire, he deplored the fact that sometimes the Prosecutor does not have sufficient authority over the Judicial Police Officers (OPJ), especially if the hierarchy of the latter is of a different opinion from that of the Prosecutor. The instructions of the Prosecutor would then not always be respected by the OPJs. The representative of Côte d'Ivoire replied that this case, whether isolated or recurrent, could not be generalised and that this type of resistance could be the subject of disciplinary or criminal proceedings and lead to the withdrawal of the status of OPJ.

In Sierra Leone, on the other hand, 2,961 cases of sexual violence went unpunished out of the 3,000 recorded at the end of the war. In fact, this led the President to declare a national emergency on rape and sexual violence in 2019. This political commitment has resulted in more resources being made available to victims to enable them to go to court.

However, the Sierra Leone representative noted that the shortage of prosecutors and judges in Sierra Leone has required adjustments to avoid situations of impunity. This lack of personnel is one of the causes of the length of judicial proceedings. The representative of Togo then asked whether, given the magnitude of the problem

20 Côte d'Ivoire, Act No. 2019-574 of June 26, 2019, on the Penal Code.

21 Côte d'Ivoire, Act No. 2016-1111 of December 8, 2016, on the fight against trafficking in persons.

22 Sierra Leone, Sexual Offences Act, 2012; Sierra Leone, Sexual Offences (Amendment) Act 2019.

23 Gambia, The Children (Amendment) Act, 2016.

in Sierra Leone, the investigation stage was eliminated to speed up legal proceedings, as the victim could go directly before the judge. The Sierra Leonean representative was able to clarify that the investigation stage was indeed maintained. The case is referred to the Magistrate Court to determine whether there is sufficient evidence to proceed to the High Court. Given the urgency and magnitude of the problem, however, there is a presumption that cases can be transferred to the High Court.

Also, as previously reported in Sierra Leone, criminal penalties have been increased with the adoption of the Sexual Offences Amendment Act in 2019, which increases the maximum penalty for rape of a minor to life imprisonment.²⁴

²⁴ Sierra Leone, Sexual Offences (Amendment) Act 2019, available online: <https://sierralii.org/sl/legislation/act/2019/8>.

SESSION 2: SEXUAL VIOLENCE IN DETENTION

In summary:

- Given the stigma and fear of stigmatisation and reprisals associated with sexual violence that still Member States agreed that it was important to first recognise that sexual violence in detention may exist in order to prevent and respond to it.
- Member States agreed that sexual violence in detention can be prevented by strengthening the management of places of detention and mechanisms for assessing the risk of sexual violence among prisoners and between prisoners and prison authorities.
- Member States asserted the need to sanction acts of sexual violence in detention and to ensure interim measures, such as suspending a prison authority, while investigations are ongoing.
- ECOWAS indicated that there is no specific ECOWAS documentation on the issue of sexual violence in detention and recommended that an in-depth study be conducted on the issue.

1. INTRODUCTION TO THE ISSUE AND THE CURRENT SITUATION

As seen in the previous section, sexual violence is still a taboo in ECOWAS societies. This taboo is even more present when sexual violence occurs in places of permanent or temporary detention.

This second thematic session of the Annual Meeting, moderated by Togo, thus raised the issue of sexual violence in detention, by presenting the factors that expose detainees to the risk of such violence. The interventions of the representatives of Nigeria and Senegal on the measures taken or to be taken in order to respond to and prevent such violence effectively opened the debate on this subject.

The representative of Nigeria began by recalling, with reference to the ICRC publication on violence in detention,²⁵ that acts of sexual violence committed in places of detention can vary greatly in nature and severity, ranging from rape to sexual slavery to prostitution. Sexual violence, however, does not necessarily involve physical contact and can include voyeurism, lewd language or verbal abuse, sexual humiliation and forced nudity, for example. It can be used deliberately by a person to assert authority, punish, instil fear, humiliate, discriminate, or gain information.

On the consequences of sexual violence, the Nigerian representative also presented that it could lead to serious physical and mental health problems. Victims frequently suffer from trauma and stress-related disorders, anxiety and depression. In the context of detention, which is already traumatic, sexual violence can exacerbate feelings of despair, loneliness, and fear of reprisals if the victims file a complaint. The needs of the victims are then numerous, including a need for psychosocial support or specialised psychological care.

This psychological suffering, combined with cultural inhibitions and the shame detainees feel in talking about it, obviously makes it difficult to denounce acts of sexual violence in detention and to prosecute. The Nigerian representative acknowledged and regretted the inability of survivors to prosecute perpetrators due to a lack of resources, as well as the difficulties in keeping records and personal data to ensure adequate follow-up of cases of sexual violence. Limited access to places of detention also makes investigation difficult and adds to the barriers to reporting sexual violence. This situation would then be conducive to the continuation of sexual violence.

25 Sexual Violence in detention, ICRC, In Brief, 2017: <https://www.icrc.org/fr/publication/4293-sexual-violence-detention>.

The risk factors that expose detainees to sexual violence in detention were highlighted by the Senegalese representative. He said that from the moment of arrest, registration, and transfer, those arrested, in custody, or detained are susceptible to sexual violence. Sexual violence can be committed by those in authority over detainees, such as officers responsible for tasks like arrests, searches, or transfers. Sexual violence can also be one of several means used by investigators and interrogators to extract information or confessions.

Once in detention, sexual violence can be committed by the prison administration. The representative of Senegal argued that overcrowding and congestion in prison in the sub-region leads to a proximity that is conducive to sexual violence, particularly in cells, but also in showers and toilets. These factors are compounded by the lack of female staff in women's prisons and the absence of juvenile prisons.

The Senegalese representative then argued that sexual violence can be committed between detainees, especially since some exercise authority or power over others according to the informal hierarchies that are established in these places of detention. He also insisted on the fact that any person can be a victim of violence, but that women, boys and girls as well as homosexual and bisexual (LGBTQ) persons are particularly vulnerable to this violence. The consequences of sexual violence are the exacerbation of the weak situation of these detainees who also run the risk of contracting STDs, including HIV/AIDS, while they already suffer from a lack of appropriate care due to the inadequacy of doctors assigned to places of detention and the high cost of expertise.

Referring in turn to the ICRC publication “Sexual Violence in detention,” the representative of Senegal then indicated that when acts of a sexual nature consist of the intentional infliction of severe pain or suffering, whether physical or mental, on a person in his or her custody or control in order to obtain information or a confession, to punish or intimidate him or her, or for any other reason based on a form of discrimination, they fall within the definition of torture as defined in IHL and IHRL.²⁶

The representative of Côte d'Ivoire then asked the representative of Senegal whether sexual violence in detention takes into account the distinction between detainees based on gender and whether torture based on this distinction is punishable as such in Senegal under national law. The representative of Senegal then considered that one cannot discriminate against an act that is inherently illegal: discrimination is not an underlying act of sexual violence. He then noted that article 295-1 of the 1965 Senegalese Penal Code defines torture, although this definition is criticised for not taking into account the case of torture committed by one person on the instructions of another.²⁷ Senegal has also made torture an international crime in Article 8 of the Statute of the Extraordinary Chambers.²⁸ In addition, the Criminal Chambers in Senegal provide for the assistance of a lawyer and a doctor for the benefit of detainees to prevent cases of torture and sexual violence.²⁹

Recalling the physical and psychological consequences of sexual violence, the ECOWAS representative indicated that several studies over the years have highlighted the problem of sexual violence against women and children especially, child protection, gender disparity, early marriage, etc. She acknowledged, however, that there is no very precise documentation on the issue of sexual violence. However, she acknowledged that there is no very precise documentation on the issue of sexual violence in detention at the ECOWAS level. She thus affirmed that it would be important to conduct an in-depth study on the issue with quantitative and qualitative data to better understand the scope of the problem.

In the discussion, the representative of Togo emphasised the importance of recognising the issue of, sexual violence in detention, which is even less discussed than sexual violence in armed conflict and sexual violence

26 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entered into force 26 June 1987, article 1. Cf

27 Senegal's Penal Code can be accessed through the database on national implementation of IHL on the ICRC website at: https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=48327AD9590E8EE1C1256B2100352ADF&action=openDocument&xp_countrySelected=SN&xp_topicSelected=GVAL-992BU6&from=state

28 The Statute of the Extraordinary African Chambers can be consulted at: <https://www.hrw.org/fr/news/2013/01/30/statut-des-chambres-africaines-extraordinaires>

29 Act No. 2007-05 of February 12, 2007, amending the Code of Criminal Procedure relating to the implementation of the Treaty of Rome establishing the International Criminal Court.

in general in the sub-region. He recognised the vulnerability of women and children in detention, but also of men, due to their situation in detention. He also highlighted the difficulties associated with abuse of power among detainees given the difficulty of regulating the informal organisation among detainees to avoid abuse of one another.

2. PREVENTION OF SEXUAL VIOLENCE IN DETENTION: INSTITUTIONAL, LEGISLATIVE AND ADMINISTRATIVE MEASURES

As a preventive measure, the adoption of an appropriate legal framework should be a priority for governments, from the constitution to the adoption of administrative measures, including the establishment of institutional mechanisms.

For example, in Nigeria, section 34 of the Constitution already requires respect for human dignity and several institutional and legislative measures adopted show the federal government's will to curb the phenomenon, albeit indirectly. These include: the recent establishment of a Ministry of Women Affairs and Social Development with a mandate to combat sexual violence, the existence of a department within the Ministry of Justice to receive individual complaints from citizens, the creation of a National Human Rights Commission and a Legal Aid Council, and the adoption in 2015 of an act against sexual violence.

The presentation of all these measures in Nigeria nevertheless raised questions for the representative of Sierra Leone as to what recourse is really available to prisoners faced with cases of sexual violence. In response to this concern, the Nigerian representative deplored the fact that most people in prison are vulnerable, destitute and unaware of their rights, as already mentioned. The Nigerian representative then insisted on the importance for people in detention to effectively know their rights (through pamphlets or radio broadcasts, among others), to have access to data concerning them and to be able to call on a lawyer or legal aid in order to file a complaint.

The lack of legislation to address the problem of sexual violence and, in States where such legislation exists, the difficulties in enforcing such laws regarding sexual violence in detention were deplored by all the representatives of the ECOWAS states during the discussions.

It was therefore recommended that mechanisms be established to assess the risks of sexual violence in detention, both between detainees and between detainees and the prison administration. For example, unannounced inspections by the prison administration, judicial authorities, and human rights councils, as well as prison visits by organisations such as the ICRC, have been identified as essential. Senegal promoted the work of the National Observatory of Places of Deprivation of Liberty to detect all forms of abuse and the collaboration between civil society and the authorities in this regard.

Togo argued that the infrastructure and prison cells should also be reviewed in most cases to avoid too much proximity and limit the risks of exposure to sexual violence. He insisted that children should not be detained with adults under any circumstances. The representative also found it beneficial that national human rights commissions make unannounced visits, but indicated the need for social workers, psychologists, doctors and religious leaders to be present in prison.

Finally, the Member States stressed that the punishment of perpetrators of sexual violence in the prison environment could also play a dissuasive role in the eradication of this problem. It could also, for example, be envisaged, as a precautionary measure, the transfer of the person suspected of being the author of an act of sexual violence, followed by disciplinary measures and penal sanctions. In this regard, the representative of Senegal recalled that in times of armed conflict, sexual violence is punishable as a war crime if committed in connection with the armed conflict, and that a transfer would obviously not be a sufficient measure.

SESSION 3: CONDITIONS OF DETENTION

In summary:

- Member States recognised that there are several challenges to prison conditions, foremost among which is **prison overcrowding**, which contributes to the precariousness of living conditions in West African prisons and creates a **gap between the reality of prison conditions and the international instruments to which most countries have acceded**.
- ECOWAS also highlighted other challenges such as the opacity of detention by state intelligence services and the length of investigations in some countries.
- Member States identified the failure of magistrates to process cases expeditiously or excessive use of deprivation of liberty as one of the causes of prison overcrowding, leading some to propose the imposition of disciplinary sanctions on magistrates, particularly those who fail to respect detention deadlines.
- Member States agreed that **alternatives to detention** such as **community service, penal mediation, correctional proceedings, suspended sentences** and **finances** could help to solve the problem of prison overcrowding, although they acknowledged that guarantees of representation for suspended sentences are often insufficient, given the lack of precise home addresses in several West African States.
- Member States recognised that **the work of NGOs and the ICRC has been instrumental in improving prison conditions**, both through unannounced visits that eventually enable prison authorities to correct imperfections in prison, and through work to improve the living environment in prison.
- ECOWAS noted the need to set up **an independent authority** in each Member States **to evaluate respect for the rights of detainees and their conditions of detention** and to increase its commitment to **supporting security sector reform, given the links between the security sector and prisons**.
- ECOWAS and the ICRC drew the attention of Member States to the fact that despite all the assistance activities carried out by NGOs and the ICRC in the direction of prisons, they are still high-security places that are not originally intended to be open to the outside world, **hence the urgent need for States to pay increasing attention to living conditions in prison**.

1. INTRODUCTION TO THE ISSUE AND THE CURRENT SITUATION

The exchanges between peers during this session made it possible to note that the conditions of detention in the ECOWAS Member States are almost identical from one State to another, with a few differences. The exchanges allowed for an overview of the prevailing situation based on presentations by representatives of Niger and Guinea, followed by discussions moderated by a representative of Côte d'Ivoire.

One of the most important challenges shared by these States is that of prison overcrowding, which contributes to the precariousness of living conditions in West African prisons, particularly regarding health, hygiene and food.

As an example, as of December 31, 2018, Niger had 9,500 inmates and 5,843 remand prisoners. The prison in Niamey alone had 1,400 inmates, including 400 pre-trial detainees and 1,000 convicts, although it only has a capacity of 450 inmates. This situation led the Nigerien authorities to issue orders to transfer 400 prisoners to another place of detention.

The situation is no different in Guinea, where the Maisons d'Arrêt et de Correction (MACs)/Detention Centres, which are the main central prison facilities in the country, date back to colonial times and therefore no longer meet minimum detention standards. Originally built for 300 people, the MAC in Conakry, which is the largest in the country, is now forced to accommodate three times that number. Civilian prisons existed only in certain prefectures. Prisoners from other prefectures were transferred to central prisons. Due to lack of space, people are held on the same site, although in separate quarters.

This raises the question of what are the causes of prison overcrowding and what measures should be adopted to reduce it? In particular, what are the good practices to be noted in ECOWAS Member States? Is the rehabilitation, or even the construction, of additional prisons that meet international standards sufficient?

In response to these questions, a representative from Mali indicated that the congestion in the prisons is mainly attributable to the magistrates who do not handle the procedures with speed. As a result, there are more pre-trial detainees than convicts in the central prisons. The same is true in Senegal, where prison overcrowding is said to be due to excessive use of custodial measures by prosecutors. Critics from civil society have called on prosecutors to stop placing defendants under detention and to consider alternatives to detention. However, guarantees of representation as an alternative to detention are often insufficient given the lack of precise home addresses in Senegal. This reality is common to several West African countries.

In addition to prison overcrowding, other challenges were highlighted by the ECOWAS expert, notably the lack of transparency surrounding the detention of individuals by state intelligence services, which makes it impossible to be informed of their actual conditions of detention. Moreover, in some countries, investigations are lengthy, while in others they are less so. The question then arises as to how to guarantee the respect of the rights of detainees? What about a person who has been tried and sentenced, more precisely what are his rights within the prison?

The question also arises as to the place and role of women in prison? And this, not only in the prisons reserved for women.

With regard to all the existing international treaties and national texts dealing with the conditions of prisoners, how do ECOWAS Member States translate the implications of this legal framework into concrete actions in their places of detention? And how can we ensure that, given the challenge of prison overcrowding, the courts speed up proceedings so that detainees are tried as quickly as possible?

As the representative of Niger indicated, it is not the legal framework that is lacking in his country, which has ratified almost all the international conventions on human rights, those against torture, and whose Constitution clearly affirms the sanctity of the human person. However, there is a gap between the reality of detention conditions in Niger and the international instruments to which the country has acceded. For example, the issue of children in detention is a glaring reality, with many children growing up in prison with their mothers.

Fortunately, governments are gradually becoming aware of the problem, and some good practices to improve the conditions of detention in ECOWAS Member States are to be commended.

2. GOOD PRACTICES AND SOLUTIONS TO IMPROVE DETENTION CONDITIONS

It emerged from the discussions that several measures have been taken to improve detention conditions in ECOWAS Member States.

In Niger, these include the adoption of Act No. 2017-08 of March 31, 2017, on the basic principles of the penitentiary system and the law on the treatment of prison staff, the revision of the criminal code and the code of criminal procedure providing for the offense of terrorism and revising the detention periods in matters of terrorism, the adoption of a law on juvenile jurisdiction that amends and completes the 1999 ordinance on the regime for minors, the law on legal and judicial assistance to vulnerable and indigent persons, the existence of lawyers assigned to prisons, the creation of a specialised prison corps, the provision of equipment for the administration of justice, and the construction or rehabilitation of prison infrastructure. Unannounced visits by the Human Rights Commission and the ICRC have also proved very useful in correcting shortcomings to improve the situation of prisoners in the long term.

Efforts were also made in Guinea, where the Estates General of Justice was held in 2011, following the 2010 presidential elections that saw the election of Alpha Condé as President. Once elected, the President made justice and security reform one of the priorities of his mandate. A decree on the legal and penitentiary regime was adopted, as well as the status of prison staff, with an emphasis on training. The principles of equality, non-discrimination and freedom are recognised, as well as respect for religious beliefs and the specific social needs of women, foreigners, etc.

Concerning the solutions that could be considered necessary to fight against prison overcrowding, Mali proposes some measures to reverse the trend such as community service, penal mediation, the correctionalization of procedures to allow for a quick judgment, as it is for the procedure of *flagrante delicto*. Similarly, the construction of remand prisons could be considered, even if the representative of Mali recognises that this solution is not permanent, the tendency in this case being to “fill” newly constructed detention centres.

For Burkina Faso, it is up to the prosecutor to be at the centre of the fight against overcrowding so that he or she can direct the investigations and decide to let the accused person go free, pending trial. Lobbying for alternative measures, such as suspended sentences and fines, should also be considered. The code of criminal procedure adopted in May 2019 in Burkina Faso prescribes a strict respect for the time limits of police custody and pre-trial detention. Thus, a pre-trial detention cannot exceed 2 years, including renewal, according to the new code. But when asked if these measures are really respected, while recognising that the time limits are generally not respected by the magistrates, the representative of Burkina Faso underlined the possibility of engaging the personal responsibility of the magistrates, the indictment chamber being able, once seized, to rule on the legality of the detention. In Senegal, the establishment of criminal chambers in 2014 has allowed the trial of criminal cases within the High Courts. And, since 1999, pre-trial detention cannot exceed 6 months, even if the judge does not complete the investigation at the end of this period, the person is immediately released. However, the problem persists in criminal matters where no time limit is prescribed by the act. A study is therefore underway and awaiting validation to limit criminal detention to 3 years. Cases of long detention are also referred.

In Togo, a reform of the code of criminal procedure abolishing the Court of Assizes in favour of criminal chambers is also currently underway. As for Mali, it was revealed that in correctional matters, the prison administrator presents the person to the Public Prosecutor for release if the time limit is exceeded. As regards preventive measures, the representative of Guinea considered that no person should be detained without a valid title of detention. From the point of view of the legal framework, improvements have been made, such as the adoption of the new code of criminal procedure, which provides for alternatives to detention and disciplinary sanctions for magistrates who do not respect the time limits for detention. This new code also allows for the trial of criminal cases at the level of the ICC, which contributes to the speedy processing of cases.

Finally, international organisations and civil society are very active in Guinea. For example, the NGO “Terres des hommes” has renovated some prisons with funding from the European Union. The ICRC is also responsible for the construction of several boreholes.

In terms of health, Guinea proposes to undertake mandatory medical examinations for prisoners in order to avoid the spread of diseases such as Ebola, which fortunately has not reached the prisons in this country. And, in case of serious illness, detainees should be transferred under prison supervision, with the possibility of being cared for. The actions of the ICRC in providing medicines to prisoners when the institution was still visiting prisons in Guinea have been lauded.

Regarding personal hygiene, it is a requirement for detainees that toiletries and appropriate clothing are provided, even if when they are required to appear before the judicial authorities, they wear a uniform that differentiates them from the general population. In Burkina Faso, although detainees arrive deprived, an improvement is very often noted in terms of hygiene during the period they are in detention. In Senegal, a net increase from 600 to 1023 F CFA was observed in the maintenance allowance granted per detainee. However, the budget remains insufficient, even though this year an increase of more than 1% was observed, which is a first. Also, in Côte d'Ivoire, the Ivorian authorities have on several occasions received donations of soap from the ICRC.

As far as food is concerned, all prisons in Guinea are supplied by catering companies that prepare meals within the prisons themselves, invoicing them before being paid afterwards. In Burkina Faso, gardens and livestock activities are offered within the prison to fill the gaps and improve the situation. In Senegal, the contribution of the NGOs that support the Directorate of Prison Affairs (DPA) is also to be commended because they feed the prisoners during major holidays in addition to the food they receive from their families. In Togo, prisoners are entitled to only one meal a day, NGOs and in particular the ICRC have been beneficial in filling the gap. Concerning a detainee's contact with the outside world, a communication permit is established by the judge in charge of the case and religious practices are authorised (Muslims, Catholics...).

For ECOWAS, the institution of an independent authority to evaluate the respect of the rights of detainees and their conditions of detention is necessary, so that these aspects are not left to the sole discretion of the managers and prison guards. In any case, it remains important, in the opinion of the technical expert, to increase the commitment to support the reform of the security sector, as there may be an overlap between this sector and the penitentiary field. In addition, prisoners should be classified according to the seriousness of the offenses they have committed (from the least to the most serious offenses).

However, despite all the assistance activities carried out by NGOs and the ICRC towards prisons, it should not be forgotten that they remain high-security places that should not, in principle, be left open to outsiders at all times. Hence the importance for States to be more and more concerned about the living conditions in prison.

Finally, beyond the recognition of all these rights to prisoners, it remains obvious that order and discipline must be maintained within prisons, while not forgetting to think, already during the time of incarceration, about activities to which prisoners could devote themselves to facilitate their future reintegration.

SESSION 4: DETENTION IN NON-INTERNATIONAL ARMED CONFLICTS

In summary:

- Member States recognised that **detention in non-international armed conflicts** is one of the **humanitarian issues under consideration for strengthening international humanitarian law**.
- Member States recognised that there are **challenges to detention in the context of non-international armed conflict**, such as **notifying the detainee of the reasons for his or her arrest in a language he or she understands and the right to have a lawyer or family member present** after the arrest.
- The Member States have committed themselves to **respecting the international and national legal framework** they have established and, in particular, to **internalising the ratified IHL treaties whose provisions protect any detainee in the context of an NIAC**.
- The ICRC recalled that beyond the texts, **respect for certain basic principles** regarding persons detained in the NIAC is also required.
- ECOWAS stressed the importance of **establishing a system for monitoring detention conditions and adopting instruments that would give the judiciary the possibility of controlling such conditions of detention**.

1. INTRODUCTION AND CURRENT SITUATION

Detention in non-international armed conflicts is one of the humanitarian issues that is being considered for strengthening IHL, given the many legal questions it raises in practice. To realise this, it is enough to refer to the situation prevailing in the Sahel States where the existence of non-state armed groups in conflict with government armed forces makes the issue more relevant than ever.

Who better than the representatives of Mali and Burkina Faso to take stock of the situation in order to better understand the problem and to make informed proposals for taking into account the humanitarian aspects of the detention of persons in non-international armed conflicts (NIAC). The situation in Burkina Faso is in fact no different from that in Mali, given the upsurge in recent years of armed confrontations between armed forces and non-state armed groups, which are increasingly leading to the detention of members of armed groups by state authorities.

The question was raised, regarding Mali, as to what the practice is, particularly in the context of the fight against terrorism, with regard to the arrest of persons suspected of having committed such acts and their treatment? How are detentions carried out, under whose authority are detainees placed and based on what regimes? In response to these concerns, it is noted that the specialised judiciary pool has exclusive jurisdiction in matters within its jurisdiction, and all persons arrested throughout the national territory must be presented to the prosecutor of the pool. However, since it is based in Bamako, there are challenges in terms of respecting the time limits for police custody, while people arrested in remote locations are transferred to Bamako to be presented to the public prosecutor.

In Burkina Faso, persons arrested and remanded in custody are also brought before the investigating judge of the specialized counterterrorism unit, which, unlike Mali, has concurrent national jurisdiction with primacy of the unit whenever it decides to take up the case; the other jurisdictions thus remain on the sidelines of the prosecution unless the unit relinquishes its right.

It should be noted that under the Code of Criminal Procedure, the Public Prosecutor with territorial jurisdiction has the option of transferring jurisdiction from one court to another. However, it was specified that for certain matters, the specialised judiciary pool has exclusive jurisdiction. Made up of two examining magistrates, two deputy prosecutors and a public prosecutor, the specialised unit, which is intended to investigate both for the prosecution and the defense, is not yet operational, as there is no specialised unit for operations. Nevertheless, it remains competent for all offenses classified as terrorist, despite the adoption in 2019 of a decree giving the military court jurisdiction over the same offenses, as this text is inferior to the act in the legal system. However, this is a situation that brings to light an important challenge: the frequent incursion of politics into judicial affairs.

One of the particularities of the situation in Mali is that, in addition to the state armed forces, arrests are also made by the G5 Sahel, MINUSMA and Barkhane forces, in which case the arrested persons are transferred to the national authorities, in particular to the gendarmerie, who present them to the Public Prosecutor and the investigating judge.

However, once in Bamako, issues related to the availability of premises to house them, their food and health care, including the possibility of being consulted by a doctor of one's choice, are a source of enormous difficulties given the very high number of people arrested and detained at the gendarmerie. The same is true in Burkina Faso where, despite the rights conferred by the Code of Criminal Procedure to the person in custody, he or she can, in practice, only be examined by a doctor if necessary. The lack of adequate care to improve detention conditions in such situations is a source of tension with the Ministry of Justice in Mali, but also in Burkina Faso, where police services are also faced with insufficient financial resources.

Finally, the issues of notifying the detainee of the reasons for his or her arrest in a language he or she understands and providing legal assistance are also challenges in the Malian context after arrest, while the right to be assisted by a lawyer or family member is fully implemented in Burkina Faso.

With respect to child protection measures, in Niger children were kept in transit and orientation centres and had no contact with ordinary prisoners. In Mali, prosecution of minors associated with armed groups is prohibited by a circular based on the UN Convention for Children.

The ICRC believes that the practical implementation of these rights sometimes poses difficulties, both in peacetime (limiting the length of police custody and pre-trial detention, verifying the legality of detention, cooperation of the authorities carrying out the arrest and trial, etc.) and, a fortiori, in times of armed conflict, when specific questions arise.

2. SPECIFIC ISSUES RELATED TO DETENTION IN THE NIACS

Some practical issues raised by the detention of individuals in the NIACs were noted during the discussions.

Guinea asked what legislative and practical measures have been taken by both Mali and Burkina Faso regarding terrorist fighters who return to their countries of origin after having fought elsewhere? This question is even more relevant as it refers to a basic principle of non-refoulement. The ICRC went on to ask whether ECOWAS Member States have special procedures in place to prosecute violations of IHL committed by individuals abroad.

To this question, Mali replied that the terrorist offense is considered a transnational offense committed in another country, so that Malian courts retain the possibility of prosecuting such a person who decides to return to Mali on this basis. But as to whether Mali has legislated specifically on foreign terrorist fighters returning to Mali, it should be noted that no such legislation has been adopted to date. In Burkina Faso, the situation is similar, since the transnationality of the offense is considered in terrorist matters. For example, a 2009 act, amended by another in 2015, clearly identifies situations that may give rise to suspicions of acts of terrorism.

When such situations are proven, existing judicial and police cooperation between states allow Burkina Faso to hand over a person suspected of terrorist acts to another state upon request.

The same is true in Senegal, where a Senegalese national who has committed any offense abroad or who has caused harm to another Senegalese national may be prosecuted upon his return to the country, in proportion to the act he has committed in the common criminal enterprise.

The case of the Boko Haram returnees in Niger is quite illustrative of this type of situation and invites us to adopt a case-by-case approach for the treatment of cases, according to the roles that each of them had to play.

As Guinea pointed out, there is still the need to manage the fear that the return of people from the fighting often generates in society and for the authorities.

Another question addressed to the representative of Mali by the representative of Togo was whether persons suspected of terrorism are transferred to the Bamako detention centre? And if so, how are they detained in Bamako and are they transferred to high security prisons when convicted?

In response, Mali pointed out the difficulty of respecting the 8-day time limit for police custody because of the distance between the place of arrest and the time of bringing the detainees before the prosecutor. The powers of the military authorities are also strengthened when a locality becomes a military operation zone. Detainees are therefore first taken to the gendarmerie (provost marshal), handed over to the judicial investigation service attached to the gendarmerie, before being brought before the investigating judge. As for the premises intended to house them, two quarters are specially reserved for the Bamako prison, although a High Security Prison (HPS) would be desirable; work is in any case underway for its construction.

But it remains to be seen, as the representative of Sierra Leone wondered, if there is a real will at the level of the States to limit the duration of pre-trial detention? And, if so, are the States ready to pay compensation to persons detained beyond the time limit? For Burkina Faso in any case, it would not be productive to attack the exceeding of time limits. The representative of Niger revealed that although under the terms of the CCP, a person who has been dismissed must be compensated, the commission responsible for ensuring this compensation has not yet been set up, which makes it difficult to apply. Finally, in Senegal, a law has been passed to compensate victims for damages due to their detention for persons who have been acquitted or discharged. Under the terms of this law, these people have the right to refer to the compensation commission of the Supreme Court, which will determine the amount to be allocated to them.

3. RECOMMENDATIONS AND SOLUTIONS

Regarding the practical problems related to detention in the context of the NIAC, it was recognised that everything depends on political will for the proposed solutions to be effectively implemented.

For example, it was suggested, notably by the West African Civil Society Forum (WACSOF), that States should commit themselves to respecting the international and national legal frameworks they have adopted and, in particular, to internalising the IHL treaties they have ratified. Any detainee in the framework of an NIAC must indeed be protected by IHL. But beyond the texts, certain basic principles must also be respected, as the ICRC reminds us. This is the case for the prohibition of arbitrary detention, which presupposes that valid reasons are put forward for detention in accordance with the procedures defined by the act.

The issue of raising awareness about the rights of detainees also came up, with WACSOF committing to support this awareness-raising among the general public as well as among ministers and parliamentarians so that they in turn exercise their oversight function. Burkina Faso insisted on the importance of awareness raising by pointing out raising the issue of detention in humane conditions is difficult because there is public opinion that the alleged terrorists do not have the right to life.

In addition, the alternative of traditional justice, such as the case of Rwanda, was also mentioned in order to avoid prison overcrowding, as people are already paying for their mistake, even if they are not in prison, according to WACSOF.

In particular, regarding measures to deal with prison overcrowding, which is not specific to NIAC situations, respect for procedures has been put forward as a solution to avoid wasting resources.

For ECOWAS, it seems important to institute a system for monitoring detention conditions and to adopt instruments that would give the judiciary the possibility of monitoring these conditions of detention, despite the reservations of the Executive, which is quick to point out security concerns.

SESSION 5: INTRODUCTION TO THE 33RD INTERNATIONAL RED CROSS AND RED CRESCENT CONFERENCE AND OVERVIEW OF DRAFT RESOLUTIONS

In summary:

- The ICRC specified that **the representation of the Member States** (from their capitals) **at the International Conference of the Red Cross and Red Crescent is their responsibility**, even if they are given the possibility to discuss directly with the ICRC Delegations based in their countries, the possibilities of support in this respect.
- The ICRC recalled the different working Commissions during the 33rd International Conference, namely: *The International Humanitarian Law Commission*, *the Vulnerability Commission* and *the Trust in humanitarian action Commission*. With regard to the latter Commission, its usefulness was justified by **the importance of gaining the trust of the affected communities in order to guarantee the ICRC's access and acceptance of its activities**. The other aspect of this theme concerns **data collected for humanitarian purposes, so that it is not used for commercial or security purposes**.
- The ICRC pointed out, in response to the concerns of some Member States, that **respect for confidentiality is taken very seriously and is a very important working method for the Institution**, as it is essential for carrying out its activities, including in detention centers.
- The ICRC said that of the five **Resolutions** to be discussed and adopted at the 33rd International Conference, the one entitled **“Bringing IHL home: A road map for better national implementation of international humanitarian law”** remains the most relevant to the implementation of IHL.
- The ICRC clarified that the international **conference resolutions** are not binding but **have a moral force similar to that of the UN General Assembly resolutions**. However, these resolutions **identify the entities responsible for their implementation** and the **follow-up reports submitted to the conference that** summarize all the activities implemented during the four years preceding the next international conference.
- In connection with the Resolution “Bringing IHL home,” the Member States have adopted a **joint commitment on the internalisation, implementation and dissemination of IHL at a national level**.

For the first time since the annual meetings on the implementation of IHL began in Abuja, a session on the International Conference of the Red Cross and Red Crescent has been established. Its aim was to inform participants in advance of the 33rd forthcoming conference (9–12/12/19), while encouraging the active participation of ECOWAS Member States in the adoption of resolutions and commitments.

1. PARTICIPATION AND PROCEEDINGS OF THE 33RD CONFERENCE

Participation in the international conference itself raised questions about its financing mechanism and the existence or non-existence of a fund to cover the costs of certain government delegates from their capitals. With regard to the financing of the conference, Switzerland, as the depositary country of the Geneva Conventions and the headquarters of the ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC), are responsible for it. But with regard to the second concern, it must be recognised that while the ICRC or the IFRC contribute to financing the participation of certain National Red Cross or Red Crescent Societies, this is not the case for States, although the question can always be raised directly with the ICRC delegations covering the countries concerned. At the last international conference, some States sent their delegates from the capital to support the permanent mission.

Concerning the conference proceedings, the emphasis was placed on the work that will be carried out within the commissions that will be formed each day around previously defined themes. Thus, on the first day, the *International Humanitarian Law Commission* will meet to reflect on issues such as how to influence arms bearers, good practices, new technologies, the impact of armed conflict on women, children, girls, urban warfare, among others. The second day will allow the *Vulnerability Commission* to work on the role of volunteers, migrants and displaced persons, the consequences of climate change and the challenges of contemporary urbanisation. Finally, on Day 3, the *Trust in humanitarian action Commission* will discuss “community commitment,” national implementation mechanisms, the need to preserve an impartial and independent neutral space (NIHA), especially given the importance of gaining the trust of affected communities in order to ensure ICRC access and acceptance of its activities.

It is particularly this third theme that has generated the most debate. The representative of Niger wondered what guided the choice of a theme on humanitarian trust, which seems to imply that barriers to humanitarian action remain, unless it is for the purpose of evaluating the existing collaboration between humanitarian actors and States? In response, it should be noted that there is much debate about the neutrality of humanitarian action, hence the concern to know what criteria should be put in place to guarantee neutral and impartial humanitarian action. Indeed, one need only refer to the “OXFAM” case, where the exposure of reprehensible sexual practices committed by humanitarian actors opened the debate on how to ensure mechanisms of respect for humanitarian action and sanction those who do not comply with the code of conduct. The other aspect of this theme concerns data collected for humanitarian purposes, so that they are not used for commercial or security purposes, hence the need to reassure aid recipients on this subject.

In the opinion of the representative of Senegal, the question of trust would also arise on the part of the State with regard to the ICRC, as confidential ICRC reports could fall into the public domain, as has already happened in the past, with the risk of creating a crisis of trust among politicians with regard to the activities carried out by the humanitarian organisation. In view of this concern, it was recalled that the ICRC's working methods are based on confidentiality, and that reports are submitted in confidence to the authorities. The ICRC therefore does not make its reports public except in very exceptional cases (*the last publication of reports dates back to the 1990s*). The fact that these reports end up in the public domain and notably on social networks is not necessarily the fault of the ICRC but can also be the result of leaks from the authorities themselves. The respect of confidentiality is in any case taken very seriously and is a very important working method for the ICRC, as it is essential for the humanitarian organisation to be able to carry out its activities, among others in detention centres.

This session was also an opportunity to review the resolutions that will be discussed at this 33rd international conference and the commitments that may be made by States on this occasion.

2. RESOLUTIONS

Five of the Resolutions to be discussed and adopted at the 33rd International Conference were reviewed. The first, entitled *“Bringing IHL home: A road map for better the national implementation of international humanitarian law”* and therefore the most relevant in terms of implementation, starts from the observation that daily violations of IHL constantly raise questions about the ability of this law to protect the victims of armed conflict. For the ICRC, IHL is respected when, among other things, it has access to detainees and is able to provide assistance to people in need, when the wounded are collected and cared for. These are indeed all cases of respect for the law, the objective not being to deny the violations but rather to balance the debate. The violations in themselves do not call into question the rules, but rather demonstrate the will to continue to respect them. It is for these reasons that the ICRC has submitted this draft resolution proposing measures to ensure better respect for IHL through efficient national implementation of its provisions. Since the submission of the initial text, recommendations aimed at improving it has been made, in particular by the National Red Cross or Red Crescent Societies of ECOWAS Member States. The latter were thus able to ask for adjustments to be made, such as considering their mandate to promote IHL. They also asked for a stronger mention of the international fact-finding commission, as well as for emphasis to be placed on the ratification of all IHL treaties, especially the Additional Protocols to the Geneva Conventions, in view of the opposition shown by some States not to ratify the said protocols. In particular, the National Societies of Burkina Faso, Togo and Nigeria made verbal comments during the last preparatory meeting, hence the importance for the national authorities of these countries to coordinate with the said National Societies before the conference is held. In this regard, the annual ICRC-ECOWAS seminar is an appropriate platform, from a regional point of view, to discuss the text of the resolutions. In the future, efforts should be redoubled to ensure that the text of the resolutions is discussed constructively and upstream, among ECOWAS Member States.

The second resolution on *“Restoring family links while respecting privacy, including the protection of personal data”* is based on the ICRC's traditional work of preventing separations and disappearances, clarifying the fate of missing persons, re-establishing contact between family members, and facilitating family reunification, where possible. This problem is all the more important in West Africa where the ICRC is searching for 21,000 missing persons in northern Nigeria, the reality being even higher and greater than the situation currently prevailing in Syria. The problem does not only arise in situations of armed conflict, but also following natural disasters and population migration. Therefore, in view of the extent of the phenomenon, the use of new technological tools makes it possible to be more effective in the search for missing persons, while posing problems relating to data protection. Indeed, to keep trust, it is important to use data in the humanitarian field, so that people know how their data is used and give their consent to it. The resolution then calls on States to ensure that data collected is used only for humanitarian purposes and to consider that Restoring Family Links (RFL) activities involve cross-border exchanges. It calls on States to adopt the code of conduct for the processing of personal data by the Red Cross movement. However, a number of States have difficulty accepting concepts that are not universally accepted such as *“privacy protection”* and ask what the implications are for them of accepting the code of conduct.

The third resolution is entitled *“Addressing the mental health and psychosocial support needs of persons affected by armed conflict, natural disasters and other emergencies”* and deals with psychological support in situations of armed conflict and other situations of violence. Human resources are indeed limited for people with mental disorders in such situations, hence the importance of reflecting the risks and vulnerabilities of several vulnerable groups.

The fourth resolution is on the *“Development of disaster laws and policies that take into account climate change and leave no one behind”*. As for the fifth, it focuses on the following theme: *“Acting now by fighting epidemics and pandemics together,”* with the objective of strengthening the capacities of National Societies in the management of these.

To Togo's question of whether consensus does not paralyse the adoption of resolutions, it was indicated that consensus does not exclude recourse to voting, in case it is not reached. The advantage of consensus is that it allows solutions to be found that allow all the participants in the conference to feel involved. It is therefore not an imperative but rather a philosophy, in order to avoid divisions over humanitarian texts and to facilitate

compromises by seeking a common denominator that sometimes leads to texts that are not as ambitious as those desired.

Finally, some answers were provided regarding the binding or non-binding legal force of the resolutions of the 33rd International Conference, their implementation and the system of sanctions for a State that does not apply its commitments and the resolutions adopted, concerns raised by Mali. It is in fact accepted that the resolutions of the international conference are not imperative, but only have a legal moral force, as is the case with the resolutions of the United Nations General Assembly. Furthermore, there are no sanction mechanisms to punish a State or a component of the Movement that does not respect a resolution. Nevertheless, the resolutions specify which actor is obliged by which specific action and concerning the follow-up of the state of implementation of the accepted resolutions, follow-up reports submitted to the conference summarize all the activities implemented during the 4 years, but no sanction mechanisms.

SESSION 6: WORKSHOP ON THE COMMITMENTS OF THE 33RD INTERNATIONAL RED CROSS AND RED CRESCENT CONFERENCE

The last session on the commitments at the 33rd conference gave participants a better understanding of their usefulness and purpose.

At the end of the discussions, Burkina Faso planned to identify, upon return, the actors who should take part in the 33rd conference and the formulation of commitments, especially since it was clarified that these commitments do not necessarily have to be related to the themes addressed at the 33rd conference, as they can address any humanitarian concern.

The session ended with the adoption of a joint commitment by ECOWAS Member States (**Annex II**) in connection with Resolution 1 (**Annex I**).

FINAL RECOMMENDATIONS

The 16th annual ECOWAS–ICRC meeting on the implementation of IHL in West Africa ended with the adoption of recommendations related to each of the themes discussed, as follows

SESSION 1: SEXUAL VIOLENCE AND PROTECTION OF VULNERABLE POPULATIONS

1. Member States and the ECOWAS Commission have agreed on the need to develop a comprehensive and systemic approach to ensure the prevention and prosecution of sexual violence in situations of armed conflict. Measures will include:
 - Legislative reform
 - Integration of IHL into mandatory training for defense and security forces
 - Establishment of clear administrative policies and procedures to encourage reporting of violations (by victims and witnesses, including defense and security personnel)
 - Institutionalise mandatory “after action” reviews of actions taken by defense and security forces in internal security or other operations
 - Conducting a periodic “systemic” review of defense and security forces’ compliance with IHL.
2. Member States and the ECOWAS Commission recommended the institutionalisation (with the support of partners) of broad consultations and coordination between national institutions and civil society led by national IHL committees or commissions to campaign for the eradication of the scourge of sexual violence.
3. Participants recognised the need to put in place mechanisms and implement strategies to combat and punish acts of preventive sexual violence, both in times of armed conflict (before, during, and after situations of armed conflict) and in times of peace.
4. Member States and ECOWAS recognised the need to prioritize services for victims of sexual violence and committed to taking steps to ensure effective care and assistance for victims in peacetime and in conflict situations.
5. Participants identified and committed to taking steps to effectively educate and sensitise the public and mobilise various groups in society to end sexual violence, both in conflict and peacetime situations.
6. Participants called on governments and all humanitarian actors to improve the situation of internally displaced persons and refugees (facilities, protection policies and practices, etc.) in order to reduce sexual violence affecting vulnerable populations.
7. Participants recognized the need to effectively link the resources and capacities of States and other entities to ensure the protection of “particularly vulnerable” segments of the population (including women, children, persons with disabilities, and internally displaced persons) from interrelated risks and threats, including: human trafficking, sexual violence, and violence against children. The development by the ECOWAS Commission of a “trafficking in persons plus” approach was welcomed.

SESSION 2: SEXUAL VIOLENCE IN DETENTION

1. Member States considered the recognition of sexual violence in detention to be a crucial first step in preventing and responding to such violence and urged improvements in detention facilities, management, quality and quantity of staff and health care needed to prevent sexual violence.
2. Participants at the meeting recognised the need for effective reporting policies (including anonymous reporting) and safeguards for victims and witnesses (including prison guards), as well as clear administrative investigation and criminal justice procedures to be implemented.

3. Participants recognised that effective education of detention officials and detainees on sexual violence is a key requirement for its eradication and committed to acting in this regard, including providing codes of conduct for detention officials, standardised training, etc. with technical support from ECOWAS and the ICRC.
4. The ECOWAS Commission and Member States offered to conduct studies and assessments on sexual violence in detention to provide an evidence base for determining future interventions.

SESSION 3: CONDITIONS OF DETENTION

1. Member States affirmed that the freedom of citizens is a fundamental human right and that any deprivation of the right of free movement of persons should be in accordance with national law and international legal standards and that detention should always guarantee the minimum and irreducible rights of detainees within the framework of justice (right to medical care, to life except in case of execution of the death penalty by a competent judicial court, etc.) and consideration of the situation of the detainee, e.g.: pregnant women, children born of prisoners, incarceration of minors, etc.
2. Member States indicated that prolonged detention (including pre-trial detention) was responsible for overcrowding in places of detention and recommended alternative measures to detention (detour) in appropriate cases.
3. Member States and ECOWAS recognised that most of the people in detention were charged with minor offenses and that lack of resources (including insufficient number of prosecutors, judges, etc.) led to prolonged detention and overcrowding and recommended that the Region and its Member States consider the use of “traditional justice” systems under the supervision of formal state systems as an alternative.
4. The meeting recommended the review and reform of procedural law to eliminate delays in the hearing of cases by the courts. The importance of the roles of prosecutors and prison wardens in managing prisoners' court cases was emphasised for the timeliness of proceedings.
5. Member States recognised the importance of national human rights commissions and other independent bodies organizing unannounced visits to assess prison conditions and making recommendations for reform to national authorities.
6. Member States emphasised the importance of working with civil society to raise awareness of detainees' rights among the public and parliamentarians and to promote a vision of the justice system that is more reformist than punitive.
7. ECOWAS and its Member States recognised the resource challenges for the effective operation of detention centres and called on States to increase the amount of funds allocated to these centres and requested that additional resources be sought from the private sector, civil society, donors, and through self-sustaining means. In addition, they called for “aid” and “self-sufficiency” prison strategies such as farming, vegetable gardening, production of items for sale to the public, etc.

SESSION 4: DETENTION IN NON-INTERNATIONAL ARMED CONFLICT

1. Member States shared good practices and identified a number of challenges in relation to criminal procedure applicable to the arrest, detention and transfer of detainees in situations of non-international armed conflict.
2. Member States stressed the importance of respecting human rights and international humanitarian law for persons detained in situations of armed conflict or other situations of generalized violence.
3. Participants strongly emphasized that detention in the context of non-international armed conflicts resulting from counterinsurgency and counterterrorism operations, etc., must be in accordance with the relevant statute and that judicial guarantees and detention review must always be ensured.

4. Participants emphasized the link between IHL, the human rights and security sectors, governance and reform. ECOWAS and Member States were urged to ensure that systemic changes fully integrate human rights and IHL, including the promotion and protection of detainees' rights.

SESSION 5: INTRODUCTION TO THE 33rd INTERNATIONAL RED CROSS AND RED CRESCENT CONFERENCE AND OVERVIEW OF DRAFT RESOLUTIONS

1. The Member States recommend the support of ECOWAS and the ICRC for the organization of a meeting with all ECOWAS Member States prior to each International Red Cross and Red Crescent Conference in order to allow regional coordination on resolutions and commitments.

SESSION 6: COMMITMENTS AT THE INTERNATIONAL RED CROSS AND RED CRESCENT CONFERENCE

1. Participants requested ECOWAS and the ICRC to assist Member States in finalizing and coordinating their specific positions in preparation for the 33rd International Conference of the Red Cross and Red Crescent.
2. Member States adopted the ECOWAS specific commitment on the implementation, domestication and dissemination of IHL in West Africa at the 33rd International Conference of the Red Cross and Red Crescent.

CLOSING CEREMONY

Addresses by the ECOWAS Director of Humanitarian and Social Affairs, on behalf of the Commissioner for Social and Gender Affairs, the head of the ICRC delegation represented by the ICRC Regional Legal Adviser, the chairperson of the meeting (delegate of Niger), the President of the ECOWAS Heads of State Summit) and the representative of the Permanent Representative of Nigeria to ECOWAS closed the 16th annual ECOWAS-ICRC meeting on the implementation of IHL.

In their various concluding remarks, these authorities emphasised the importance of IHL for West Africa, given its current experience with armed conflict and the burden of dealing with refugees and IDPs in its aftermath.

Delegates from Member States were commended for the excellent quality of their contributions to the meeting and for their commitment to promoting IHL and respect for the law in West Africa. The close collaboration between the ECOWAS Commission and the ICRC was also highlighted as important for advancing the work on IHL in the region. The adoption of a pledge by ECOWAS Member States at the 33rd Conference on International Humanitarian Law of the Red Cross and Red Crescent was hailed as an important statement of commitment and a basis for continued mobilization for respect for IHL.

Participants were urged to encourage and ensure the immediate implementation of the meeting's conclusions and recommendations in their respective capitals.

ANNEX I: RESOLUTION AT THE 33RD INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT, GENEVA, SWITZERLAND, 9–12 DECEMBER 2019

RESOLUTION (ENG 33IC/19/R1)

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,

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;

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 II: ECOWAS SPECIFIC PLEDGE TO THE 33RD INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT



Power of humanity

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



ECOWAS Specific Pledge to the 33rd International Conference of the Red Cross and Red Crescent

Pledge Title:

IMPLEMENTATION, DOMESTICATION, DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) IN WEST AFRICA

Type of Pledge: SPECIFIC (JOINT)

State(s) / National Society(ies) / other Humanitarian Partner(s):

Please indicate who is a signatory party to this pledge.

Pledge for the Period 2019–2023:

A) Preamble

Deeply concerned by the dire humanitarian situation facing populations affected by armed conflicts in West Africa.

Recognizing the importance of working towards effective implementation and dissemination of IHL.

We, the undersigned Member States of ECOWAS, pledge to work to fully implement, the ECOWAS Plan of Action on Implementation of IHL in West Africa (2019-2023) (hereinafter the ECOWAS IHL Plan of Action) validated in 2018, nationally and across the region.

We, the undersigned ECOWAS Member States, commit to implementing the ECOWAS IHL Plan of Action; with ongoing dialogue and regular exchange of information between our National IHL Committees/similar entities responsible for IHL and the ECOWAS Commission and ICRC delegations in West Africa. The ECOWAS IHL Plan of Action covers Ratification of IHL Treaties, Requirements for strong National Committees and similar entities on IHL, and the Thematic areas of: Sexual Violence in Armed Conflict, Protection of Children, Protection of Health Care and of the Red Cross and Red Crescent Emblem, Repression of IHL Violations, Migrants and IDPs, Arms Control, Counter-Terrorism, the Use of Force in Law Enforcement, the Penal Repression of IHL Violations and the Dissemination of IHL.

B) Action Plan

We, the undersigned Member States of ECOWAS, having validated the ECOWAS IHL Plan of Action, pledge for the years 2019-2023:


- 1) To establish National Committees and similar entities on IHL where they do not exist (after the model suggested by the ICRC Guidelines for NCIHL), and to reinforce existing National Committees and similar entities on IHL, by:

- (a) ensuring they have adequate resources to fulfil their mandate effectively; and

My

- (b) strengthening the cooperation between National IHL Committees and similar entities responsible for IHL, through the attendance and active participation in the ECOWAS-ICRC Review Meetings and other activities on Implementation of IHL in West Africa, as well as the next universal meeting of NCiHLs.
- 2) To carry out an analysis of the areas requiring further domestic implementation, in particular through comparing the compatibility between our international and regional obligations and the state of domestic legislation and policies, and to make concrete recommendations to fill the gaps.
 - 3) On the basis of this analysis, to continue the implementation of the ECOWAS IHL Plan of Action and ensure National IHL Plans of Action are operational or enacted by 2020, towards the adoption of all necessary Legislative, Administrative and Practical measures at the domestic level.
 - 4) To continue to consult the ECOWAS Commission and ICRC Delegations in West Africa for technical guidance on the implementation of the ECOWAS IHL Plan of Action, and on domestic implementation measures needed to meet IHL obligations and increase the level of implementation.
 - 5) To ensure regular reporting of achievements and challenges in implementing the ECOWAS IHL Plan of Action to the ECOWAS Commission, for effective monitoring and evaluation.

Done at Abuja, this 26th Day of September, 2019.



Mme Assétou Traoré Rabiou

Chairman

For the Meeting

ANNEX III: INTERNATIONAL HUMANITARIAN LAW INSTRUMENTS

- Rome Statute of the International Criminal Court;
- Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. 12 August 1949;
- Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces. 12 August 1949;
- Convention (III) relative to the Treatment of Prisoners of War, 12 August 1949;
- Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949;
- AP (I) to the Geneva Conventions 12 August 1949, relating to the Protection of Victims of Armed Conflicts, 8th June 1977;
- AP (I) Declaration Art. 90 Acceptance of the Competence of the International Fact- Finding Commission according to article 90 of AP (I);
- AP (II) to the Geneva Conventions 1949, relating to the Protection of Victims of Non-International Armed Conflicts, 8th June 1977;
- AP (III) to the Geneva Conventions 1949, relating to the Adoption of an Additional Distinctive Emblem Protocol III, 8 December 2005;
- Convention on the Rights of the Child, New York, 20 November 1989;
- Opt. Prot. To the Convention on the Rights of the Child on the involvement of children in Armed Conflict, New York, 25 May 2000;
- Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954;
- First Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14th May 1954;
- Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 26 March 1999;
- Convention on the prohibition of the military or any other hostile use of environmental modification techniques, New York, 10 December 1976;
- Protocol for the prohibition of Asphyxiating, Poisonous or other Gases, and Warfare, Geneva, 17 June 1925;
- Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Opened for Signature at London, Moscow and Washington, 10 April 1972;
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects. Geneva, 10 October 1980;
- Protocol on non-detectable fragments (I);

- Protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices (II);
- Protocol on prohibitions or restrictions on the use of incendiary weapons (III);
- Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention), 13 October 1995;
- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention);
- Amendment to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III), Geneva 21 December 2001;
- Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III). Geneva, 28 November 2003;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris 13 January 1993;
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Oslo, 18 September 1997;
- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005;
- Convention on Cluster Munitions (2008); and
- The Arms Trade Treaty (2014)

Regional Instruments

- African Charter on the Rights and Welfare of the Child 1990
- African Union Convention on Internally Displaced Persons
- ECOWAS Convention on Small Arms and Light Weapons

ANNEX IV: IHL TREATY RATIFICATIONS

COUNTRY	CPED 2006	ICC STATUTE 1998	HAGUE CONV. 1954	HAGUE PROT. 1954	HAGUE PROT. 1999	ENMOD CONV. 1976	KAMPALA CONVENTION 2009
Benin	-	22.01.2002	17.04.2012	17.04.2012	17.04.2012	30.06.1986	28.02.2012
Burkina Faso	03.12.2009	16.04.2004	18.12.1969	04.02.1987	05.02.18	-	09.08.2012
Cabo Verde	-	10.10.2011	-	-	-	03.10.1979	-
Cote d'Ivoire	20.02.2013	15.02.2013	24.01.1980	-	-	-	22.01.2014
Rep. of the Gambia	-	28.06.2002	-	-	-	-	17.08.2011
Ghana	-	20.12.1999	25.07.1960	25.07.1960	17.05.1999	22.06.1978	-
Guinea	-	14.07.2003	20.09.1960	11.12.1961	-	-	-
Guinea Bissau	-	-	-	-	-	-	04.01.2012
Liberia	22.09.2004	-	-	-	-	-	07.03.2017
Mali	01.07.2009	16.08.2000	18.05.1961	18.05.1961	15.11.2012	-	07.11.2012
Niger	24.07.2015	11.04.2002	06.12.1976	06.12.1976	16.06.2006	17.02.1993	10.05.2012
Nigeria	27.07.2009	27.09.2001	05.06.1961	05.06.1961	21.10.2005	-	17.04.2012
Senegal	11.12.2008	02.02.1999	17.06.1987	17.06.1987	-	-	-
Sierra Leone	-	15.09.2000	-	-	-	-	15.07.2010
Togo	21.07.2014	-	24.01.17	24.01.17	24.01.17	-	09.08.2011

Country	GC I-IV 1949	AP I 1977	AP I DECLARATION ART. 90	AP II 1977 AP III 2005	OPT PROT. CRC 2000
Benin	14.12.1961	28.05.1986	-	28.05.1986	21.01.2005
Burkina Faso	07.11.1961	20.10.1987	24.05.2004	20.10.1987 07.10.16	06.07.2007
Cabo Verde	11.05.1984	16.03.1995	16.03.1995	16.03.1995	10.05.2002
Cote d'Ivoire	28.12.1961	20.09.1989	-	20.09.1989	12.03.2012
Rep. of the Gambia	20.10.1966	12.01.1989	-	12.01.1989	-
Ghana	02.08.1958	28.02.1978	-	28.02.1978	09.12.2014
Guinea	11.07.1984	11.07.1984	20.12.1993	11.07.1984	08.04.2010
Guinea Bissau	21.02.1974	21.10.1986	-	21.10.1986	24.09.2014
Liberia	29.03.1954	30.06.1988	-	30.06.1988	-
Mali	24.05.1965	08.02.1989	09.05.2003	08.02.1989	16.05.2002
Niger	21.04.1964	08.06.1979	-	08.06.1979	13.03.2012
Nigeria	20.06.1961	10.10.1988	-	10.10.1988	25.09.2012
Senegal	18.05.1963	07.05.1985	-	07.05.1985	03.03.2004
Sierra Leone	10.06.1965	21.10.1986	-	21.10.1986	15.05.2002
Togo	06.01.1962	21.06.1984	21.11.1991	21.06.1984	28.11.2005

Country	CCW PROT. II A 1996	CCW A. 2001	CCW PROT. V 2003	CWC 1993	APMBC 1997	ECOWAS CONV. SALW 2006	CCM 2008	ATT 2013
Benin	-	-	-	14.05.1998	25.09.1998	-	10.07.2017	07.11.2016
Burkina Faso	26.11.2003	26.11.2003	-	08.07.1997	16.09.1998	28.11.2007	16.02.2010	03.06.2014
Cabo Verde	16.09.1997	-	-	10.10.2003	14.05.2001	28.05.2008	19.10.2010	23.09.2016
Cote d'Ivoire	-	-	25.05.2016	18.12.1995	30.06.2000	20.02.2014	12.03.2012	26.02.2015
Rep. of the Gambia	-	-	-	19.05.1998	23.09.2002	-	12.12.2018	-
Ghana	-	-	-	09.07.1997	30.06.2000	5.03.2010	03.02.2011	22.12.2015
Guinea	-	-	-	09.06.1997	08.10.1998	24.02.2012	21.10.2014	21.10.2014
Guinea Bissau	06.08.2008	06.08.2008	06.08.2008	20.05.2008	22.05.2001	-	29.11.2010	22.10.2018
Liberia	16.09.2005	16.09.2005	16.09.2005	23.02.2006	23.12.1999	13.08.2009	-	21.04.2015
Mali	24.10.2001	-	24.10.2001	28.04.1997	02.06.1998	27.12.2007	30.06.2010	03.12.2013
Niger	18.09.2007	18.09.2007	-	09.04.1997	23.03.1999	19.02.2007	02.06.2009	24.07.2015
Nigeria	-	-	-	20.05.1999	27.09.2001	27.10.2008	-	12.08.2013
Senegal	29.11.1999	-	06.11.2008	20.07.1998	24.09.1998	22.05.2008	03.08.2011	25.09.2014
Sierra Leone	30.09.2004	30.09.2004	30.09.2004	30.09.2004	25.04.2001	29.06.2007	03.12.2008	12.08.2014
Togo	-	-	-	23.04.1997	09.03.2000	03.10.2008	22.06.2012	08.10.2015

COUNTRY	GENEVA GAS PROT. 1925	BWC 1972	CCW 1980	CCW PROT. I 1980	CCW PROT. II 1980	CCW PROT. III 1980	CCW PROT. IV 1995
Benin	09.12.1986	25.04.1975	27.03.1989	27.03.1989	-	27.03.1989	-
Burkina Faso	03.03.1971	17.04.1991	26.11.2003	26.11.2003	26.11.2003	26.11.2003	26.11.2003
Cabo Verde	15.10.1991	20.10.1977	16.09.1997	16.09.1997	16.09.1997	16.09.1997	16.09.1997
Cote d'Ivoire	27.07.1970	-	25.05.2016	-	25.05.2016	-	-
Rep. of the Gambia	05.11.1966	21.11.1991	-	-	-	-	-
Ghana	03.05.1967	06.06.1975	-	-	-	-	-
Guinea	-	-	-	-	-	-	-
Guinea Bissau	20.05.1989	20.08.1976	06.08.2008	06.08.2008	06.08.2008	06.08.2008	06.08.2008
Liberia	17.06.1927	-	16.09.2005	16.09.2005	16.09.2005	16.09.2005	16.09.2005
Mali	-	25.11.2002	24.10.2001	24.10.2001	24.10.2001	24.10.2001	24.10.2001
Niger	05.04.1967	23.06.1972	10.11.1992	10.11.1992	10.11.1992	10.11.1992	18.09.2007
Nigeria	15.10.1968	09.07.1973	-	-	-	-	-
Senegal	15.06.1977	26.03.1975	29.11.1999	29.11.1999	-	-	29.11.1999
Sierra Leone	20.03.1967	29.06.1976	30.09.2004	30.09.2004	-	30.09.2004	30.09.2004
Togo	05.04.1971	10.11.1976	04.12.1995	04.12.1995	04.12.1995	04.12.1995	04.12.1995

ANNEX V: CONCEPT NOTE

ECOWAS-ICRC ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW TREATIES IN WEST AFRICA, ABUJA, 24-26 SEPTEMBER, 2019

A. BACKGROUND

In recent years, the Economic Community of West Africa States (ECOWAS) region has faced a number of armed conflicts (e.g. in Mali and in the Lake Chad Basin) and other situations of violence falling below the threshold of armed conflict. Many Member States (MS) in the region are experiencing the dire humanitarian consequences resulting from such situations of violence – including internal displacement, increased instances of sexual violence, lack of healthcare access, and a fragile food situation in some MS.

In situations of armed conflict, International Humanitarian Law (IHL) treaties, as well as customary IHL, impose obligations on parties to the conflict (both State and non-State armed groups) to protect those who are not, or no longer, participating in hostilities and to restrict the means and method of warfare. ECOWAS MS have been increasingly active in ratifying or acceding to IHL-related treaties, but ratification is only the first step. Treaty ratification must be followed by additional measures to implement those treaties, including domestication of the treaties into the national legal frameworks.

B. ECOWAS-ICRC COLLABORATION ON IHL IMPLEMENTATION

Since 2001, the ECOWAS Commission and the International Committee of the Red Cross (ICRC) have been collaborating to promote respect for IHL, including through domestication of IHL treaties into national legal frameworks. One of the key pillars of this collaboration is the Annual Review Meeting on the Implementation of IHL in West Africa, which was held for the fifteenth time in 2018, and was an opportunity for MS experts to validate the new ECOWAS IHL Plan of Action (2019–2023).

The main objective of the Annual Review Meetings is to examine the progress of ECOWAS MS in implementing key IHL treaties, and to provide technical support for their domestication at the national level. During the Meeting, MS are invited to report on progress made, and identify IHL treaty priorities in the IHL Plan of Action (POA), which they commit to work on in the coming years. The Meeting also provides a platform for MS to exchange information and experience on challenges and best practices in their implementation efforts. This combination of technical assistance and peer review contributes to ensuring respect for, and integration of, IHL into the legislation and practical measures adopted by MS. In 2018, information shared by MS during the meeting was compiled into a joint ECOWAS-ICRC report titled “*Implementing IHL in West Africa*”.

In addition, the Annual Review Meetings serve as a platform for participants and experts from ECOWAS MS, the ECOWAS Commission, ECOWAS donor countries, various international organisations, civil society, and the ICRC to network and exchange views and experiences on contemporary IHL issues of concern and humanitarian challenges in the region.

C. OBJECTIVES

The objectives of this meeting are to:

1. Take stock of progress towards the implementation of ECOWAS IHL POA by Member States;
2. Build Member States' technical capacity for the implementation of the IHL POA and relevant thematics at the national level;
3. Share best practices and provide avenue for bilateral exchanges and peer learning;
4. Update participant's knowledge and modalities to access available technical assistance from ECOWAS, the ICRC, and other organizations;
5. Facilitate the active participation of ECOWAS Member States at the International Conference of the Red Cross and Red Crescent.

D. 2019 MEETING

Following the successful validation of the new ECOWAS POA, the 2019 Annual Review Meeting on the Implementation of IHL in West Africa will focus on providing MS with deep technical guidance on selected IHL thematics, as well as work with MS to prepare for their participation in the 33rd International Conference of the Red Cross and Crescent. The Meeting will be spread over three days, and will involve participation by Member State experts, ICRC and ECOWAS thematic experts, and representatives from relevant Civil Society and International Organizations.

Member State participants in the meeting will include Government Officials and Parliamentarians who are involved in the technical implementation of IHL treaties in their countries, as well as members of National IHL Committees. The first sessions will feature reports by Member States on the progress and challenges associated with the implementation of their 2019 IHL Priorities, measures taken to implement the ECOWAS POA, and their 2020 IHL Priorities. The reporting sessions by Member States will serve as an avenue for the update of the 2018 Report on *"Implementing IHL in West Africa"*.

The technical sessions on the Second day will feature Lead Presentations by Member States and technical inputs provided by ECOWAS, ICRC and other Experts on Sexual Violence, particularly of vulnerable groups, as well as exploring the issue of sexual violence in situations of detention. Expanding on this issue of detention during armed conflicts, MS will be asked to look at the requirements for conditions of detention, and the specific situation of detention during non-international armed conflict. The sessions on detention will involve various aspects from the ECOWAS IHL POA, such as the issue of judicial guarantees, and treatment by military and security forces, among others.

The final day of the meeting will primarily focus on the MS preparation for the 33rd International Conference of the Red Cross and Crescent, held in Geneva in December, 2019. The International Conference is a forum bringing together the world's largest humanitarian network and most governments to enhance and inspire humanitarian debates among governments, policy makers and the components of the International Red Cross and Red Crescent Movement. Previous Resolutions have contributed substantively to the strengthening of international humanitarian law and its implementation, and the strengthening of legal frameworks for disasters.

The 2019 Annual Review Meeting will be an opportunity for the MS participants to review the draft Resolutions together, review pledges from previous International Conferences, and may decide to work on draft pledges for their individual countries, or draft a common ECOWAS Pledge. By the end of the sessions, participants will be well prepared to work with the delegates of their countries to the International Conference, and ensure participation. The International Conference will provide the ECOWAS region the platform to present a strong voice on IHL, and set an example that others can emulate.

E. AGENDA ITEMS

The meeting will address the following issues:

- Presentation of status of implementation of POA and 2019 IHL Priorities, and setting out 2020 IHL Priorities
- Sessions on sexual violence and vulnerable populations, and sexual violence during detention
- Sessions on conditions of detention, and specific focus on detention in non-international armed conflict
- Briefing the MS on the 33rd International Conference of the Red Cross and Red Crescent, and drafting comments to the Pledges

F. MEETING DETAILS

Dates: 24–26 September, 2019

Location: Abuja

Participants: Thirty (30) Government Experts from the 15 ECOWAS Member States, ECOWAS Staff, ICRC, and other Partners;

Modalities of meeting: Participants from MS will make presentations on the Progress and Challenges related to implementing the POA, and their 2019 IHL Priorities, as well as set out their 2020 IHL Priorities. Question and Answer sessions will follow the group presentations. Different Member States participants will moderate the sessions. ECOWAS, the ICRC or other invited Partners will serve as Technical Experts for each session, providing additional tools and information to augment the presentations.

Budget: The cost of the meeting will be shared by ECOWAS (Per diem) and ICRC (Tickets).

ANNEX VI: MEETING PROGRAMME/ AGENDA

ECOWAS/ICRC ANNUAL REVIEW MEETING ON IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) IN WEST AFRICA

24-26 SEPTEMBER, 2019 IN ABUJA

TUESDAY 24 SEPTEMBER, 2019	
09:30 – 10:00	Arrival and Registration of Participants
	OPENING SESSION
10:00 – 10:40	Chair of Meeting: Niger Republic, Chairman of ECOWAS Authority Moderator: Director, Humanitarian and Social Affairs Directorate, Dr. Sintiki Tarfa Ugbe
10:00 – 10:10	Welcome Address by Commissioner, Social Affairs and Gender, Dr. Siga Fatima Jagne
10:10 – 10:20	Remarks by Nigeria Permanent Representative to ECOWAS, Amb. Babatunde Nurudeen
10:20 – 10:30	Remarks by ICRC Accredited Representative to ECOWAS, Mr. Eloi Fillion
10:30 – 10:40	Opening Statement by Ambassador of Niger to Nigeria and Permanent Representative to ECOWAS, Chairman of ECOWAS Authority
10:40 – 11:00	(Group Photo Session) Coffee – Tea Break
11:00 – 11:15	Election of the bureau and Adoption of the Agenda
11:15 – 12:00	Reporting by Representatives of Member States (Implementation of 2019 IHL Priorities and ECOWAS IHL Plan of Action; and 2020 IHL Priorities) (Burkina Faso, Cote d'Ivoire, The Gambia)
12:00 – 12:20	Question and Answers
12:20 – 13:05	Reporting by Representatives of Member States (Implementation of 2019 IHL Priorities and ECOWAS IHL Plan of Action; and 2020 IHL Priorities) (Guinea, Guinea-Bissau, Mali)
13:05 – 13:25	Questions and Answers
13:25 – 14:15	Group Lunch
14:15 – 15:00	Reporting by Representatives of Member States (Implementation of 2019 IHL Priorities and ECOWAS IHL Plan of Action; and 2020 IHL Priorities) (Niger, Nigeria, Senegal,)
15:00 – 15:20	Questions and Answers

TUESDAY 24 SEPTEMBER, 2019	
15:20 – 15:50	Reporting by Representatives of Member States (Implementation of 2019 IHL Priorities and ECOWAS IHL Plan of Action; and 2020 IHL Priorities) (Sierra Leone, Togo)
15:50 – 16:10	Questions and Answers
16:10 – 16:30	Wrap up and Concluding Remarks ECOWAS Commission

WEDNESDAY 25 SEPTEMBER, 2019	
CHAIR: REPUBLIC OF NIGER	
09:00 – 09:30	Arrival and Housekeeping
9:30 – 9:45	Reporting by Representatives of Member States (Implementation of 2019 IHL Priorities and ECOWAS IHL Plan of Action; and 2020 IHL Priorities) (Liberia)
09:45 – 10:45	SESSION 1: Sexual Violence and Protection of Vulnerable Populations Moderator: Liberia Member State Lead Presenter: Cote d'Ivoire, Sierra Leone Technical Experts: ECOWAS Ai Awaji, Deputy Protection Coordinator, Protection of Civilian Population, ICRC Abuja UNHCR
10:45 – 11:15	Plenary Discussion
11:15 – 11:30	Coffee – Tea Break
11:30 – 12:30	SESSION 2: Sexual Violence in Detention Moderator: Togo Member State Lead Presenter: Nigeria, Senegal Technical Experts: ECOWAS Chaza Ghandour, Deputy Protection Coordinator, Detention, ICRC Abuja
12:30 – 13:00	Plenary Discussion
13:00 – 14:00	SESSION 3: Conditions of Detention Moderator: Cote d'Ivoire Member State Lead Presenters: Niger, Guinea Technical Expert: ECOWAS Agneta Jonsson, Prison Systems Adviser, ICRC Abuja

WEDNESDAY 25 SEPTEMBER, 2019	
14:00 – 14:30	Plenary Discussion
14:30 – 15:30	Group Lunch
15:30 – 16:30	<p>SESSION 4: Detention in Non-International Armed Conflicts</p> <p>Moderator: The Gambia</p> <p>Member State Lead Presenter: Mali, Burkina Faso</p> <p>Technical Experts:</p> <p>ECOWAS</p> <p>Rochus Peyer, Legal Coordinator, ICRC Abuja;</p> <p>West African Civil Society Forum (WACSOF)</p>
16:30 – 17:00	Plenary Discussion
17:00 – 17:30	<p>Wrap up and Concluding Remarks</p> <p>ECOWAS Commission</p>
17:30 – 17:45	Coffee – Tea Break

THURSDAY, 26 SEPTEMBER, 2019	
09:00 – 09:30	Arrival and Housekeeping
09:30 – 10:30	<p>SESSION 5: Introduction to the 33rd International Conference of the Red Cross and Red Crescent and Overview of the Draft Resolutions</p> <p>Moderator: Myriam Raymond-Jetté, Regional Legal Adviser, ICRC Abidjan</p> <p>Presenter: Dr. Jean-François Queguiner, Deputy-Head of Delegation, ICRC Abuja</p>
10:30 – 11:00	Plenary Discussion
11:00 – 11:15	Coffee – Tea Break
11:15 – 12:30	<p>SESSION 6: ECOWAS Member States Pledges for the 33rd International Conference of the Red Cross and Red Crescent</p> <p>Plenary discussion</p> <p>Facilitators:</p> <p>Dr. Sintiki Tarfa Ugbe, ECOWAS Director, Humanitarian and Social Affairs</p> <p>Myriam Raymond-Jette, Regional Legal Adviser, ICRC Abidjan,</p>
12:30 – 13:15	Reading and adoption of the meeting report
	<p>CLOSING SESSION</p> <p>Moderator: Director, Humanitarian and Social Affairs Directorate, ECOWAS</p>
13:15 – 13:25	<p>Remarks by Dr. Siga Fatima Jagne</p> <p>Commissioner Social Affairs and Gender, ECOWAS Commission</p>
13:25 – 13:35	Remarks by Nigeria Permanent Representative to ECOWAS, Amb. Babatunde Nurudeen

THURSDAY, 26 SEPTEMBER, 2019	
13:35 - 13:45	Remarks by Mr. Eloi Fillion Head of Delegation, ICRC Abuja
13:45 – 13:55	Closing Statement by Ambassador of Niger to Nigeria and Permanent Representative to ECOWAS, Chairman of ECOWAS Authority
13:55 – 15:00	Group Lunch

ANNEX VII: LIST OF MEMBER STATE PARTICIPANTS

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTES ECOWAS – ICRC ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA

24 – 26 SEPTEMBER 2019

PAYS	MINISTÈRE OU ORGANISME	NOM/PRENOM	TITRE	COORDONNÉES DES PARTICIPANTS DE CONTACT
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PAYS	MINISTÈRE OU ORGANISME	NOM/PRENOM	TITRE	COORDONNÉES DES PARTICIPANTS DE CONTACT
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ANNEX VIII: INVITEES AND PARTICIPANTS




Essossinam Ali Tiloh	ECOWAS Commission
Oluwatomisin Philip	ECOWAS Commission
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Raheemat O. Momodu	ECOWAS Commission
Olatunde Olayemi	ECOWAS Commission
Osondu Ekeh	ECOWAS Commission
Chioma Nwana	ECOWAS Commission
Gibeon G Galayina	ECOWAS Commission
Lydia Dede	ECOWAS Commission
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Sere Lossin	Embassy of Burkina Faso
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Gonzalez Eva	Embassy of Argentina

Johan Arvidsson	Embassy of Sweden
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Shinon Ben-Shesham	Embassy of Israel
Gaby Vrancken	Embassy of Belgium
Ganiyi Aminatou	Embassy of Benin
Mirna Torres	Embassy of the United States
H.E. Emmanuel Mpfoyokurera	Embassy of Burundi
Imad Fathi	Embassy of Morocco
Samuel Acnel	Embassy of Ireland
Uchechi Anyanwu	Embassy of Switzerland
Dean Hurloch	British High Commission
Al-Hassan Conteh	Embassy of Lithuania
Adebisi Arije	UNICEF
Amah Assiama-Hillgartner	UNHCR
Joan Ogu	UNHCR
Roger Hollo	UNHCR

The ICRC helps people around the world affected by armed conflict and other violence, doing everything it can to protect their dignity and relieve their suffering, often with its Red Cross and Red Crescent partners. The organization also seeks to prevent hardship by promoting and strengthening humanitarian law and championing universal humanitarian principles. People know they can count on the ICRC to carry out a range of life-saving activities in conflict zones and to work closely with the communities there to understand and meet their needs. The organization's experience and expertise enables it to respond quickly, effectively and without taking sides.



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