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### Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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### Report of the Secretary-General

#### Addendum

## I. Introduction

The present addendum contains information from six additional replies to the request contained in paragraph 13 of General Assembly resolution [67/93](#), received subsequent to the submission of the main report, from Colombia, Finland, Kenya, Peru, Sweden and Tunisia.<sup>1</sup>

## II. Information received from Member States

### Colombia

[Original: Spanish]  
[23 June 2014]

#### 1. Measures taken at the international level to strengthen the existing body of international humanitarian law

The Government of Colombia has made it a priority to guarantee human rights and to comply with international humanitarian law. This commitment is reflected in its 2010-2014 national development plan, "Prosperity for All", specifically chapter V, on peacebuilding, which refers to the comprehensive public policy on

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<sup>1</sup> The full texts of the replies are available for review on the website of the Sixth Committee of the General Assembly (<http://www.un.org/ga/sixth>).



human rights and international humanitarian law and to transitional justice as mechanisms for guaranteeing the rule of law throughout Colombia.

Consequently, a national framework on human rights and international humanitarian law was adopted pursuant to Decree No. 4100 of 2011. One of the primary aims of the framework is to promote the State's role in the observance and guarantee of human rights and compliance with international humanitarian law. Thus, one of its components is a subframework on international humanitarian law and armed conflict, the purpose of which is "to strengthen the Government's response to challenges in complying with international humanitarian law in situations of armed conflict through the development of institutional initiatives".

Also noteworthy is vol. II, section II, of the Penal Code, on crimes against persons and goods protected by international humanitarian law, comprising articles 135 to 164 of Law No. 599 of 2000, which governs the investigation and prosecution of international humanitarian law violations. Accordingly, on 2 April 2014, the Office of the Attorney General issued decision No. 0567, establishing the national subdirectorates for victim and user support, creating internal working groups and defining their roles. The guidelines contained in that decision are aimed at ensuring the guidance, care, assistance, protection and redress for, and the participation of, victims of crimes, including international humanitarian law violations.

## **2. Dissemination of the Protocols Additional to the Geneva Conventions of 1949, and relating to the protection of victims of armed conflicts**

To strengthen and raise awareness about the existing body of international humanitarian law, the Government of Colombia has established, through the comprehensive policy on security and defence for prosperity, that all law enforcement personnel must carry out all their work in strict compliance with international humanitarian law. Indeed, such compliance is a requirement common to all defence activities throughout the national territory, especially the areas in which law enforcement personnel are most actively engaged in guaranteeing the safety and rights of residents.

In addition, the Ministry of Defence has issued a comprehensive policy on human rights and international humanitarian law as a guiding framework: it sets objectives and establishes those international humanitarian law initiatives with which the Armed Forces and, where appropriate, the national police, are expected to become familiar and subsequently implement. Two of its strategic objectives are the tailoring of education, instruction and training in international humanitarian law to the strategic requirements of a given situation; and closer inter-agency cooperation on international humanitarian law. More specifically:

(a) **Instruction and training.** There are two goals: to develop a system for teaching international humanitarian law; and to tailor international humanitarian law teaching methods to the current needs of law enforcement personnel, and involve all such personnel in order to ensure compliance with their obligations under international humanitarian law.

Over the last 15 years, the Ministry of Defence has established a noteworthy training programme on international humanitarian law. Led by the Ministry's Directorate for Human Rights and International Humanitarian Law, the programme

has resulted in the establishment of international humanitarian law offices in all law enforcement units.

Training in international humanitarian law must be: individualized, so that each law enforcement agent receives the training appropriate for his or her rank and level of responsibility; applicable, ensuring that the training is tailored to each situation and can be fully applied in the normal exercise of military and police activities; and cross-cutting, so that standards of international humanitarian law can be mainstreamed across all levels of instruction (education and training), equipment (means of combat), guidelines (manuals and regulations), and throughout the planning, conducting, overseeing and assessing of military and police operations.

(b) **Special legal counsel:** the policy provides for special advisory services to ensure compliance with obligations under international humanitarian law. Accordingly, the position of “Operational Legal Counsellor” was established within military units with the task of defining the legal framework for decision-making by commanders, thus ensuring compliance with international humanitarian law.

(c) **Maintenance of discipline, evaluation and incentives:** the maintenance of discipline requires specific mechanisms for ensuring that standards under international humanitarian law are met at all times during military operations. Accordingly, the position of “Officer Inspector” was established with the task of monitoring the compliance of orders and instructions with international humanitarian law; furthermore, a centralized system was set up, under the authority of the General Inquiries of the Armed Forces, to monitor cases of alleged failures to comply with international humanitarian law.

Likewise, evaluations are a basic requirement which, together with a series of incentives for military staff founded on the respect, promotion and safekeeping of international humanitarian law, ensures the maintenance of those high standards.

(d) **Cooperation: Part of the success of the implementation of the international humanitarian law policy depends on close cooperation with other State entities, in particular:**

(i) The Office of the Attorney General, together with the Technical Investigation Unit and the ordinary criminal justice system, which are essential to bringing to a successful conclusion those investigations and criminal proceedings within their jurisdiction which are associated with alleged violations of international humanitarian law;

(ii) The military criminal justice system, within which jurisdiction there have also been significant efforts to enhance the monitoring of investigations of violations and breaches of international humanitarian law and to streamline judicial activity with a view to the swift and effective administration of justice;

(iii) The Office of the Inspector-General, in order to ensure the free exercise of its preferential power and facilitate any disciplinary investigations into alleged violations of international humanitarian law;

(iv) The Office of the Ombudsman, in facilitating coordination with the directors of the training schools for law enforcement personnel to offer advisory services, training and education in international humanitarian law.

(e) **International support:** The Ministry of Defence is supported on an ongoing basis by the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

ICRC provides substantial support through the dissemination of information on international humanitarian law by means of workshops on lessons learned and technical advice on the process of mainstreaming such law in military instruction and doctrine. It also provides confidential reports on alleged violations of international humanitarian law by law enforcement personnel and carries out humanitarian work in the field.

For its part, OHCHR provides ongoing advisory services in the field of international humanitarian law and human rights, for example by helping to monitor 7 of 15 measures to prevent the killing of protected persons. It also provides inputs on the situation with regard to respect for international humanitarian law and human rights in Colombia in the field of education, and on disciplinary monitoring measures within the law enforcement personnel in those areas.

The Ministry of Health regularly disseminates the international humanitarian law rules for health workers, the community in general and armed factions, with the continued support of ICRC and the Colombian Red Cross.

In addition a high-level course on international humanitarian law has afforded training to civil servants responsible for implementing such law. The course has been given three times thus far and it is expected that by 2014 a thematic approach designed to cover the main topics identified and the tools needed to meet officials' specific requirements will be included in the course with a view to the proper adoption and implementation of national measures for the application and effective dissemination of such law.

### **3. Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**

Colombia has ratified and recognized a number of international treaties and standards on international humanitarian law and armed conflicts, formally incorporating them into its national legislation with the principal objective of promoting national measures for the implementation of such law and ensuring that they are formulated on the basis of the international guidelines on the subject. It is currently fostering initiatives for the ratification of other international instruments, such as the Arms Trade Treaty.

In addition, in September 2013, the Government participated in the Continental Conference of National Committees for the Implementation of International Humanitarian Law of the Americas, held in Costa Rica, where the Colombian international humanitarian law and armed conflicts subframework took on the name of International Humanitarian Law Committee of Colombia. Representatives of the Ministry of the Interior and the Ministry of Defence participated and the Presidential Programme for Human Rights and International Humanitarian Law provided technical secretariat services.

Colombia has also been working to regulate the use of means and methods of warfare, and the Ministry of Defence has therefore continuously monitored, including through the Presidential Programme for Comprehensive Action against Anti-personnel Mines (PAICMA), the implementation of the Ottawa Convention and

the Cartagena Action Plan 2010-2014, making progress mainly in the areas of: (i) humanitarian demining; (ii) mine risk education; and (iii) comprehensive assistance to victims.

### **3.1 Measures against enforced disappearances**

With regard to enforced disappearances, the State has established an elaborate institutional framework designed to ensure that missing persons are traced and identified. For that purpose, the Commission for the Tracing of Missing Persons was established through Law No. 589 of 2000, with the primary objective of supporting and promoting investigations into the offence of enforced disappearance. The Commission has coordinated the design and implementation of the National Registry of Missing Persons and Unidentified Bodies and the National Plan for the Tracing of Missing Persons; overseen and promoted the Urgent Tracing Mechanism; expedited the identification, location and return of the bodies or remains of victims of enforced disappearance, with the extensive participation of various designated victims' organizations through inter-administrative agreements; and studied and promoted Law No. 1408 of 2010, paying a tribute to the victims of enforced disappearance, and Law No. 1418 of 2011, adopting the United Nations International Convention for the Protection of All Persons from Enforced Disappearance, which was a legislative initiative of the Government.

The framework is complemented in one specific area by Law No. 1531 of 2012, establishing the procedure for declaring an absence caused by enforced disappearance and other forms of involuntary disappearance and the resulting civil effects. That Law affords protection to the families of missing persons in situations which affect their assets and well-being, without allowing the State's obligation in relation to the ongoing process of tracing the missing person to lapse.

### **3.2 Protection of medical units and transports, medical duties, and medical and religious personnel**

With regard to the protection of medical units and transports, medical duties, and medical and religious personnel, it is important to note that within the spectrum of protection established by international humanitarian law, Colombia adopted the concept of "medical duties" by decision No. 1020 of August 2002, repealed by decision No. 4481 of 2012 of the Ministry of Health and Social Protection, which reflects developments and recent input on the matter.

### **3.3 Protection of women and children**

With regard to the protection of the rights of children and adolescents, the Colombian Family Welfare Institute (ICBF) is responsible for guaranteeing the effective enjoyment of those rights in the exercise of its duties, and has adopted various measures in the context of armed conflict to that end.

#### **Assistance and care**

##### **(a) Access to justice**

Within the framework of Laws Nos. 975 of 2005 and 1592 of 2012, on ensuring access to justice for child and adolescent victims of armed conflict, ICBF

is improving the follow-up of final judgements within the justice and peace process, by developing the following:

- Individual psychological care for child victims of armed conflict in Colombia. Since the second half of 2013, ICBF, in conjunction with the Ministry of Health and Social Protection, has been involved in devising the comprehensive psychosocial and health care programme for victims (PAPSIVI). In addition, ICBF provides support to a number of child victims of armed conflict named in judgements handed down under the Justice and Peace Act, through awareness-raising events run by mobile units.
- Awareness-raising campaigns focused on communities and areas in which minors' human rights have been most affected. ICBF strengthened the programme on generations and well-being (Generaciones con Bienestar) by investing in infrastructure and staff in the Urabá Antioqueño subregion, and the departments of Chocó and Córdoba. Similarly, audiovisual awareness-raising material on the importance of protecting minors in the context of internal armed conflict has been disseminated through social media, the press and television stations, nationally and regionally.
- Quantitative and qualitative methodologies to document cases of unlawful recruitment of minors and to determine the damage caused by that crime. In the second half of 2013, ICBF, the Ombudsman's Office, the Attorney-General's Office, and the Counsel-General's Office, with the support of the International Organization for Migration (IOM), began analysing the databases on child victims of unlawful recruitment in order to develop an inter-agency documentation model for the identification, registration and psychosocial assessment of children and adolescents separated from illegal armed groups. In March 2014, a damage assessment guide was issued and shared with 80 specialists in the regional offices responsible for handling the cases of children separated from armed groups in Colombia.

(b) Returns and relocations

In compliance with the provisions of Law No. 1448 of 2011, ICBF should support the effective enjoyment of the rights of child and adolescent victims of forced displacement, as part of the returns and relocations process, specifically in connection with family reunification.

(c) Humanitarian food aid during the transition period

ICBF should deliver transitional humanitarian aid to the victims of forced displacement due to violence who are registered in the national register of victims and who do not have the essential items for their basic survival, once the special administrative unit charged with providing comprehensive reparation and support to victims has carried out a preliminary assessment to determine the degree of vulnerability of the household concerned.

To that end, ICBF developed a transition food programme, which, during the second half of 2013, dealt with a total of 267,785 requests for humanitarian aid, which came from 245,860 displaced households. The number of cash payments to the programme's beneficiaries totalled 193,441, or 178,255 when categorized by household.

## **Individual reparation**

### (a) Children and adolescents orphaned in the context of armed conflict

Law No. 1448 establishes the right to comprehensive reparation for children and adolescents who have lost one or both parents as a result of armed conflict. ICBF should initiate the judicial and administrative procedures for the comprehensive reparation of their rights.

### (b) Rehabilitation

ICBF has begun to implement comprehensive psychosocial care model for the rehabilitation of children and adolescents victimized by different traumatic events that occurred in the context of armed conflict. To that end, between June and December 2013, 536 psychosocial specialists from the ICBF regional offices were familiarized with and given training on the model. This model is currently being aligned with the technical assistance and care guidelines for the restoration of the rights and comprehensive reparation of child and adolescent victims of armed conflict.

In September 2013, a series of protocols were finalized regarding the psychosocial care of child and adolescent victims of forced displacement, unlawful recruitment or anti-personnel mines in armed conflict; those who became orphaned or suffered sexual violence in the context of armed conflict; and the families of those abducted or disappeared. These protocols set out assessment and psychosocial care tools and methodologies for child and adolescent victims and psychosocial support responses for all levels that are adaptable and age-appropriate. All these protocols are currently being incorporated into the operational assistance and care manuals for the restoration of the rights and comprehensive reparation of children and adolescents.

In addition, ICBF, with support from IOM and the United Nations Children's Fund (UNICEF), conducted a study on the psychosocial impact, effects and damage of armed conflict on children and adolescents. The study attempts to define the magnitude of the events suffered by minors under the age of 18 in the context of armed conflict. It examines the relationship between those events and the current psychosocial state of child and adolescent victims, as well as the consequences, impacts, effects and damage of war, disaggregated by ethnic and sociodemographic variables. Lastly, it identifies the comparative levels of psychological harm that each traumatic event caused children and adolescents. The study is currently being prepared and edited for publication.

## **Finland**

[Original: English]

[2 June 2014]

Finland has ratified the Protocols Additional to the Geneva Conventions. In 2009, Finland ratified the Third Protocol, and concurrently passed an act on the implementation of the Protocol. Finland has recognized the competence of the International Humanitarian Fact-Finding Commission. Finland is also financially supporting the work of the Commission.

Finland has ratified the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto, as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Ottawa Convention) entered into force for Finland on 1 July 2012. Finland deposited its instrument of ratification of the Arms Trade Treaty on 2 April 2014.

In its national pledge, Finland committed to renew the national publication on the Geneva Conventions and the principal international humanitarian law instruments, as well as customary international humanitarian law. These renewed publications will come out in 2014 or 2015.

Finland is also supporting the initiative and process launched by Switzerland, in collaboration with the International Committee of the Red Cross, recognizing the importance of exploring ways of enhancing and ensuring the effectiveness of mechanisms of compliance with international humanitarian law, with a view to strengthening legal protection for all victims of armed conflict (Resolution 1 adopted at the thirty-first International Conference of the Red Cross and Red Crescent).

To complement its own dissemination activities, the Government of Finland financially supports the international humanitarian law dissemination activities of the Finnish Red Cross (FRC). FRC engages in international humanitarian law dissemination in relation to a number of target groups, which include political decision makers, the armed forces, State civil servants and the general public.

FRC carries out its dissemination through training, seminars, publications, a Finnish language international humanitarian law website and general advocacy work. With regard to national committees, the Finnish National Committee on International Humanitarian Law continues to meet regularly to reflect on issues pertaining to the implementation of international humanitarian law in Finland. The Committee is chaired by the Director General for Legal Affairs of the Ministry of Foreign Affairs of Finland, and brings together representatives from different branches of Government, FRC, non-governmental organizations (NGOs) and academia.

The Finnish Defence Forces provide education and training in international humanitarian law to conscripts, officers and personnel participating in crisis management operations. Additionally, officers and other personnel take part in courses organized by FRC in Finland, and in courses organized by the International Institute of Humanitarian Law, and others, abroad. Issues related to international humanitarian law are also included in military exercises. The Defence Command is currently drafting new international humanitarian law training materials for military personnel, conscripts and crisis management personnel.

The Defence Forces employ legal advisers in the Defence Command, in the headquarters of each branch of the military, in the National Defence University and in the unit responsible for training crisis management troops, as well as in crisis management missions. Additionally, the Defence Forces train lawyers in reserve to act as legal advisers in case of armed conflict.

## Kenya

[Original: English]

[3 July 2014]

There are some areas of international humanitarian law that should be further developed. The first is protection for persons deprived of liberty, especially in situations of non-international armed conflict. In some cases, lack of adequate infrastructure and resources hampers the establishment of a proper detention regime; but the dearth of relevant legal norms is just as significant an obstacle to safeguarding the life, health and dignity of those who have been detained. More particularly, there is a need to strengthen the rules on material conditions of detention with a view to ensuring that detaining parties, whether State or non-State, ensure that the people in their power are treated humanely.

The second area of concern is the insufficient legal protection provided for internees during non-international armed conflicts. Internment is widely practiced to detain persons for security reasons without bringing criminal charges against them.

Another matter of concern is the protection of detainees transferred from one authority to another, either during or after the transfer. In certain instances, such persons have endured serious violations of their rights: persecution, torture, forced disappearance and even murder.

The international mechanisms for monitoring compliance with international humanitarian law and reparation for victims of violations constitute another area in which legal development should be explored. Insufficient respect for applicable rules is the principal cause of suffering during armed conflicts. Most of the procedures provided under humanitarian law have not or have almost never been used in practice.

The third area of concern is the protection of the natural environment. The serious harm done to the natural environment during numerous armed conflicts has only added to the vulnerability of those affected by the fighting. However, international rules protecting the environment in armed conflicts are either lacking or insufficient.

Lastly, the law protecting internally displaced persons should also be strengthened. For instance, measures should be adopted to enable displaced persons to return to their homes under satisfactory conditions. The law should also be improved so as to preserve family unity and ensure that internally displaced persons can access the documents they need to enjoy their rights.

## Peru

[Original: Spanish]

[23 June 2014]

### **I. Status of ratification of international instruments of international humanitarian law**

The Peruvian State is a party to most international humanitarian law treaties, including the four Geneva Conventions of 1949 and the two 1977 Protocols additional to the Geneva Conventions. Furthermore, the International Convention

for the Protection of All Persons from Enforced Disappearance and the Convention on Cluster Munitions were recently ratified.

## **II. Ministry of Justice and Human Rights and international humanitarian law**

In the context of the restructuring of the Ministry of Justice and Human Rights and the establishment of the Vice-Ministerial Office for Human Rights and Access to Justice, the Directorate General for Human Rights was tasked with designing, proposing, leading, coordinating, assessing and monitoring policies, plans and programmes for the protection and promotion of human rights and international humanitarian law.

The Directorate General for Human Rights is thus Peru's primary line department with specific competencies in the area of international humanitarian law. Its role is, *inter alia*, to:

- (a) Issue guidelines for the dissemination and promotion of human rights, including international humanitarian law, at the national level;
- (b) Establish and maintain coordination, cooperation and support relations with public and private domestic and international entities involved in the protection and promotion of human rights and international humanitarian law;
- (c) Act as the technical secretariat of the Peruvian National Commission for the Study and Implementation of International Humanitarian Law.

Furthermore, the responsibilities of the Directorate of International Affairs, Promotion and Legislative Alignment include the incorporation of international humanitarian law treaties into the national legal framework.

## **III. Strengthening of the Peruvian National Commission for the Study and Implementation of International Humanitarian Law**

The National Commission for the Study and Implementation of International Humanitarian Law was attached to the Vice-Ministerial Office for Human Rights and Access to Justice and its role is to act as a multisectoral body for issuing opinions and providing advice to the executive branch in the development of public policies, programmes, projects, action plans and strategies in the field of international humanitarian law.

The National Commission for the Study and Implementation of International Humanitarian Law has promoted and developed training and dissemination measures in the area of international humanitarian law. Specifically, since its inception in 2001, it has so far organized nine annual sessions of the "Miguel Grau" international humanitarian law course aimed at promoting and providing a space for training in international humanitarian law mainly for public-sector social actors (national government social actors, legal officials, members of the Armed Forces and the national police force, and representatives of the Office of the Ombudsman) and civil society actors committed to the implementation and enforcement of said law.

This year's course included a component on the "protection of the civilian population in situations of armed conflict". This was the first time a virtual training course was organized in advance of the actual meeting in order to consolidate basic concepts before dealing with the content of the selected topic.

Other activities organized by the Peruvian National Commission for the Study and Implementation of International Humanitarian Law include the following:

(a) In 2013, the first macroregional course on international humanitarian law was organized in Piura, and a course on the protection of cultural property in situations of armed conflict took place in Lima;

(b) In 2012, the first “Miguel Grau” decentralized course on international humanitarian law was held in Ayacucho;

The National Commission has also produced various reports and documents in the area of humanitarian law, including:

(a) A report on resolution AG/RES.2795 (XLIII-O/13) adopted by the General Assembly of the Organization of American States;

(b) A report in response to the follow-up survey of the outcomes of the thirty-first International Conference of the Red Cross and Red Crescent;

(c) A report on resolution AG/RES.2651 (XLI-O/11) (“Persons who have disappeared and assistance to members of their families”), adopted by the General Assembly of the Organization of American States;

(d) Technical considerations and recommendations on Law No. 29166 defining the rules governing the use of force by members of the Armed Forces in the national territory and its implementing regulations.

It also participated in international events in the field of international humanitarian law, including:

(a) Continental Conference of National Committees for International Humanitarian Law in the Americas, held in San José, Costa Rica, from 10 to 12 September 2013;

(b) Fourth and fifth “Mariscal Antonio José de Sucre” courses on international humanitarian law, organized by the National Committee on International Humanitarian Law of Ecuador, on humanitarian needs arising from armed conflicts and other situations of violence that do not attain the same threshold, held in Quito on 14 to 16 November 2012, and on international humanitarian law applied to armed conflicts in maritime areas and rivers, held in Guayaquil from 31 July to 3 August 2013.

#### **IV. Implementation of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**

##### **4.1 Protection of the civilian population**

###### **4.1.1 General protection**

Legislative Decree No. 1095 (*Official Gazette El Peruano*, 1 September 2010) establishes the legal framework governing the principles, methods, conditions and limits for the use of force by the Armed Forces.

In particular, the first paragraphs of articles 4 and 5 provide that military operations conducted by the Armed Forces in order to control internal order following the declaration of a state of emergency shall be governed by the rules of international humanitarian law.

This is reiterated in article 8, which states that members of the Armed Forces who engage in military operations, including the planning, decision-making and management, or who participate in post-operations activities, in the situations described in article 5, paragraph 1, shall be subject to the applicable rules of international human rights law and international humanitarian law. The Decree also contains provisions relating to the intervention of the Armed Forces in support of the national police, which is governed by international human rights law.

The Decree also incorporates the provisions of articles 8 and 7 of the Protocols additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international and non-international armed conflicts, respectively, concerning the protection of wounded and sick persons.

#### **4.1.2 Protection of children**

With regard to the participation and incorporation of members of the Armed Forces in accordance with Law No. 29248 on the military service, such service is regarded as a personal activity by means of which all Peruvians may exercise their constitutional duty and right to participate in national defence and that service is provided by men and women without discrimination from the age of 18 years.

Furthermore, article 6 of the above Law prohibits the use of forced recruitment as a means of incorporating individuals into the military service.

The Ministry of Women and Vulnerable Populations has established outcome No. 23 entitled “Children and adolescents do not participate in internal conflicts” as one of the strategic objectives of the National Plan of Action on Childhood and Adolescence 2012-2021, which was approved by Supreme Decree No. 001-2012-MIMP. The aim is for the sectors responsible to work together to stop the voluntary or forced participation of children in internal conflict.

The Ministry of the Interior in turn issued Supreme Decree No. 004-2011-IN approving the National Plan of Action against Human Trafficking 2011-2016, which states that forced recruitment by armed groups is a form of trafficking.

#### **4.1.3 Protection of displaced persons**

Law No. 28223 on internal displacement and its implementing regulations approved by Supreme Decree No. 004-2005-MIMDES considers within its scope of application displacement caused by armed conflict. The Law provides that the national authorities “have an obligation and the responsibility to provide protection and humanitarian assistance for internally displaced persons who fall within their jurisdiction. Internally displaced persons shall have the right to request and receive protection and humanitarian assistance from those authorities”.

#### **4.1.4 Assistance relating to missing persons**

A technical document entitled “Guidelines for psychosocial support for the relatives of missing persons” was approved by Ministerial Decision No. 299-2012/MINSA to provide health workers with methodological tools to assist them in giving individual, family, community or social support for the relatives of individuals who disappeared during the violence that occurred between 1980 and 2000.

## **4.2 Protection of civilian objects**

With regard to the protection of cultural objects, the comprehensive law on cultural heritage, No. 282963, states that the Peruvian State, through the National Institute of Culture, now the Ministry of Culture, the National Library and the National General Archives have an obligation to adopt the necessary measures to protect and conserve objects forming part of the cultural heritage of Peru in the event of armed conflict, in accordance with international law and international humanitarian law.

Along the same lines, the implementing regulations of Law No. 28296 contain a special chapter on the protection of cultural objects in situations of armed conflict. They include provisions relating to: (i) the obligations of the military, police and civilian authorities; (ii) protection systems; (iii) coordination of actions; (iv) temporary shelters; (v) return and recovery of objects; and (vi) obligations relating to awareness-raising, dissemination and incorporation in training programmes and education.

At its last ordinary session in 2013, the National Commission for the Study and Implementation of International Humanitarian Law agreed to propose the establishment of a working group to carry out the following actions: (i) analyse and identify the international provisions on the protection of cultural objects that need to be implemented in the national legislation; (ii) prioritize the provisions to be implemented; and (iii) develop and propose measures for implementation.

## **4.3 Methods and means**

The Ministry of the Interior adopted Supreme Decree No. 008-2013-IN, establishing the procedure for the application of Law No. 29858, which granted an amnesty in cases of irregular or unauthorized possession of weapons for civilian use, military weapons, home-made firearms, ammunition and military grenades or explosives and regularizes their possession.

The Ministry of Production issued Ministerial Decision No. 031-2012-PRODUCE, adopting the formats for compliance with procedures under Law No. 29239 on measures for the control of chemical substances that could be of use in the manufacture of chemical weapons.

In 2012, the Armed Forces Joint Command, with the support of the International Committee of the Red Cross, held four seminars on surgery to treat victims of weapons fire and explosions for medical and paramedical staff of the Armed Forces based at the Valley of the Apurímac and Ene Rivers Special Command.

## **4.4 Repression of breaches of the Protocols**

### **4.4.1 Repression of breaches**

In criminal matters, the Military and Police Penal Code, which was adopted in Legislative Decree No. 1094, punishes certain acts contrary to the principles and declarations of international humanitarian law. Also relevant are the provisions of article 117, which establishes that members of the Armed Forces or police shall be punished with a prison term of no less than one and no more than five years, with the intentional omission of the provisions contained in the laws, regulations or any

other document governing the functions of the Armed Forces or the national police of Peru.

Law No. 28824 establishes the criminal penalties for acts prohibited by the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

Article 6-A, which establishes penalties for the crimes of terrorism and procedures for their investigation, pre-trial hearings and prosecution, was incorporated into Decree-Law No. 25475 through Legislative Decree No. 985. That inclusion considers the recruitment of minors to carry out acts included within the description of crimes of terrorism to be an aggravating circumstance.

#### **4.4.2 Duty of commanding officers**

The duty of commanding officers to prevent violations of international humanitarian law was established in article 29 of Legislative Decree No. 1095, as follows: “Commanding officers shall take due responsibility for breaches by their subordinates of the provisions of the present Legislative Decree and its implementing regulations, whenever they have been aware of them and have not promptly taken the preventive or remedial action available to them”.

#### **4.4.3 Cooperation**

Provisions on cooperation with the International Criminal Court are contained in vol. 7, section VII, of the new Code of Criminal Procedure, which was adopted by Legislative Decree No. 957. Said Title establishes that international legal cooperation between Peruvian and foreign authorities and the International Criminal Court is governed by the international treaties signed by Peru or, in their absence, by the principle of reciprocity, within the framework of respect for human rights.

#### **4.5 Training in and dissemination of international humanitarian law**

Consistent with article 44 of the Constitution of Peru, which establishes the duty of the State to guarantee the full enjoyment of human rights, Law No. 27741 (*Official Gazette El Peruano*, 29 May 2002) establishes that there shall be mandatory dissemination and systematized and ongoing teaching of the Constitution, human rights and international humanitarian law, at all levels of the civilian and military education systems, and university and other higher education, including the full application of and strict compliance with international agreements and conventions; and the protection of basic rights under domestic and international law.

### **Sweden**

[Original: English]

[16 June 2014]

The new Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes will enter into force on 1 July 2014. The new Act strengthens the protection against war crimes committed in non-international armed conflicts. It also introduces crimes against humanity into Swedish legislation. Swedish courts have universal jurisdiction for the crimes covered by the new act.

Sweden has initiated its internal procedures for the ratification of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (the third Additional Protocol).

The Swedish Government signed the Arms Trade Treaty on 3 June 2013, and has initiated its internal procedures for ratification.

Sweden has initiated its internal procedures for the ratification of the Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

The Four-Year Action Plan for the Implementation of International Humanitarian Law has been discussed in the Swedish national International Humanitarian Law Committee. A particular focus has been given to humanitarian access, which has also been repeatedly addressed by the Government of Sweden in different forums and in diplomatic relations. Sweden has continuously brought up the need to respect humanitarian principles and safe access with relevant interlocutors, not least in the case of the Syrian Arab Republic.

The Ministry of Foreign Affairs has participated in several productive round-table discussions organized by the Swedish Red Cross with the aim to promote the project “Health care in Danger” and to disseminate the tools developed through the project, as well as to promote engagement among the concerned community. A representative of the Ministry of Defence participated at the Health Care in Danger Workshop on Domestic Normative Frameworks for the Protection of the Provision of Health Care, held in Brussels in January 2014.

A reference group on gender and international humanitarian law has been formed with experts from the Ministry of Foreign Affairs, the Swedish Red Cross, the Armed Forces Gender Centre and the Swedish National Defence College; a joint project to study and promote a gender perspective on international humanitarian law has been initiated; and concrete case studies are currently being carried out.

In January 2012, as part of the Nordic Defence Cooperation, the Centre for Gender in Military Operations was inaugurated in Kungsängen, Sweden. The purpose of the Centre is to integrate gender perspectives into the training and planning for military operations. The Centre cooperates with interested Governments and organizations, including the United Nations, the North Atlantic Treaty Organization (NATO) and the European Union. The Centre is also NATO Department Head for Gender in Military Operations, certifying all NATO training in the area.

The Swedish Civil Contingencies Agency is currently developing a new training course to disseminate knowledge of international humanitarian law to public authorities involved in the Swedish civil defence.

In November 2013, the Government assigned the Swedish Armed Forces with the task of developing a manual on international humanitarian law. The manual will be designed to meet the Swedish Armed Forces’ needs at the operational level and to provide guidance on military decision-making.

## Tunisia

[Original: Arabic]  
[8 July 2014]

Tunisia has sought to meet the requirements of international humanitarian law by ratifying several relevant instruments and by establishing a national commission for international humanitarian law. It has also strived, in particular, to disseminate the principles and instil a culture of international humanitarian law among law enforcement officials.

Tunisia has sought to implement and disseminate international humanitarian law at the national level, with a view to ensuring respect for human dignity and life. National legislation contains several provisions in that regard, which are set out in the Code of Military Procedure and Penalties. Tunisia has also prepared studies regarding the protection of emblems and the establishment of penalties for the war crimes set out in the international instruments it has ratified. In addition, studies have been commissioned of the various international humanitarian law instruments to which Tunisia has entered reservations, with a view to considering the possibility of withdrawing those reservations.

The National Commission for International Humanitarian Law was established pursuant to Order No. 1051 (2006) of 20 April 2006. It marks a new step towards consolidating the country's integration into the evolving international human rights framework.

Alongside human rights associations and organizations, the Committee endeavours to foster a culture of international humanitarian law, extend its reach and raise awareness of the relevant mechanisms, particularly in wars and armed conflict. One of the most important topics explored in the meetings was the sensitive situation on the Libyan-Tunisian border. Large numbers of people have crossed into Tunisia in the wake of regional events over the past year, including the armed conflicts in Libya. A decision was taken to establish a committee within the Ministry of Social Affairs to follow up the situation on the border. It has achieved its aims and successfully coordinated all stakeholder efforts in order to improve the situation of the refugees and of all immigrants in Tunisia.

In order to foster the principles and culture of international humanitarian law, training and awareness-raising sessions have been provided for numerous categories of relevant staff, including judges, diplomats, parliamentarians, members of national commissions and representatives of competent Government agencies.

Pertinent national measures include coordination with those responsible for shaping curricula at universities, higher education institutions, faculties of law and legal sciences, specialized institutes, academic boards, national commissions and the Tunisian Social Solidarity Union. The Ministry of Defence is disseminating the provisions of international humanitarian law by teaching it as a subject in all military institutes, beginning with officers at all ranks. The subject has been incorporated into all curricula at training centres and in hands-on programmes at the unit level. Officers have attended specialized seminars on international humanitarian law.

At the Internal Security Forces Academy and the Salambo School for National Security and Police Officers, students are taught about the culture of international

humanitarian law as a branch of international law. The courses also cover the mechanisms for its application, its scope of implementation and the organizations that monitor respect for its principles. The Ministry plans to increase the number of hours allocated to the subject in basic training programmes.

The Commission now has an Internet site, and the Ministry of Culture and the Ministry of Higher Education have created a core library on international humanitarian law.

The State plan of action for the year 2012-2013 includes further training sessions for judges, junior law enforcement officers, journalists, academics and, potentially, members of the Constituent Assembly.

Three working groups are preparing draft laws on the following topics:

- Protection of cultural property
- International Criminal Court
- Protection of emblems
- Protection of refugees.

### **III. Information received from international organizations**

#### **International Committee of the Red Cross**

ICRC submitted an addendum to its contribution to the report of the Secretary-General ([A/69/184](#)), as requested in paragraph 13 of General Assembly resolution [67/93](#).

**Annex****List of States parties to Additional Protocol III of 8 December 2005 as at 23 September 2014<sup>a</sup>**

<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Afghanistan			
Albania		6 February 2008	
Algeria			
Andorra			
Angola	14 March 2006		
Antigua and Barbuda			
Argentina	13 March 2006	16 March 2011	
Armenia		12 August 2011	
Australia	8 March 2006	15 July 2009	
Austria	8 December 2005	3 June 2009	
Azerbaijan			
Bahamas			
Bahrain			
Bangladesh			
Barbados			
Belarus		31 March 2011	
Belgium	8 December 2005		
Belize		3 April 2007	
Benin			
Bhutan			
Bolivia	8 December 2005		
Bosnia and Herzegovina	14 March 2006		
Botswana			
Brazil	14 March 2006	28 August 2009	
Brunei Darussalam			
Bulgaria	14 March 2006	13 September 2006	

<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Burkina Faso	7 December 2006		
Burundi	8 December 2005		
Cabo Verde	10 January 2006		
Cambodia			
Cameroon			
Canada	19 June 2006	26 November 2007	X
Central African Republic			
Chad			
Chile	8 December 2005	6 July 2009	
China			
Colombia	8 December 2005		
Comoros			
Congo	8 December 2005		
Cook Islands		7 September 2011	
Costa Rica	8 December 2005	30 June 2008	
Côte d'Ivoire			
Croatia	29 May 2006	13 June 2007	
Cuba			
Cyprus	19 June 2006	27 November 2007	
Czech Republic	12 April 2006	23 May 2007	
Democratic People's Republic of Korea			
Democratic Republic of the Congo			
Denmark	8 December 2005	25 May 2007	
Djibouti			
Dominica			
Dominican Republic	26 July 2006	1 April 2009	
Ecuador	8 December 2005		

<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Egypt			
El Salvador	8 March 2006	12 September 2007	
Equatorial Guinea			
Eritrea			
Estonia	14 March 2006	28 February 2008	
Ethiopia	13 March 2006		
Fiji		30 July 2008	
Finland	14 March 2006	14 January 2009	
France	8 December 2005	17 July 2009	
Gabon			
Gambia			
Georgia	28 September 2006	19 March 2007	
Germany	13 March 2006	17 June 2009	
Ghana	14 June 2006		
Greece	8 December 2005	26 October 2009	
Grenada			
Guatemala	8 December 2005	14 March 2008	
Guinea			
Guinea-Bissau			
Guyana		21 September 2009	
Haiti	6 December 2006		
Holy See			
Honduras	13 March 2006	8 December 2006	
Hungary	19 June 2006	15 November 2006	
Iceland	17 May 2006	4 August 2006	
India			
Indonesia			
Iran (Islamic Republic of)			

<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Iraq			
Ireland	20 June 2006		
Israel	8 December 2005	22 November 2007	X
Italy	8 December 2005	29 January 2009	
Jamaica	5 December 2006		
Japan			
Jordan			
Kazakhstan		24 June 2009	
Kenya	30 March 2006	28 October 2013	
Kiribati			
Kuwait			
Kyrgyzstan			
Lao People's Democratic Republic			
Latvia	20 June 2006	2 April 2007	
Lebanon			
Lesotho			
Liberia			
Libyan Arab Jamahiriya			
Liechtenstein	8 December 2005	24 August 2006	
Lithuania	6 December 2006	28 November 2007	
Luxembourg	8 December 2005		
Madagascar	8 December 2005		
Malawi			
Malaysia			
Maldives			
Mali			
Malta	8 December 2005		
Marshall Islands			

<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Mauritania			
Mauritius			
Mexico	16 November 2006	7 July 2008	
Micronesia (Federated States of)			
Moldova	13 September 2006	19 August 2008	X
Monaco	15 March 2006	12 March 2007	
Mongolia			
Montenegro			
Morocco			
Mozambique			
Myanmar			
Namibia			
Nauru	27 June 2006	4 December 2012	
Nepal	14 March 2006		
Netherlands	14 March 2006	13 December 2006	
New Zealand	19 June 2006	23 October 2013	
Nicaragua	8 March 2006	2 April 2009	
Niger			
Nigeria			
Norway	8 December 2005	13 June 2006	
Oman			
Pakistan			
Palau			
Panama	19 June 2006	30 April 2012	
Papua New Guinea			
Paraguay	14 March 2006	13 October 2008	
Peru	8 December 2005		
Philippines	13 March 2006	22 August 2006	

<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Poland	20 June 2006	26 October 2009	
Portugal	8 December 2005	22 April 2014	
Qatar			
Republic of Korea	2 August 2006		
Romania	20 June 2006		
Russian Federation	7 December 2006		
Rwanda			
Saint Kitts and Nevis			
Saint Lucia			
Saint Vincent and the Grenadines			
Samoa			
San Marino	19 January 2006	22 June 2007	
Sao Tome and Principe			
Saudi Arabia			
Senegal			
Serbia	31 March 2006	18 August 2010	
Seychelles			
Sierra Leone	20 June 2006		
Singapore	2 August 2006	7 July 2008	
Slovakia	25 April 2006	30 May 2007	
Slovenia	19 May 2006	10 March 2008	
Solomon Islands			
Somalia			
South Africa			
South Sudan		25 January 2013	
Spain	23 December 2005	10 December 2010	
Sri Lanka			
Sudan			

<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Suriname		25 June 2013	
Swaziland			
Sweden	30 March 2006	21 August 2014	
Switzerland	8 December 2005	14 July 2006	
Syrian Arab Republic			
Tajikistan			
Thailand			
The former Yugoslav Republic of Macedonia	18 May 2006	14 October 2008	
Timor-Leste	8 December 2005	29 July 2011	
Togo	26 June 2006		
Tonga			
Trinidad and Tobago			
Tunisia			
Turkey	7 December 2006		X
Turkmenistan			
Tuvalu			
Uganda		21 May 2008	
Ukraine	23 June 2006	19 January 2010	
United Arab Emirates			
United Kingdom of Great Britain and Northern Ireland	8 December 2005	23 October 2009	
United Republic of Tanzania	8 December 2005		
United States of America	8 December 2005	8 March 2007	
Uruguay	13 March 2006	19 October 2012	
Uzbekistan			
Vanuatu			
Venezuela (Bolivarian Republic of)			
Viet Nam			

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<i>State</i>	<i>Signature</i>	<i>Ratification, accession or succession</i>	<i>Reserves/Declaration<sup>b</sup></i>
Yemen			
Zambia			
Zimbabwe			
Number of States signatory	27		
Number of States party	68		

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<sup>a</sup> *Source:* The Swiss Federal Department for Foreign Affairs, [www.fdfa.admin.ch/depositary](http://www.fdfa.admin.ch/depositary).

<sup>b</sup> Ratification, accession or succession accompanied by a reservation and/or a declaration.