



REGERINGSKANSLIET

Ministry for Foreign Affairs
Sweden

Information from Sweden on the Status of the Protocols Additional to the Geneva Conventions of 1949 relating to the protection of victims of armed conflict, pursuant to General Assembly resolution 65/29, 2011_____

In accordance with General Assembly resolution 65/29 of 10 January 2011 entitled "*Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict*" Sweden hereby submits the following information.

1. Sweden has been a party to the first and second Protocols Additional to the Geneva Conventions since 1979 and has reported continuously on the implementation and development of international humanitarian law to the United Nations Secretary-General in accordance with the above mentioned resolution since 1994, up until the latest report from 2010. The following information supplements previous reports.
2. The Swedish Government has signed the third Protocol Additional to the Geneva Conventions and is currently in the process of preparing for ratification.
3. The Swedish Government ratified the Convention on Cluster Munitions on 23 April 2012 and the Convention will be in force for Sweden as of 1 October 2012.
4. Sweden participated actively in the 31st International Conference of the Red Cross and Red Crescent in 2011 and welcomed the adoption of the resolutions of the conference. The resolution entitled "*Strengthening legal protection for victims of armed conflict*" provides a basis for strengthening international humanitarian law in two areas:

to improve implementation of and compliance with international humanitarian law as well as the protection of persons deprived of their liberty. The *"Four-Year Action Plan for the Implementation of International Humanitarian Law"* highlights certain areas and proposes specific action to improve implementation of IHL. The resolution *"Health Care in Danger"* is focused on increasing respect for the delivery of health care in armed conflicts and other emergencies. These resolutions are an important step for the continuous efforts to improve implementation and to discuss necessary developments of IHL. Resolutions relating to the following topics were also adopted: a memorandum of understanding between the Palestine Red Crescent and Magen David Adom in Israel; migrant rights; strengthening national societies and volunteering; health inequities; disaster management.

5. During the 31st International Conference of the Red Cross and Red Crescent in 2011 Sweden submitted pledges in the following areas:

1. Joint pledge with Switzerland and other states: The initiative by Switzerland to improve implementation of IHL:

- Exploring and identifying concrete ways and means to strengthen the application of International Humanitarian Law, including the question of implementation mechanisms;
- Reinforcing dialogue on International Humanitarian Law issues among High Contracting Parties and other interested actors.

2. Joint pledge on IHL and gender, with several of the Nordic countries and Nordic national societies:

- Promote and encourage work and studies to further develop and understand a gender perspective in international humanitarian law.

3. Joint pledge on Neutral and Independent Humanitarian Assistance (NIIHA): the Nordic Governments and the Nordic National Red Cross Societies hereby pledge:

- To advocate for the respect for neutral, impartial and independent humanitarian action and the need for safe access globally with interlocutors and in relevant domestic and international fora.
- To encourage participation of Nordic National Societies in relevant training opportunities with armed forces on the issue of NIIHA.
- To mutually reinforce understanding amongst armed forces, civilian peacekeeping units and other relevant actors and Nordic National Societies of their respective roles and international mandates for action through cooperation.

4. Protection of the Natural environment, the Nordic Governments and the Nordic National Red Cross Societies hereby pledge:

1. On the basis of recent armed conflicts, to undertake and support a concerted study highlighting the relevance of the existing legal framework for the protection of the natural environment in contemporary armed conflicts, and identifying any gaps in that context.
2. To co-ordinate and host a meeting of experts, and on this basis prepare a report, to propose, if appropriate, areas in which the legal protection of the natural environment may be clarified and, if necessary, reinforced.

In addition to these pledges Sweden also submitted pledges in the areas of migration (joint pledge by the Swedish Government and the Swedish National Red Cross Societies) and International Disaster Response Laws.

Pledges on the following topics were also submitted jointly by the EU and its member states (including Sweden): Arms Trade Treaty, missing persons, International Criminal Court, national implementation, promotion and development of IHL, procedural guarantees, Anti-Personnel Mines and Convention on Cluster Munitions.

6. *Report of the Committee on International Law in Armed Conflict*
A government inquiry on international law in armed conflict was initiated in Sweden in 2007. The Committee's report "International law in armed conflict – Swedish interpretation and practice" (Swedish Government Official Reports – SOU 2010:72) was submitted to the Minister of Defence in October 2010. The report contains a survey and an analysis of the implementation of humanitarian law in Sweden. As a separate appendix to the report the Committee also presented a draft Manual on IHL, which was produced to meet the needs at operational level and to provide guidance for military decision-making. The draft manual is not limited to rules of IHL but also include rules based on human rights. The Committee previously published a report containing a compilation of treaties and other central documents relevant to situations of armed conflict, primarily international humanitarian law but including also international human rights law (Swedish Government Official Reports – SOU 2010:22).

The terms of reference for the Committee were to identify the rules of international law pertaining to armed conflicts, occupation and neutrality that are legally binding for Sweden in view of developments since the 1980s. The report also describes how Sweden has incorporated existing rules of international law in Swedish legislation.

A specific task for the Committee was to analyse the content of the rules of customary international humanitarian law, including the conclusions as presented by the International Committee of the Red Cross (ICRC) in its Study of Customary International Humanitarian Law of 2005. The Committee thinks that the ICRC Customary law study is a valuable compilation of the contents of customary international humanitarian law and the Committee proposes that Sweden should promote acceptance of the rules as identified in the study.

The Government Inquiry was also instructed to propose legislative amendments necessary to enable Sweden to ratify 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 to the Geneva Conventions).

A fundamental prerequisite for international law to be respected is knowledge of its contents. The importance of training and information is strongly underlined in the report.

The Government is currently in the process of evaluating the proposals made by the Committee.

7. In 2011 the Committee for International Humanitarian Law, the *Swedish Total Defence Council for International Humanitarian Law*, established by the Swedish Government in 1991 under the Ministry of Defence celebrated its 20th anniversary. The committee includes representatives of government ministries, government agencies and non-governmental organisations, *inter alia* the Ministry of Defence and the Ministry for Foreign Affairs, the Swedish Armed Forces and the Swedish Red Cross. The purpose of the committee is to examine the development of international humanitarian law (IHL), act as a venue for discussion and to disseminate knowledge of IHL and the application of IHL within the armed forces and other governmental

agencies. The committee furthermore promotes and publishes studies of international law.

8. A National seminar on international humanitarian law was organized by the Swedish Government to discuss the challenges of international law in today's armed conflicts. The findings of the Committee on international law in armed conflict (as mentioned above) were part of the program.

9. Sweden made a financial contribution in 2009 to the Swedish Red Cross for the development of teaching materials in IHL. In 2010 the teaching materials in IHL were published by the Swedish Red Cross and became available to teachers as part of a launch to improve the dissemination of IHL in peace time. Parts of the teaching materials can be accessed through a website <http://narkrigetdrabbar.se/>.

10. Sweden contributed financially to a number of IHL related activities among those the support for the international criminal tribunals for former Yugoslavia and for Rwanda, the Special Court for Sierra Leone and to the International Criminal Court. The International Institute of Humanitarian Law in San Remo and the International Humanitarian Fact Finding Commission also receive annual contributions.

11. A workshop on IHL and gender was organized by Sweden and the Swedish Red Cross, in cooperation with the Australian Government and the Australian Red Cross, in 2011 during the International red cross and red crescent conference. The workshop discussed armed conflicts and the fact that these have profoundly different impact on women, girls, boys and men. Both sexes suffer the harsh consequences of violence and are victimized by war. Women, girls, men and boys have distinct and diverse strengths, interests, needs and capacities which should be equally valued to contribute to effective humanitarian work and military operations. A gender perspective is necessary to reach all parts of the population and to ensure sustainable response initiatives. It will contribute to the effective implementation of IHL by serving as a force multiplier and strengthen the protection of individuals during times of armed conflicts. It is necessary to promote and encourage work and studies to further develop and understand a gender perspective on IHL and this work was initiated shortly after the conference.

Stockholm, 28 June 2012