

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 73/204 of 20 December 2018

In accordance with General Assembly resolution 73/204 of 20 December 2018 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”, Sweden hereby submits the following information.

1. Sweden has been a party to the first and second Protocol Additional to the Geneva Conventions since 1979, and has reported continuously on the implementation and development of international humanitarian law (IHL), to the UN Secretary General in accordance with the above mentioned resolution since 1994, in the latest report from 2016. The following information supplements previous reports.

2. Strengthening compliance with IHL is a core priority for Sweden and the national implementation of IHL is an important part of the overall compliance efforts. Sweden works to promote cooperation between national and international actors to initiate national prosecution for violations of IHL when possible. Sweden co-hosted a joint ministerial and expert meeting for this purpose in Brussels in April 2018.

3. Sweden has since 2008 had permanent entities within its judicial authorities investigating and prosecuting crimes against the Geneva Conventions and IHL. Sweden exercises universal jurisdiction for international crimes in order to end impunity and uphold accountability for said crimes. Through cases on national level, Sweden has taken part in establishing new jurisprudence relating in the field of IHL. In investigations at national level, victims of armed conflicts are entitled legal counsel financed by public means. In order to safeguard their rights in judicial procedures, additional measures are taken in relation to victims of sexual and gender-based crimes in armed conflict. Moreover, Swedish judicial authorities regularly undergo training in IHL. Sweden is an active member of meetings regularly held by the Eurojust Network for investigation and prosecution of genocide, crimes against humanity and war crimes. Since 2015, Swedish Judicial authorities has especially appointed investigators and prosecutors for investigating and prosecuting sexual and gender-based war crimes committed by Da'esh in Syria and Iraq.

4. The Swedish criminal anti-terrorism legislation was introduced for the main purpose of implementing various international obligations within the framework of the UN, the Financial Action Task Force (FATF), the Council of Europe and the European Union (EU). However, this legislation does not directly implement IHL such as the Additional Protocols to the Geneva Conventions of 1949. That said, it is possible that certain acts committed in armed conflict, which are deemed illegal under IHL, might be covered by the criminal anti-terrorism legislation. Thus, in an indirect manner, the anti-terrorism legislation might in practice strengthen IHL. Moreover, when drafting the criminal anti-terrorism legislation due regard is always taken to IHL.

5. In April 2018, the Swedish public authority Folke Bernadotte Academy (FBA) conducted the civil-military exercise Viking 18 together with the Swedish Armed Forces. One of the focus areas of the exercise was Protection of Civilians (PoC) which gave both civilian and military participants the opportunity to learn about existing international policies on PoC. The FBA has also supported the UN in developing a handbook on PoC in peace operations. Moreover, the FBA has delivered training modules on PoC and human rights within the United Nations Civilian Staff Officer Course (UNCIVSOC), which is arranged by the Swedish Armed Forces.

6. Sweden has ratified the Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. On 10 November 2017, Sweden deposited with the Director-General its instrument of ratification to the Second Protocol to the Hague Convention and it

went into force with respect to Sweden on 10 February 2018. In line with this ratification, the Swedish Act on criminal responsibility for genocide, crimes against humanity and war crimes (2014:406) was subject to a minor amendment related to property in order for it to align with the obligations under the Second Protocol to the Hague Convention.

7. Sweden strongly supports the universalization of the Arms Trade Treaty (ATT). Sweden contributes with funds to UNSCAR, Control Arms and the ATT Voluntary Trust Fund in their work to promote and assist in the implementation of the ATT. Sweden strongly supports the EU in its support programs to ensure ATT's implementation.

8. Sweden is a state party to both the Convention on Cluster Munitions and the Anti-Personnel Mine Ban Convention and fulfil our obligations. Sweden has also provided support to several initiatives from various organizations on mine action programs, including policy, information campaigns and clearance assistance.

9. Sweden has continued to assist the EU's activities in promoting respect for IHL and to improve the coherence and effectiveness of EU action in this field. Based on a Swedish initiative, the EU Guidelines on humanitarian law serve as an important tool to promote compliance with IHL for purposes of, among other things, limiting the impact of armed conflict on civilians. Sweden welcomed the second implementation report on the EU Guidelines, which was presented on 3 June 2019. The implementation of the EU Guidelines will be monitored by the Political and Security Committee (PSC) and the Council Working Group on Public International Law (COJUR).

10. In June 2016, Sweden was elected as a non-permanent member of the UN Security Council for 2017 and 2018. Sweden's tenure on the Council is firmly rooted in the priority Sweden gives to international law, including IHL, as well as human rights, gender equality and humanitarian principles. Sweden has contributed to efforts to strengthen IHL and accountability for violations of IHL in the Council. Sweden's main priorities concerning IHL during its time as a member of the Security Council was humanitarian access, the protection of medical personnel, and integrating a gender perspective on IHL. These areas of IHL continues to be Sweden's main priorities.

11. Sweden participated actively in the 33rd International Conference of the Red Cross and Red Crescent in 2019 and welcomed the adoption of the resolutions of the conference. Six resolutions were adopted, including Resolution 1: "Bringing IHL home: A road map for better national implementation of international humanitarian law". Sweden also joined ten pledges, including a number of IHL-related ones, such as "Strengthening compliance with international humanitarian law through its promotion, dissemination and implementation", "Protecting humanitarian and medical personnel" and "Protection of the Natural Environment in Armed Conflict". We welcome the adoption of the resolution "Women and leadership in the humanitarian action of the International Red Cross and Red Crescent Movement" which was a milestone for an integrated gender perspective in the field of humanitarian assistance. At present we are reviewing the action plans to examine how we can implement the resolutions and pledges on a national level ahead of the next conference in 2023.

12. Sweden has moreover joined the "Call for Action to strengthen respect IHL and principled humanitarian action". This is an expression of our commitment to continue to address the need for collective action to honor our obligation to respect IHL. In armed conflicts all over the world we see violations of IHL with civilian casualties as a result, which is unacceptable. With the initiative "Call for Action" we pledge to take concrete steps to implement practical measures on a national level, not least to train military forces on how to respect IHL and ensure respect for humanitarian and medical personnel. By joining the initiative, we also demonstrate our full support for the efforts to ensure accountability for the most serious international crimes through new, as well as existing, multilateral mechanisms.

13. The Swedish International Development Cooperation Agency (Sida) is a strong proponent of respect for IHL, humanitarian principles and protection through targeted support to key partners, such as the ICRC, which has a specific mandate in relation to conflicts on the basis of the Geneva Conventions of 1949 and their additional Protocols as well as UNHCR and UNICEF with their specific mandates. In accordance with its humanitarian strategy, Sida has advocated strongly for humanitarian actors to focus more on adherence to IHL, humanitarian principles and integrating protection in the overall response. The Inter-Agency Standing Committee, IASC, concept of “centrality of protection” is key to ensure a strategic shift within the humanitarian response whereby actual protection risks are reduced. Sida is, among others, supporting InterAction in this endeavour. Through research, advocacy, and programming, Sida’s core partners strive to develop and implement solutions to prevent, mitigate and respond to civilian harm and to improve the protection of civilians during armed conflicts by engaging armed non-state actors to respect IHL in range of conflict contexts.

14. Sweden has worked to enhance respect for, and the protection of, health care in armed conflict. The protection of civilians and health- and medical care in armed conflict have been included in several Security Council resolutions and presidential- and press statements, particularly with regards to the conflict in Syria, Myanmar and Yemen, with a firm basis in resolution 2286.

The Ministry for Foreign Affairs has participated in several initiatives with the aim to protect humanitarian and medical personnel. Sweden is financing a study conducted by the ICRC on the protection of medical personnel in armed conflict. The study focusses on how protection of the civilian medical services is very practically integrated in the planning and conduct of military operations. It identifies gaps and develops guidelines to implement protective measures. Some practical implications of protection of the medical mission have been identified from the perspective of e. g. experiences of peacekeeping operations. The results of the study will be presented in the second half of 2020.

15. Sweden has continuously worked with integrating a gender perspective on IHL. This was a highly prioritized by Sweden in the work of the Security Council. Sweden worked for the inclusion of language on gender integration, women empowerment, participation and representation and conflict-related sexual violence in resolutions and statements. Sweden’s mediation network strives actively to make sure women’s voices are included in political processes, including in peace talks and negotiations in Syria, Afghanistan and Colombia, and in the fights against conflict-related sexual violence. When renewing the mandates of UN peacekeeping missions, Sweden has particularly promoted the inclusion of gender expertise and women personnel in the field. Sweden seeks to actively ensure that a gender perspective is integrated in all international missions in conflict and post-conflict countries within the UN, EU or other organizations.

During the years 2016-2019, the Government of Sweden and the Swedish Red Cross jointly pledged to promote and encourage work and studies to further develop and apply a gender perspective in IHL during the Swedish chair of the Call to Action on Protection from Gender-based Violence in Emergencies.

Sweden has also ensured that a designated criterion on conflict-related sexual violence for the first time was included in sanctions regimes. Sweden actively contributes to prevent and respond to conflict-related sexual violence, and has seconded personnel to the UN and other international organizations, including a police expert to the Team of Experts on conflict-related sexual violence, for this purpose. Sweden is the main donor to UN Action Against Sexual Violence in Conflict.

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